



TOWN OF WARRENTON

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**MINUTES
 ARCHITECTURAL REVIEW BOARD
 TOWN OF WARRENTON
 September 24, 2015
 7:00 P.M.**

The regular meeting of the Town of Warrenton Architectural Review Board (ARB) convened on September 24, 2015 at 7:00 PM in the Municipal Building.

Dr. Melissa Wiedenfeld, Chair, called the meeting to order and a quorum was determined. The following members were present: Mr. Carter Nevill, Mr. Steve Wojcik, Mr. Jay Tucker, Dr. Carole Hertz and Mr. Jerry Wood, Town Council representative. Ms. Sarah Sitterle, Director of Planning & Community Development represented staff.

Purpose Statement

Dr. Wiedenfeld stated the Purpose of the Architectural Review Board; Statement of Qualifications of Architectural Review Board to be: The Board makes a decision on applications in order to preserve the character of the Historic District of the Town of Warrenton on behalf of the Town of Warrenton. Decisions of the Board are based upon the Historic Guidelines and a decision for each application is made based upon its own merits. Those decisions do not constitute precedence for any future decisions.

Approval of Minutes

Dr. Wiedenfeld asked if there were any changes or revisions to the August 27, 2015 meeting.

Mr. Tucker noted the following revisions

Page 17 – Second bullet should read *rain*

Page 21 – Third paragraph change a to *an*. Insert the word *infinite* before number.

Fourth paragraph – Revise it to read as follows:

Dr. Wiedenfeld stated there was a motion and seconded and Mr. Tucker called the question. All voted in favor of the motion. Motion to deny passed.

Dr. Wiedenfeld noted following revision

Page 4 – Last paragraph change spelling of Hickley to *Hinckley*

Page 6 – Sixth paragraph add Malcolm's last name *Alls*

Page 21 – Third paragraph change suite to *suit*

Mr. Wood noted the following revision

Page 3 – Third paragraph insert *approximately* before 60 and add word *signs*.

Dr. Wiedenfeld asked for a motion to approve the minutes as amended. Mr. Wojcik made a motion to approve the minutes. Mr. Tucker seconded the motion and all voted in favor. Minutes approved.

OLD BUSINESS

- A. Certificate of Appropriateness 15-15. Add kitchen addition at Paradise, 158 Winchester Street.** Applicants have asked for a continuance in order to address all concerns of the Board. Application will be heard at the October 22, 2015 meeting.

NEW Business

- A. Certificate of Appropriateness 15-25. Install satellite dish at 67 West Lee Street, Unit 102. Michael Edelen, Agent**

Mr. Michael Edelen stated he was the Office Manager of Law Office of Marie Washington. The office had recently relocated to 67 West Lee Street, and they would like to install a television for the staff as well as for their clients. He stated news would play at the reception area and the television would enable them to have kid channels play during times when they have children that have to testify in court for family law cases. Doing this will allow children to relax and they plan to install a television in the break room for staff. Originally, the plan was to go with Comcast because it would not require a dish but because their service is with Verizon and to get basic channels the cost was \$75 and it would not provide the channels needed for the children's net work or news network. Because the office is with Verizon it can be bundled with Direct TV at a cost of \$19.99 per month and that is the reason for the dish. He indicated he had presented the dish to be installed into the ground but was agreeable to putting it on the roof similar to the way it is installed on the Sheriff Office directly across the street but will leave it up to the Board.

Staff Report

Ms. Sitterle stated that Guidelines recommend that it not be placed in front yard however, the application shows placement at the corner of the building near existing mechanical equipment. The Guidelines also present clear instructions for how to shield satellite dishes, placed on roofs or the ground, from public view. Staff recommends approval of the application with the following conditions

1. Placement of the satellite dish is satisfactory to the Board
2. The satellite dish will be screened from view by vegetation or a wooden fence.

Mr. Tucker stated that the reasons presented by Mr. Edelen were valid, but reasons are not needed and it just needs to meet the guidelines. Mr. Tucker indicated he did a study of satellite elevation as to where the Direct TV satellites are and he presented it to other Board members so they could see how tall a fence would need to be installed in order to screen it if it is installed in the location identified in the application. Mr. Tucker stated he understood it is a ground mount but he questioned why it was being suggested at that location because if he were to park a large truck on the street it may block reception. As result, Mr. Tucker suggested a fence that is within three feet and is as high as 16 inches from the bottom of the antenna dish it can be screened from the street. Mr. Tucker stated his preference was for it to be installed on the roof so it could not be seen from the surrounding area.

