

Spotsylvania County Historic Preservation Commission

10304 Spotsylvania Avenue, 4th Floor (Community Development Conference Room),
Fredericksburg, Virginia 22408

Minutes of July 16, 2009

Call to Order: Ms. King called the meeting to order at 5:00 p.m.

Members Present: Brenda King, Chair Salem
Betty Bazemore Berkeley
Clifton Vaughan Courtland
Anne Beals Livingston

Members Absent: Christopher A. Ruskin Battlefield
Cristine Lynch, Vice Chair Lee Hill
Kira Fredenburgh Chancellor

Staff Present: Wanda Parrish, Director of Planning
Paulette Mann, Commission Secretary
Andrew Deci, Planner I

Determination of Quorum: A quorum was present.

Staff Update(s):

Mr. Deci began by providing information to the Commission on Sacred Spaces/Sacred Places.

The Commission discussed that it may be a good program for the Massaponax Church renovations and restoration projects. They could apply for a grant to help subsidize their efforts.

Mr. Vaughan and Ms. King stated that it is better to be proactive.

Ms. King inquired if we provide a letter to property owners in the district and provide brochures with the guidelines. She stated that it would be good for the Commission to “plant the seed.”

Mr. Deci provided a copy of the letter that was sent to all Historic District property owners. He explained that this is the first generation of alerts. He stated that 28 properties received the letter exempting the County owned properties and the National Park Service properties.

Ms. King stated that it would be nice if in the future, the County could baseline all of these properties in regard to maintenance.

Ms. King also inquired if the Commission made a recommendation on how often the letter is sent out.

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Ms. Parrish stated that it would make sense to her to send the letter annually.

Approval of minutes: Ms. Beals made a motion, seconded by Mr. Vaughan to approve the minutes of April 16, 2009. The motion passed 4-0.

Announcements:

Ms. Parrish informed the Commission that staff has received a submittal for a rezoning and special use permit for the Pagan property located adjacent to the Civil War Battlefield lands. She stated that this application is not under the purview of the Commission; however she would like to add this discussion this under New Business.

Staff Update(s):

Non-Compliance at the Spotswood Inn

Ms. Parrish explained that the Code Compliance Department has provided the owner's of Spotswood Inn with a Notice of Violation for not obtaining a Certificate of Appropriateness for the deck work completed. The owner has the option of appealing the Notice of Violation to the Board of Zoning Appeals, Submitting a COA application to the HPC and gaining approval of the Tendura Plank materials, or replacing the Tendura Plank materials with hardwood plank, as approved by the HPC in 2007.

Ms. King asked if the Commission could have a copy of the Notice of Violation.

Ms. Parrish stated that she would need to find out if the Commission would be permitted to receive a copy of the violation.

Ms. King stated that she wouldn't understand why they wouldn't be permitted to because they are the body that approved the Certificate of Appropriateness.

Ms. Parrish explained that a legal review of the issue and code has resulted in the conclusion that an amendment to the Certificates of Appropriateness section of the code to provide for similar enforcement provisions as the Special Use Permit would clarify and enhance the enforcement of non-compliance with issued COAs. Draft language was provided to the Commissioners in their packets for review. She stated that if the Historic Preservation Commission would like to pursue this, a vote will be required to recommend the code amendment to the Planning Commission or Board. The Planning Commission or Board would review the issue at one of their meetings and would need to initiate the code amendment in order for it to proceed through the public hearing process.

Ms. King stated that there is a typo in the text of the new language. In paragraph (b), it should read Certificate of Appropriateness and not special use.

Motion and vote: Mr. Vaughan made a motion, seconded by Ms. Beals to send to the Board of Supervisors for initiation. The motion passed 4-0.

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Commission Bylaws

Ms. Parrish stated that in response to the Historic Preservation Commission's request to amend the bylaws to allow for the agenda to be altered when COA cases are scheduled, staff prepared the attached draft Bylaws changes. If approved, we would structure the agenda as noted in the bylaws unless a COA case(s) is on the agenda. Then we would place the case(s) after the determination of a quorum.

Mrs. King provided additional recommendations to staff based on previous discussions at HPC meetings. Those suggested changes were incorporated in the draft bylaws as well.

The Commission discussed that there needs to be a mechanism to catch violations in the district included in the bylaws such as inspections.

Mr. Deci reminded the Commission that as part of the process, a standard operating procedure has been put in place for there to be some level of inspection in regard to Certificate's of Appropriateness. He stated that this should not be a part of the Commission's bylaws, because bylaws govern the Commission and not others.

UMW report

Ms. King stated that she asked that this report be copied and provided to the Commission members. She reminded the Commission that Cristine Lynch is working on her bachelors at UMW and contributed to their report. She stated that they had a number of recommendations and their presentation is what revealed the non-compliance at the Spotswood Inn. She recommended that each Commission member read the report, especially the areas of recommendation. Ms. King stated that she has asked Ms. Lynch to summarize the report at the next meeting of the Commission. She also asked that staff review the report to see if they conclude that any recommendations are feasible.

Commission Attendance

Ms. King stated that our bylaws need to be revised but that full attendance is necessary to revise the bylaws. She stated that they will have to come back to the Commission again. She stated that we need to get a handle on the attendance issue and that if a Commission member misses three consecutive meetings; they need to provide an excuse for their absence. She stated that this is a requirement of their term and that it is affecting the work productiveness of this Commission and that perhaps we should send letters out to the Commission members reminding them of this requirement. Ms. King directed staff to make phone calls or send a letter to those who have missed 75% or more of the meetings. She also stated that the bylaws require that a reasonable explanation for the absence should be reported to the Commission Secretary.

Ms. Beals explained her absences. She also stated that attendance has been a problem in previous years and that they have sent this information to the Board of Supervisors and nothing is done.

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Ms. King stated that as Chairman, it makes it difficult to conduct business. She asked Ms. Mann to send a blanket letter to all Commission members and to include the bylaw section regarding attendance. She also asked that Ms. Mann mention that a meeting had to be canceled already this year at the last minute because of a lack of quorum.

New Business

Mr. Deci provided materials related to the rezoning submitted by Dr. Pagan. He explained that the proposal is located very close to the Wilderness Tavern. He stated that the property includes two parcels of land located immediately east of the Orange County line and north of Plank Road in the northwestern region of the County. He explained that under the proposed plan, 4.27 acres are to be rezoned to Office 1. He stated that the applicant is proffering a very progressive design to protect the viewshed. The other portion of this development is for a wholesale nursery which has a relatively low impact because the proposal does not contain a retail aspect. Mr. Deci stated that DHR and the NPS are reviewing this application. Mr. Deci stated that he brings this to the Commission as an information piece only and that the property is not in the historic overlay but thought it was appropriate to share the information with the Commission.

Adjournment

Motion and vote: Ms. Beals made a motion, seconded by Mr. Bazemore to adjourn. The motion passed 4-0.

Action List for staff:

- Look into revising HPC bylaws to allow for modification of the agenda when a COA is scheduled.
- Provide Non Compliance Notice of Violation issued to the Spotswood Inn applicant
- Send blanket letter to the HPC regarding attendance
- Review UMW student report

___*Paulette L. Mann*___

Paulette L. Mann Commission Secretary

Approved: *September 17, 2009*

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