

**CITY OF BLACK HAWK
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
TUESDAY, AUGUST 15, 2017**

1) CALL TO ORDER

The regular meeting of the Historic Preservation Commission was called to order by Chairman Hailey at 2:00 p.m. in the City of Black Hawk Council Chambers, 211 Church Street, Black Hawk, Colorado.

Commission Members Present: Lynnette Hailey, Chairman
Tom Gish, Commissioner
Larry Linker, Commissioner
Curtis Linder, Commissioner
Patricia Torres, Vice Chairman

Staff Members & Elected Officials Present: Cynthia Linker, Community Planning & Development Administrator
Sara Lang, HPC Secretary
Tyler Lundsgaard, City's Owner's Representative (NV5)

Public Present: None

Chairman Hailey noted for the record that a quorum was present.

2) CONFLICTS OF INTEREST

A. Chairman Hailey noted for the record that since Vice Chairman Torres was the applicant for one of the Certificate of Appropriateness applications on the agenda, she would recuse herself during that portion of the meeting.

3) PUBLIC COMMENT

A. *None*

4) APPROVAL OF MINUTES

A. *HPC Meeting Minutes – August 1, 2017*

Chairman Hailey opened this item for approval and requested a motion to approve the meeting minutes from August 1, 2017, as submitted. Commissioner Linder moved to approve the minutes, and was seconded by Commissioner Gish. There was no discussion and the motion passed unanimously.

5) CONSENT AGENDA

A. *None*

6) HISTORIC GRANT APPLICATIONS

A. *Grant Project Updates:*

Mr. Lundsgaard provided updates on the current grant projects:

- **241 Dubois St** – The concrete has all been poured except the walkways and it looks good. The contractor is working on framing now. There was a structural engineer inspection this morning.
- **211 Horn St** – The contractor has been doing necessary demolition and is excavating for a crawlspace. So far they've been lucky to not hit any granite. The artist studio was lifted and temporarily relocated to a lot on Chase Street. It is badly rotted due to being partially buried in wet dirt over the years. The structural engineer took a look at it today and will provide a report to document what is salvageable and what is not. Rather than reconstructing the artist studio on the lot and craning it back into place, it may be better to remove what is salvageable, rebuild it on-site and replace the roof. Commissioner Linker asked about the rotted wood siding and Mr. Lundsgaard explained that it will be replaced with siding to match the house. Staff will also obtain recommendation from Historic Preservation Consultant as to whether the revised scope of work on the artist studio is "minor" or "major".
- **121 Marchant St** – Grant Program has been put on hold. The City Manager has spoken with the homeowners at 121 Marchant and has agreed to help them get the outstanding Boundary Line Agreement completed with the neighbor, check the property for any water leaks, and pay for an exterminator and house cleaner in order to help get it re-rented.
- **187 Clear Creek St** – Similar accommodations will be made for the property manager at 187 Clear Creek.
- **197 Clear Creek St** – Applicant submitted a proposal for a new shed. The homeowner has provided Mr. Lundsgaard with the additional information he had requested. The scope of work has been reduced (smaller shed chosen, no foundation to be poured, reduced the number of doors, shingled and sided to match the house, and no electrical will be run to the shed, so no permit will be required). The City Attorney has provided specific language to be included regarding the fact that the Certificate of Appropriateness is reviewing the architecture of the shed, not the location of the shed. Mr. Lundsgaard will be compiling the Certificate of Appropriateness for the next HPC meeting on September 5th.

B. *Exterior Paint Program* –

- a. **185 Clear Creek St** is complete. No issues. Contractor has been paid.
- b. **130 Chase St** homeowners had a few areas that needed to be corrected. Administrator Linker noted for the record that the bid language will be refined going forward to let the contractor know that special attention to historic details such as fretwork and intricate trim is required.
- c. **235 Chase St** has been painted, but there was miscommunication regarding whether the deck was included in the scope of work. Since it should have been included, a Change Order will be prepared for the City Manager's signature.