Dr. Hertz stated the shrubbery was not large enough to screen it and the HVAC equipment was not screened and placing a wooden wall would make it more obvious and would be less aesthetic. She stated the proposed screening fence would cut off the shrubbery that is front of HVAC.

Mr. Edelen stated that it had been recommended that the HVAC be left opened to allow it to work more efficiently.

Dr. Hertz stated she did not like the location. She asked Mr. Edelen if the dish was installed on the roof would hinder what he wanted.

Mr. Edelen stated no.

Mr. Wojcik stated he was glad that Mr. Edelen was open to having it installed on the roof. He asked if there were other satellites on the roof.

Mr. Edelen stated there was one across the street on the Sheriff Department building.

Mr. Wojcik stated he thought it would be better to have it on the roof and that if it were on the ground the shrubbery would need to be evergreen in order to have it screened year round. His recommendation was to have it installed on the roof.

Mr. Nevill stated that he agreed that the roof was a better choice and he was glad the applicant was agreeable to placing it on the roof. He stated the roof had several pitches and asked if the Board had an opinion on a preferred placement that would meet orientation of the satellite dish and be esthetically more in line with the guidelines and keep it less prominently visible. He asked if it could perhaps be installed between the two pitches of the roof and stated it would come down to the Board's recommendation and viability with the property.

Dr. Wiedenfeld invited the applicant to come forward to the Board members and review picture of the roof and a discussion was held regarding the location of the satellite between the two pitches.

Mr. Edelen stated the only issue is that the mount and cable is on the center of the building on the backside and indicated he could put it on the side towards the middle of the roof.

Mr. Tucker asked Mr. Edelen to identify on the photograph where he was considering.

Mr. Tucker stated that it would be in your face coming west on Lee Street.

Mr. Nevill stated the valley would hide it.

Dr. Wiedenfeld asked if that was realistic

Mr. Edelen stated he would not know until he met with Direct TV to determine if there are viable strengths in that location.

Mr. Tucker shared with the Board members information he got off line from Dish Pointer and stated that Direct TV has four satellites that they may be using and the application does not identify which will be used. Mr. Tucker shared a diagram showing the lowest elevation angle is 28 degrees and the highest is 39 degrees. Not knowing that answer the Board cannot tell the applicant whether anywhere on the roof is going to meet the needs of the satellite. Until it is known which direction, the satellite will be pointed towards (south or west) a decision as to where to place the antenna cannot be made. The Board may agree with you and give the okay to place it down in the valley of the roof, but then the Direct TV person comes out and says that location is not good. Mr. Tucker stated he did not want to make the applicant come back with that information but request he inquire with Direct TV as to whether it will work or not. The Board can make a motion that if it is placed in the valley of the roof and if it works and if it does not work then the applicant would have to come back. Mr. Tucker stated it was up to what the applicant wanted to do but there are some technical considerations that are beyond the applicant and ARB control.

Mr. Wood asked if Direct TV recommended ground or roof mounted installation.

Mr. Edelen stated Direct TV would place it where they can get the best signal and will not know the location until they come out.

Mr. Wood stated the satellite dish mounted at the Sheriff's Office was obvious and did not think the applicant should be made to come back.

Mr. Tucker stated he would like to make a motion for the applicant to proceed but if it will not work technically then he will need to come back if it ends up on the side of the building or on the ground.

Dr. Wiedenfeld asked if it were mounted on the ground would it be more on the front or side of the building.

Mr. Edelen stated it would be in front of the air-condition unit.

Mr. Tucker stated that location may not work depending on the satellite and there was not enough satellite information to make a concrete decision.

Dr. Wiedenfeld stated that the guideline suggest avoid situating satellites and communication equipment in front yard which this would be if it is installed on the ground. If it is placed on the ground, the guidelines require screening. She stated the screening did not have to be extensive and it could be just a few feet of fence but of course, the angle is unknown but the Board is leaning towards the roof mount.