- d. **200 Chase St** has a new homeowner. Mr. Lundsgaard has a document for the previous and current homeowners to sign confirming an agreement on paint colors and who is responsible for the tax payment.
- e. **251 Church St** will have new paint colors. It will take 2-3 days to complete and the contractor will also seal the exposed brick on the structure.
- f. **2018 Exterior Paint Program Applications:** Notice will be sent out soon reminding residential homeowners to get applications in soon if they want their house repainted in 2018.

C. *Corrections to the Historic Preservation Easement Language*–

With the passing of Resolution 35-2017 which deleted the provision allowing a property owner to seek a release of the historic preservation easement after 10 years, language regarding the 10-year clause in the Historic Preservation Easement for 400 Chase St, 241 Dubois St and 211 Horn St needs to be removed and the original approved language re: easement in perpetuity be reinserted. Mr. Lundsgaard will make the edits and have the homeowners re-sign the easement documents as an acknowledgment of the change so they can be re-recorded. Discussion ensued clarifying that if any homeowner did not want to sign the revised document, Resolution 35-2017 would prevail.

7) CERTIFICATES OF APPROPRIATENESS

Administrator Linker noted that Staff has reviewed the homeowner’s proposed scope of work and reviewed it against the Secretary of Interior’s Standards and Guidelines, the Guides to Program, the Residential Design Guidelines and Section 16-368 of the Municipal Code. Mr. Lundsgaard will explain what was proposed, how it was reviewed and what Staff’s findings/interpretation of the items are. HPC will be asked to interpret and decide if any other standards or guidelines should be applied.

Mr. Lundsgaard explained that if HPC deems the proposed work as “minor”, the Commission would make the decision to approve or deny the application and only cost amounts over \$50,000 would be presented to the Board of Aldermen on August 23, 2017. If deemed “major” work, a Public Hearing notice would be required. Findings and recommendations from the HPC would then be forwarded to the Board of Aldermen for approval or denial at a Public Hearing on September 13, 2017.

A. *241 Dubois Street Certificate of Appropriateness: Rock Walls and Outbuilding*

Prior to the meeting, Staff took the Commissioners on a site visit to 241 Dubois Street so they could evaluate what the homeowner’s application proposes:

ROCK WALLS: The homeowner proposes the reconstruction of three low rock retaining walls in the rear of the property to include removal of rock, pouring of concrete foundation, installation of drainage system, and restacking and mortaring of original rocks

Staff reviewed the proposed application against the Secretary of Interior Standards, the City of Black Hawk Residential Design Guidelines, the Municipal Code and the Guides to Program. Mr. Lundsgaard noted for the record that the rock wall evaluation

report from Atkinson-Noland does not include these walls since they were not included in the initial scope of the project.

Administrator Linker shared the Staff findings: The proposal did not comply with the Standards and Guidelines as the existing rock walls are character defining features of the property but that adverse vegetation is changing the appearance of the walls, which is addressed in the new Guides to Program. In lieu of complete reconstruction, thorough cleaning and removal of adverse vegetation and repair of all deteriorated areas to restore the walls back to their original historic integrity would meet both the Secretary of Interior and City of Black Hawk Standards and Guidelines. If HPC feels the walls need to come completely down, have a foundation poured and be put back up, Staff would have another rock wall report done.

Chairman Hailey recapped her understanding of the two options and asked if there were further questions. Commissioner Linker noted that the elevations he saw onsite did not require a foundation since the rocks lock themselves in place. Hearing no further questions, and based on what she had heard, Chairman Hailey entertained a motion to remove adverse vegetation and restore in place the 3 low rock walls at 241 Dubois Street based on the criteria set forth in the staff report dated August 8, 2017.

Commissioner Linder so moved and Commissioner Gish seconded the motion. All Commissioners voted their approval unanimously.