Mr. Nevill stated that any ground mount and suggestion of screening would add more clutter and draw more attention to it and anything the Board can do to move this to the roof is preferable to all. Anything that is done to conceal it for everyone's benefit but also to meet the applicant's best needs is to everyone's advantage. Mr. Nevill stated if the valley mount is not viable to meet Direct TV requirements, he asked if there were an acceptable side mount, the Board would be comfortable with moving to the far side back corner of the building so the applicant could leave

with some level of direction.

Dr. Wiedenfeld asked if it could be mounted to the far back corner.

Mr. Edelen stated it may be possible.

Dr. Wiedenfeld stated that if the valley mount is not possible she suggested the back corner of the building roof would be preferable.

Mr. Tucker asked Ms. Sitterle if the guidelines recommend satellite dishes not be mounted on roofs or walls.

Dr. Wiedenfeld stated the guidelines state satellite dish might be installed on a flat commercial or office-building roof if it is either hidden or placed in the center where it is not prominently visible. All components and wiring should be painted to be unobtrusively to the roof and background.

Mr. Tucker stated that was a good answer.

Mr. Tucker stated there is another side of the ordinance and that is it needs to be a product of today and not of the past. A satellite dish is something we live with today and is a product of our time. Therefore, the other side of this is that satellite dishes are what they are, they are seen, and in that respect, it is okay to see it but the guidelines state if it is up on the roof it has to be hidden even though it is a product of our time.

Dr. Wiedenfeld stated the guidelines require that it not be predominantly visible and when this was drafted, it was relating to commercial buildings downtown.

Mr. Tucker stated at one time satellite dishes were five feet in diameter but that had changed.

Dr. Wiedenfeld stated she thought the Board could recommend that it be mounted on the roof.

Mr. Nevill stated that he thought the Board was trying to find the most esthetically appropriate placement. As noted by Mr. Tucker, satellite dishes are a product of this time and he thinks the Board should not apply stricter rules for this applicant than for other residents. He stated he was comfortable with moving forward to allow the satellite dish to be mounted on the roof and asked that it be aesthetically, appropriate spot in accordance with the needs of the satellite orientation, and will leave that to the applicant's discretion. If it ultimately has to come back to the Board for on the ground, they would address the issues at that time. He stated if the Board was comfortable with this he would make a recommendation.

Dr. Wiedenfeld stated this was a non-contributing structure.

Mr. Nevill made motion to approve COA 15-25 for satellite dish installation not as proposed but by the Board's recommendation that it be placed on the roof in a location that is in accordance with the needs of the satellite company but meets the esthetic and architectural benefits of the Old Town Historic District. Efforts are to be made to sight it into a position that is aware of

pedestrian and traffic orientation and it is non-visible or non-obtrusive as possible.

Mr. Tucker seconded the motion.

All voted in favor. Motion passed.

Dr. Wiedenfeld stated that an application had come forward with a request that it be added to the agenda. It is a revision to COA 2014-51 that was originally presented in December 2014 for a two-story porch addition to a building on Main Street. Since that time, the applicant has scaled it back to a one-story porch addition. Before this can be discussed, a motion was needed to add this to the agenda.

Mr. Tucker made the motion.

Mr. Nevill seconded the motion.

All voted in favor of motion.

The Board took five minutes to review the application and Mr. Tucker stated he was not on the Board when the application was submitted and asked if the revision was the same design.

Mr. Wojcik stated that question was something that would have to be addressed to the applicant. He said the original application showed the floor being cement and now the floor will be a composite floor and indicated there may be some other changes.

Mr. Tucker asked if the original application was available.

Ms. Sitterle provided minutes of the December 2014 ARB meeting.

Dr. Wiedenfeld stated this was application of Mr. James Carson for a building located at 45 Main Street that is adjacent to the Post Office. This application is to replace existing rear open porch with new covered porch and replace windows with new wood windows, which was previously approved. Replace existing flesh metal doors with wood and glass doors with sidelights, paint rear façade, which was approved in the previous application. Mr. James Hricko, Architect, is representing the applicant.