OUTBUILDING: Mr. Lundsgaard then proceeded to share the proposed scope of work for the historic shed at 241 Dubois. The homeowner's proposed scope of work for the historic shed includes:

- Existing brick floor was to remain. The General Contractor inadvertently removed the brick floor, but will replace it and will not include that in a bid amount
- Wall and roof framing are to be structurally stabilized in place
- All exterior sheathing to be removed and replaced with 5' tongue and groove siding (as was seen behind the plywood façade on today's site visit).
- Asphalt shingle roof will be replaced with new asphalt shingles
- No new gutters will be installed as none are existing
- Rock walls surrounding shed will be re-tuck-pointed and cleaned up. The top wall will be repaired
- A single-pane, Plexiglas window will be installed in the existing opening with the shutter and framing left in place to help make the shed more weather tight
- The existing door, hardware and hasp will remain
- General Contractor will install a conduit from crawlspace of house to the exterior of the shed with a pull string for homeowner to connect electrical to shed at a later date
- Will be painted to match the new house colors

Mr. Lundsgaard shared the Staff's findings: the proposed scope of work meets the intent of the Standards and Guidelines set forth by the Secretary of the Interior as well as the City of Black Hawk's Residential Design Guidelines and Guides to Program .

Chairman Hailey asked if there were further questions. Hearing none, and based on what she had heard, she entertained a motion to **APPROVE** this portion of the Certificate of Appropriateness relating to the minor rehabilitation of the historic outbuilding at 241 Dubois Street based on the criteria set forth in the staff report dated August 8, 2017. The Certificate of Appropriateness application for 241 Dubois Street's shed did meet the intent of the criteria outlined the Secretary of Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, Sections 2, 3, 4, 5, 6 and 7.4 of the City of Black Hawk Residential Design Guidelines, and Section 16-368 of the Black Hawk Municipal Code.

Commissioner Linker moved to **APPROVE** the outbuilding portion of the Certificate of Appropriateness and Commissioner Linder seconded the motion. All Commissioners voted in favor of approval of this portion of the application as submitted.

Administrator Linker confirmed that the Commission had deemed both the rock wall and outbuilding portions of 241 Dubois Street's Certificate of Appropriateness to be "minor" work, giving the HPC approval authority, meaning they do not need to go to City Council for approval. The Commission agreed.

Mr. Lundsgaard noted, for the record, that he would be asking the General Contractor to submit revised pricing for the lesser work proposed for the rock walls and for the updated scope of work for the outbuilding. If this amount is less than \$50,000, a Change Order could be signed by the City Manager. If it is over \$50,000, it will need to go to City Council for approval of the dollar amount.

B. 211 Horn Street Certificate of Appropriateness: Rock Walls and Outbuilding

Chairman Hailey noted for the record that Vice Chairman Torres had recused herself for this item on the agenda and took a seat in the audience.

Mr. Lundsgaard once again explained that if HPC deems the scope of work for this Certificate of Appropriateness to be "minor", the Commission can choose to approve or deny the application and only the cost amount will need to be presented to the Board of Aldermen on August 23, 2017 if the amount is over \$50,000. If deemed "major" work, findings and recommendations from the HPC will be forwarded to the Board of Aldermen for approval or denial at the Public Hearing on September 13, 2017.

Prior to the meeting, Staff took the Commissioners on a site visit to 211 Horn Street so they could evaluate what the homeowner's application proposes:

ROCK WALLS: The homeowner's application proposes the complete reconstruction of the eastern two retaining walls of the property to include removal of

stones, pouring of concrete foundation, installation of drainage system, and reconstruction of the stones. Additional stone would be brought in to repair areas that currently are dilapidated or non-existent (ie: area with railroad ties). In addition the homeowner proposes the addition of a new rock wall to be constructed in front of the existing bedrock outcroppings in the lower portion of the south lawn and to run the entire length of the upper rock walls.

Mr. Lundsgaard shared Staff findings: the homeowner's proposed scope of work is not in conformance with the Standards and Guidelines set forth by the Secretary of the Interior and the City of Black Hawk. Staff does find that there are character defining features of the lawn, including the natural rock outcroppings which would be covered up by a large retaining wall at the lower end of the site.

Mr. Lundsgaard also shared a rock wall report prepared by Atkinson-Noland which stated that the two existing rock walls are performing as they should be. Mr. Lundsgaard also shared photos and a summary of the site visit which showed a few areas of the upper retaining walls which need repair: a small collapsed portion on the upper tier and on the middle tier an area with railroad tie cribbing in place of rock wall (which is in conformance to be replaced with a matching rock retaining wall). Staff also finds that only between the natural rock outcroppings on the lower tier, it would be appropriate to construct a new site retaining wall to retain the earth that will be disturbed by the removal of the tree in that area. This would allow the natural historic feature of the property (rock outcroppings) to be preserved while maintaining drainage and erosion control that was once handled by the tree root system.

Commissioner Linker inquired about the retaining wall that is slated to be constructed behind the historic shed and Mr. Lundsgaard assured him that that scope of work would be included in the upcoming scope of work for the shed.

Chairman Hailey asked if there were further questions. Hearing none, and based on what she had heard, Chairman Hailey entertained a motion for **APPROVAL of Staff's recommendation to remove adverse vegetation and restore in place the 2 tiers of rock walls and the construction of a rockwall between the outcroppings at 211 Horn Street based on the criteria set forth in the staff report dated August 8, 2017.**

Commissioner Linder so moved and Commissioner Gish seconded the motion. The four Commissioners remaining on the dais voted to approve Staff's recommendations.

Administrator Linker asked Vice Chairman Torres if she had any comment and she replied, "I'm happy with all of it."

OUTBUILDING: Mr. Lundsgaard noted for the record that, due to warranty issues the homeowners have agreed to move forward with demolishing the non-historic portion of the shed, allowing the General Contractor to rehabilitate the entire exterior of the historic portion of the shed and warranty the work performed.

Administrator Linker noted that in the wood report, it was identified through photo documentation that the shed is likely in its original condition and shape and approximate size, but all of the materials on the historic portion had, at one time, been replaced. It is still considered historic and eligible for the Program, even though it has newer materials. Mr. Lundsgaard added that removal and replacement of the materials over time is in conformance with the Secretary of Interior Standards.

Mr. Lundsgaard shared the homeowner's proposed scope of work for the historic portion of the shed, noting that updates would be made to the scope of work given the homeowner's recent decision to demolish the non-historic portion:

- Roofing to be removed with new roofing membrane and rolled roofing to replace shingles due to the pitch.
- Ad-hoc gutter system will not be replaced, but a new 4-5' stone retaining wall with a poured foundation and a dirt drainage swale will be installed behind the full length of the historic shed in order to control drainage in the rear of the outdoor structure. The stone wall will be grouted but with a dry-stack appearance.
- Cedar board and batten siding to remain as-is, with cedar board and batten siding to be installed on the eastern portion after the rear portion is excavated and retaining wall is constructed. The north end of the historic shed, which will now become the exterior once the non-historic portion is removed, will have the same board and batten siding installed. The siding will be left to weather to match existing siding.
- The existing door on the north end of the historic portion will be repaired and left as the new exterior door. A hasp will be installed.
- Existing framing to remain. New post and beam system on east side of shed installed to carry load of roof rafters at rear. Rear wall will no longer be a structural wall.
- Existing foundations to remain. Rear CMU wall will be repaired to plumb where it is collapsing.
- Existing window putty contains asbestos. Putty will be removed and replaced and the window will be refinished.
- Non-historic wooden lean-to behind shed to be demolished
- Underground PVC conduit to be run from attic access of house to the exterior of the shed with pull string provided so homeowner can connect electricity at a later date.