Mr. James Hricko stated originally it was a two-story porch with access from the second floor. For various reasons it was decided that would drop down to one level porch with covered roof and changed from a pour concrete floor to a tongue and groove material and he submitted samples. It was felt that composite porch would be appropriate for this application because it is located in the rear utility side and not on the public side where it would be visible. It was also felt that composite would be more appropriate for porch flooring and selected composite because of the durability aspect and wood floor would not hold up as well with the volume of traffic that would be coming and going. It was felt the composite was a very close match and given that it is in the rear and off ground it was appropriate. The other change is that originally, they were going to use stucco rather than a clay tile block and it is used partially on the side of the building. Instead, now they are prepared to stucco the rest of the side of the building, as it would not make

sense to stucco just the rear of the building. In the process of repainting the entire building Mr. and Mrs. Carson would prefer to just paint that as the same color as the rest of the building. Other than those two changes, the original application is the same. There will still be box wood columns and corners with concrete steps going up to the porch.

Dr. Wiedenfeld stated the windows were approved in the original application. She asked what the original roof material was.

Mr. Hricko stated it was a membrane roof that had a type of pallet laid over it and indicated he was not sure if the actual material was identified in the application. Mr. Hricko indicated he did not have the original drawing with him.

Mr. Wojcik asked Mr. Hricko if he knew what the materials were in the composite.

Mr. Hricko stated it was cellular PVC.

Mr. Wojcik stated he did not see any information about the roof on the original or revised application.

Mr. Hricko provided sample of composite material and indicated there was some wood in it.

Mr. Tucker stated that because this was a project presented in much the same format and level of detail previously he agreed to do a review and make a motion regarding this, but the Board has been trying to ensure that applicants bring the Board more detail than what has been provided in the past. This application does not have that much detail and he wanted to make Mr. Hricko aware because he does multiple projects in town and in the future for him to bring more detail.

Dr. Hertz asked what the weight load was for the material that will be used. She asked if there were 15 people standing on the porch at one time would it fall.

Mr. Hricko stated it was very strong and 15 people would not cause it to fall.

Mr. Nevill asked if it would be over concrete.

Mr. Hricko stated no but there would be wood framing and the material he planned to use was very thick and durable.

Mr. Tucker asked if he had used it before.

Mr. Hricko stated yes.

Mr. Tucker asked what the span was.

Mr. Hricko stated could go 16 inches if not going diagonally and if go diagonally it would be 12 inches.

Dr. Wiedenfeld asked Dr. Hertz if she had any further questions for the applicant. She did not.

Mr. Wojcik said he questioned the appropriateness of the composite material and knows this will be in the rear of the building, but there have been other buildings with decks put on and the Board required wood. He asked if staff would be addressing the Board. He indicated he was in agreement with the rest of the application.

Mr. Nevill stated the composite decking was not prone to warping.

Mr. Hricko stated that was correct.

Mr. Nevill stated that since this is a commercial building and the porch is going in the back of the building and did not see the use of the composite material in violation of the historic district guidelines and was appropriate for the building. As an occupant of a neighboring building with wood stairs that are twisted and warped and in horrible need of repair and after ten years side by side comparison indicate that wood stairs are less attractive and appealing although they may be more appropriate. He stressed that warping is a big concern and the viability of the building in the future and the stability and durability of the propose material he was comfortable with as presented.

Mr. Wojcik asked Mr. Hricko if the stairs would remain cement.

Mr. Hricko stated that was correct and the foundation wall was still concrete as are the stairs going up to the porch.

Mr. Wood stated he was comfortable with the material being considered and stated he remembers his old drug store on 15 Main Street and indicated the porch was a big improvement. He stated that maybe some folks would not have come back here and to have this done over again and just add one floor.

Mr. Tucker asked about the five-quarter trim Board and asked Mr. Hricko if he intended to cap the end.

Mr. Hricko stated yes and it would not be seen around the perimeter.

Mr. Tucker asked why the composite material not being used for the trim.

Mr. Hricko stated it may be but it will depend on how thick the material he can get. He stated if the Board approves the deck material, he would use it for the trim.

Dr. Wiedenfeld stated she thought the Board needed to be careful in approving and stated it was fine for this but did not want to make this a common feature. It is a rear that has not been used publicly and the changes will be good. She asked if the bars on the windows would be taken off.

Mr. Carson stated that the window bars would be going back on because they are from Safeway store that at one time was in that building 40 years ago and were on the windows when they got there. Mr. Carson stated they had not gotten that far into the project. Mr. Carson stated that the reason porch was going to a one story was because of electrical and utility clearance.

Mr. Tucker asked what was wrong with bars on the windows in the back of a building.

Mr. Hricko stated they have been taken down to be painted.

Dr. Wiedenfeld stated if they were historic, that would be great.

Mr. Tucker stated that regardless if they are historic they are seen all over the country.

Dr. Wiedenfeld asked if the brick would be repointed.

Mr. Hricko stated yes

Dr. Wiedenfeld stated that went through administrative approval.

Mr. Carson stated yes because cornice was going down and fear of changing the character of the building.

Dr. Wiedenfeld stated her concern was the kind of mortar being used. When a hard mortar is used with old soft mortar, moisture goes there, you have a freeze/thaw, and it pops the facing of the brick off. She indicated this did not have anything to do with this application but at some point, the Board needed to discuss this. She stated she feared for the building if hard mortar was going up there.

Mr. Tucker asked if that was an application to replace in kind.

Ms. Sitterle stated it was a repair not replacement.

Mr. Carson stated they have had serious problems caused by freezing issue with flashing freezing bricks popping out and cracks throughout the building.

Dr. Wiedenfeld stated she thought attention needed to be made to see what kind of mortar was being used because it could take a bad situation and make it much worst.

Mr. Tucker asked how deep the joints were for the repair

Mr. Carson stated scraping the joint from weather damage, which is almost the entire building. The front of the building structural brick were lose, broken, popped out, cracks and all of that has been pulled out and rebuilt.

Mr. Tucker stated type N mortar is a softer concrete and is what should be used to allow moisture to get out.

Mr. Nevill stated that procedurally the Board has gone off topic and what was being discussed was more for a work session discussion because this had already been approved. He recommended that the Board return to the current application and continue the mortar discussion in the work session.

Dr. Wiedenfeld stated that she wanted to bring it up while Mr. Carson was here and there would be time to continue the discussion in the work session.

STAFF COMMENT

Ms. Sitterle stated the porch floor material was acceptable because it is limited to the floor. The porch railing system would be the same as proposed, and the visibility is limited because of the elevation and it is in the rear of the building. The stairs are concrete which is also appropriate. Staff had no further comments and deferred to the Board.

Dr. Wiedenfeld asked for a motion.

Mr. Wojcik made motion to approve revised COA 2014 -51 for the modifications to the porch deck as presented.

Mr. Nevill noted that the revised application was also identified as COA 2015-30 as newly submitted.

Mr. Nevill seconded the motion.

All voted in favor. Motion passed.

WORK SESSION

Dr. Wiendenfeld stated there were two things she would like to discuss during the work session.

1. A question about the use of a work session has come up for a particular application. She indicated that no decision had to be made during this discussion but asked the Board if they had thoughts about having a work session for a particular application before it is formally submitted to the Board.

Mr. Wood stated that work sessions happen all the time and Town Council can call a work session at any time whether it be the chair or someone on the Board. Work sessions are limited to number of matters that comes up in a work session. Technical questions may be considered and no formal action can be taken at a work session. Audience participates in the Council work sessions. According to Roberts Rules of Order, during most work sessions, the public does not participate. Work sessions begin on time, are less formal and can be announced at any time. If the Board makes up their own rules for work sessions that is okay and work sessions held by Town Council are held frequently and public do testify at those sessions. That may be a special form of Roberts Rules of Order. The Council uses General Assembly form instead of Roberts Rules of Order. Only one or two items can be discussed at a work session and those items have to be identified when the meeting is called. The chairperson can be called for the meeting and if the chairperson does not want to call for a meeting, but there are enough members of the Board that want a meeting it can be done.

Mr. Tucker asked if the Town Council holds work sessions after a decision has been made on a

particular topic or is the work session held before it is addressed by Council.

Mr. Wood stated he is not aware of a work session being held after a decision had been made.

Mr. Tucker stated when a Board has made a decision then the subject matter is over and as result, there is no need for a work session.