Commissioner Linker pointed out that he felt it would not be wise to have a dirt swale behind the shed, but rather a concrete swale to provide better drainage. Administrator Linker stated that HPC could make that recommendation since installing a concrete swale in the rear of the house is consistent with previous projects completed in the City.

Administrator Linker noted that the homeowner's proposed scope of work would make the structure structurally sound, water tight and allow the outbuilding to maintain its historic integrity.

Staff findings are that the proposed scope of work for the historic outbuilding is in compliance with the Standards and Guidelines set forth by the Secretary of Interior, as well as the City of Black Hawk Residential Design Guidelines, the Municipal Code and the Guides to Program.

The Commissioners found that the proposed scope of work did meet the intent of the Standards and Guidelines.

Chairman Hailey asked if there were further questions. Hearing none, and based on what she had heard, she entertained a motion to **CONDITIONALLY APPROVE** the portion of the Certificate of Appropriateness relating to the minor rehabilitation of the historic portion of the outbuilding at 211 Horn Street based on the criteria set forth in the staff report dated August 8, 2017. The Certificate of Appropriateness application for 211 Horn Street's shed did meet the intent of the criteria outlined the Secretary of Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, Sections 2, 3, 4, 5, 6 and 7.4 of the City of Black Hawk Residential Design Guidelines, and Section 16-368 of the Black Hawk Municipal Code with the following conditions:

- Replace the proposed dirt swale behind the shed with a concrete drainage swale

Commissioner Linder moved to **CONDITIONALLY APPROVE** the outbuilding portion of the Certificate of Appropriateness with the above referred to condition. Commissioner Gish seconded the motion. The four Commissioners remaining on the dais voted in favor of approval of this portion of the application as submitted.

At this time, Vice Chairman Torres rejoined the Commissioners.

8) RECOMMENDATIONS FOR LOCAL HISTORIC DESIGNATION

A. None

9) COMPREHENSIVE PLAN AND/OR OTHER PLANS

A. None

10) COMMUNITY OUTREACH AND EDUCATION

A. "Building Colorado" Workshop Update

Secretary Lang reported that last Friday she had given the workshop presenter, Paul Chinowsky, a tour of the selected sites for the field portion of the upcoming workshop. Mr. Chinowsky has completed some general research for the workshop and is now working on research specific to the properties he will highlight in the afternoon portion of the workshop (the Lace House, the Bobtail Mine and the 3-4 residential houses on Gregory near the intersection with Church St). Handouts will be provided for the participants.

Secretary Lang reported that registration is up and running with almost 20 people already signed up so far. Administrator Linker noted that extra precautions will need to be made to assure the safety of the participants on the busy road. Secretary Lang

reported that she has made Public Works aware of the planned field trip that day. Parking at Crook's will not be possible so participants will have to park up on High Street.

Secretary Lang asked the Commissioners to let her know as soon as possible if any of them plan to attend the workshop. So far Chairman Hailey is signed up to attend and Commissioner Linder cannot attend.

11) OTHER BUSINESS

A. 2017 CLG Report Update

With no feedback received from the Commission, Secretary Lang submitted this year's CLG report to Mark Rodman on August 7, 2017 and he acknowledged receipt of it on that date.

B. Historic Preservation Commission Contact List

Administrator Linker shared an updated copy of the list of HPC Commissioners, including their updated terms of office and asked them to review it for any errors. None were noted.

12) COMMISSIONER COMMENTS

A. None

13) ADJOURN

With no other business, Chairman Hailey requested a motion to adjourn the meeting. Commissioner Linker moved to adjourn the meeting, seconded by Commissioner Linder at 2:51 p.m.

RECOMMENDED AND APPROVED:

BY:



Sara Lang
HPC Secretary

BY:



Lynnette Hailey
City of Black Hawk Historic Preservation Commission - Chairman

BY:



David D. Spellman, Mayor
City of Black Hawk Board of Aldermen

BY:



Corey Y. Hoffmann
City of Black Hawk Attorney