Mr. Wood stated he was speaking in general terms and not referring to any specific situation.

Mr. Tucker stated he just wanted clarification on situation where a work session is requested after a disapproval or prior to a Board's decision are two different situations. After an application has been disapproved, it would constitute a new application.

Mr. Wood suggested a discussion be held with our legal representative in order for the Board to know and be on solid ground and stated he agreed with Mr. Tucker.

Mr. Nevill stated that an application that has been denied by the Board and a request has been made for a work session in his opinion it would be entirely up to the Board to deny such a request such as has recently been done. He stated he thought a work session could be very productive prior to any application being submitted in looking at a property of an historic nature and trying to find best way to go forward by involving the ARB and perhaps the public so that it will better serve the community. He stated he sees an advantage in having work sessions but not in regular ARB meetings but at a separate time. So if someone wants to explore with ARB and public input so that when it does come before the Board it will already been vetted and guided by or recommended by the Board so the Board can avoid situations that were recently experienced. He stated he sees a great advantage for work sessions for historically sensitive projects but after an application has come forward, he did not see it being appropriate for the Board to revisit it after the project. For new business and prior to submission, Mr. Nevill indicated he sees great advantage to work sessions.

Mr. Wood indicated that the Board could change their vote if they wanted and if you voted in the positive but he was not suggesting this be done for this particular situation.

Dr. Wiedenfeld stated she did not want to entertain that. She was speaking for the future based on what had occurred in the past.

Mr. Tucker stated there needed to be a beginning, middle and end. If the Board keeps having work sessions to modify a vote after the fact then all the Board is doing is giving in when changes come before the Board but it needs to end at a certain point.

Mr. Wood stated that in his time serving on the Town Council he does not know anytime that a work session had been held after a vote had been held.

Mr. Nevill stated that after an application had been submitted formally a work session was not appropriate.

Dr. Wiedenfeld asked Mr. Nevill if he thought a work session should be held before an

application is submitted.

Mr. Nevill used example of an applicant making a request for a work session before they make a formal submission. This person had a historic property and wanted to make significant change to it and they knew they were going to test the guidelines with what they wanted to do. Before any formal submission comes before the Board, a work session is called. The proposal is presented in an informal non-voting session where perhaps the Board's concerns could be outlined, the applicant could be receptive to them, and changes are made so that it does not turn into a contentious issue and problems could be avoided prior to formal submission. This process would also allow local community opportunity to offer their input and he could see work sessions being productive but not always fun.

Mr. Wojcik stated work session was held on that specific property in the past at the request of the owner or the architect to discuss the restaurant proposal prior to it being formally submitted to the Board. Both the owner and architect attended as well as members of the ARB and various issues were discussed and then the proposal came back for a formal vote when Mark was Chair. He stated he did not know if the work session was suggested by the owner or architect or by the ARB Chair. Mr. Wojcik stated he did not know if that would be the time to have public input because public notices requirements would have to be followed.

Ms. Sitterle stated if a special meeting is held a public notice is required.

Mr. Wojcik stated Planning Commission have work sessions but that Commission works differently than the ARB because they only make recommendations and this Board makes decisions. He stated the Commission had a work session for a piece of property located across from him and they had stated no public participation because public would have opportunity to speak at the public hearing. However, it turned out that representative from the county stated to the developer that he should get out in front to the public about this otherwise it might turn into a negative issue. A comment was made about reaching out to the neighbors, he identified himself as one of those neighbors, he spoke to them, and it was on an informal basis.

Mr. Wood stated Roberts Rules of Order states that usually in this type of work session, the audience comments and questions usually are not taken. He stated he did not know if this was special arrangements for the Council.

Ms. Sitterle stated as for the Planning Commission holding work sessions is at the discretion of the Chair.

Mr. Wood stated work sessions are informal and no decisions are made.

Mr. Tucker stated ARB meetings are informal and because we had a project that had come before ARB months ago and after brief discussion with the applicant, they decided to accept being tabled for, two months and it will be discussed with them when they are ready. Any project can go through that month to month with the cooperation of the applicant. Mr. Tucker asked what the difference between that and a work session was. The applicant can think about it and request it be tabled for continued discussion the next month. This is not called a work session it is called a meeting and it can go on month to month until everything is ironed out. Mr. Tucker

stated his point is that the procedure is in place one way or the other for the applicant to be heard but once a vote is taken to accept or deny that is the end of that application. The opposite would be if the ARB was to approve something and then at the next meeting we decide to change our mind and want to disapprove it. This is in reverse to what Mr. Wood was speaking of earlier and Mr. Tucker stated that was not appropriate. It would be true if an applicant is denied and comes back without a re-application and expect to get a positive vote.

Dr. Wiedenfeld stated that her thought about work sessions is if an applicant comes to the Board and a work session is held and then a formal application is submitted and her concern is that the work session discussions will be considered passive approval. In an informal situation, a member may imply that something is or is not acceptable but then when the actual application is presented it is different from those things that have concrete plans to something more vague. Her concern over a vague proposal that will later be an application could perhaps set the Board up for problems because the proposal in theory is considered good but when actual plans are seen it may be a disaster. She is concerned applicants will come expecting approval because it was discussed in a certain manor in a work session. She is fearful that a work session may come back to haunt the Board.

Mr. Tucker stated the Board was smarter than that and smart enough to say to the applicant that if they bring it back they will not get a favorable response. He stated the process could work both ways for the applicant. It does not have to be that something will be achieved in the applicant's favor just because of a work session it could be applicant brings something to work session and they are informed they have not provided the Board enough detail information and not to bring it back and that is end of the work session.

Mr. Wood stated work session is a session for Board to solve problem and he did not think it is something that will haunt the Board because it is so informal and no vote is taken rather than being going through formal meeting and taking a vote.

Mr. Tucker stated that Board would have to make it clear to the applicant that this is an informal session about their project and decisions will be made after application is formally submitted.

Mr. Nevill stated he thought the Board would legally be very sound under any circumstance because anything spoken at the work session is on an informal basis and nothing said is admissible or binding towards approval or denial of an application. He stated he sees this process only for extreme and unique cases and it would serve beneficial to have a dialogue established and beneficial to what the Board is trying to achieve.

Dr. Hertz stated the process needed to be made very clear to the applicant before session starts.

Dr. Wiedenfeld stated that as it stands, the Chair could call a work session if one is requested and she will poll the Board.

2. Dr. Wiedenfeld stated she had one more thing she would like to discuss relating to mortar. She expressed concerns about re-pointing projects because she is fearful what will happen with the project just presented. She stated application comes to staff and it is administratively approved because it is in kind and she would like to work with staff and

ensure that anything that comes up that relates to mortar, brick, and masonry.

Mr. Tucker stated he would extend that because the issue presented this evening was a repair and there was no obligation on the applicant part to document the way it was before the repair is made. Mr. Tucker expressed concern that staff is put into the position of approving applications because it is going to be replaced in kind and there is no documentation as to what in kind is.

Dr. Wiedenfeld stated applications have photos or drawings. She indicated the Secretary of the Department of Interior Preservation Briefs might be appropriate to hand out when applications are for mortar.

Mr. Tucker stated it was mortar this time because of this evening's application but it will be something else the next time. He stated National Park Service has an excellent web page on Historic Properties and he recommended the Board go on line and review the site because it had good and accurate technical information and it is a good resource.

Dr. Wiedenfeld stated she would send the Board members the link.

Mr. Wood reminded the Board members of the upcoming meeting at Warrenton Green Hotel on Saturday relating to Mosby House use.

Mr. Tucker asked if there was plumbing in the house.

Mr. Wood stated no. He stated there was water in the house when the Shepherds lived there and there were bathrooms and a kitchen in the house. All of that was removed when Town took over the house.

Mr. Tucker stated that the Visitor's Center has to be relied on or it will have to be modified to include bathrooms for whatever use unless the building itself is used as the exhibit as it is now.

Mr. Wood stated nothing could be done unless it goes through Virginia Department of Historic Resources and nothing says they will not approve it but it has to go through them. He encouraged Board members to attend upcoming meeting.

Mr. Nevill made motion to adjourn.

The meeting was adjourned 8:25 p.m.

Minutes Submitted by
Dee Highnote