

**UPPER ALLEN TOWNSHIP  
HISTORICAL ARCHITECTURAL REVIEW BOARD  
October 18, 2022**

**MEMBERS**

Joseph Botchie, Chairperson  
Natasha Adler, Vice-Chairperson  
Matthew Taylor  
Virginia LaFond  
Joseph Cooper (absent)  
Susan Sears  
Frank Grottola, UAT Building Inspector

**TOWNSHIP STAFF**

Jennifer Boyer, Comm. Develop. Director  
Scott Finkenbiner, Planning Technician

**CALL TO ORDER**

A meeting of the Upper Allen Township Historical Architectural Review Board was called to order on Tuesday, October 18, 2022, at 7:03 p.m. at the Upper Allen Township Municipal Building. The Pledge of Allegiance was recited by all, and Roll Call was taken by Chair Botchie. Chair Botchie noted that Mr. Cooper was absent.

**APPROVAL OF MINUTES**

A **MOTION** was made by Chair Botchie to approve the corrected minutes of the July 19, 2022, meeting. The **MOTION** was seconded by Mr. Taylor. The **MOTION** carried unanimously. (6-0)

**NEW BUSINESS**

**1. Historic Districts Reassessment Report**

Chair Botchie began by asking Ms. Boyer to explain the details of the historic district creation process and why the specific criteria were used. Ms. Boyer explained that the Township created the four historic municipal districts, which are Rosegarden, Trout Run, Yellow Breeches, and Shepherdstown, in 1975 and that the criteria that was sent to the Pennsylvania Historical and Museum Commission (PHMC) is vague. It detailed where the districts would be located and that the PHMC approved of their creation; however, it does not define why each district was established. The purpose of having a reassessment performed was to attempt to discern why each district was established, what makes them unique, and to update the Historic District Map as well as the Historic District Ordinance that govern them to define specific criteria for each district. Navarro & Wright (N&W) was hired by the Township to perform the reassessment, in doing so, they researched why the districts were created, and viewed the existing district boundaries to determine if they should be altered to better fit the district creation criteria. While researching the districts, N&W found limited useful information, therefore, they used the National criteria to provide context to the districts.

Next, Chair Botchie questioned whether the criteria needed to be sent to the State Historic Preservation Office (SHPO) and how that impacted the N&W report. Ms. Boyer stated that the district criteria was reviewed by PHMC in the 70s. The information provided by PHMC is the only information on record at the Township. N&W used that information, along with the ordinance, as a starting point for their research (included in Appendix A of the report).

Ms. Boyer presented slides that were created to summarize the information in the N&W report. The presentation described each of the four districts, produced maps, and revealed N&W's recommendations. For the Rosegarden district N&W described it as a single property that had a house and mill; however, the mill is now just a foundation. The Trout Run district was originally comprised of four properties, but as there was no known criteria for its creation, the assumption was made, by N&W, that its agricultural past played a role in its preservation. The Yellow Breeches district consisted of ten properties built between 1780 and 1841 that were originally identified as historic properties in the *Early Architecture in Upper Allen Township* book. The Shepherdstown district is located along Gettysburg Pike which was a major thoroughfare before the establishment of route 15; however, the cutoff date of 1868 used for its creation according to the Upper Allen Heritage Committee was arbitrary. The recommendations put forth by N&W was that the Rosegarden, Trout Run, and Yellow Breech districts be dissolved, while the Shepherdstown district remain and have its map redrawn to better fit the recommended period of significance of 1825-1920.

Ms. Boyer noted that the reassessment report was presented to the Township's Board of Commissioners (BOC) at their September 21, 2022 meeting, who accepted it into the record. The BOC is asking the Historical Architectural Review Board (HARB) to provide its recommendations based on the report's findings for each district.

### **ROSEGARDEN DISTRICT**

Chair Botchie started discussion on the Rosegarden district stating that he did not disagree with the conclusion of the report. Mrs. LaFond argues that the district is historically significant because the use of a turbine mill was unique in the 1740s, as most mills used water wheels. Mrs. Lafond did acknowledge the building has since collapsed, and the equipment was removed and taken to the PHMC museum. Discussion ensued on the age of the house on the property and whether it was the same age as the mill, concluding that the house was estimated to have been built in 1750. Ms. Sears asked what the negatives are to being removed from a district. Chair Botchie stated that the property would lose the protection from being demolished by a future owner.

### **PUBLIC COMMENT**

Phil Walsh of 443 McCormick Road asked the board how old the mill is and if HARB was going to remove it. Chair Botchie stated that the mill was built around 1740. The consulting firm, N&W, recommended removing the district, and that HARB has not decided yet. Mr. Walsh the stated that he believes due to the age of the property it should be kept in a district.

Mr. Grottola asked if it would be possible to dissolve the district but note that the property was historic with some sort of placard. Chair Botchie stated that he has done some research on this and that it is possible to put an overlay in the zoning to provide some protection to historic properties, per the state's Municipalities Planning Code (MPC). Mr. Taylor noted that Ms. Janowski wrote that "modern infill . . . has disrupted these aspects of integrity that qualified this as a district... and disrupts the historic feeling that was here when the district was created 50 years ago" but also states that specific properties "on their own may merit being a historic property with additional research", to which Mr. Taylor believes those properties should be identified and protected before dissolving the districts. Ms. Boyer remarked that this idea had been previously discussed and it was concluded that decisions must be made on keeping or dissolving the districts before specific historic properties could be designated. There would need to be a separate discussion to determine what the Township deems to be historically significant and then properties would be selected based on those criteria. Then, a set of standards would be created. Finally, if a placard is placed on a property, public parking must be provided to allow for visitors, which requires consent from the property owner. The property owner at the mill was consulted about this several years ago and they were not interested.

Chair Botchie questioned what requirements the PHMC has for dissolving historic districts. Ms. Boyer indicated that the PHMC does not have requirements for the removal of a district, they only have requirements for the addition of new districts or amending an existing district to add more properties.

Mr. Taylor said that he believes the district should be left as is until such time the property can be designated on a historic overlay listing. Mrs. LaFond agreed, noting that it would be important to determine criteria for the district, whether new or those used in 1975. Chair Botchie, Ms. Sears, and Mr. Grottola all indicated that they agree with the assessment that a single property does not make a district and that it should be dissolved but could be individually noted as a historic property.

Mr. Taylor has a concern that if the district is dissolved before the property can be designated as historic, it will lose the protection from being demolished for an indeterminate amount of time, allowing the property owner to demolish or alter the property without any extra oversight. Therefore, he would prefer to maintain the district until such time the property can be designated as historic.

Chair Botchie called for a **MOTION**. Mr. Taylor made a **MOTION** to maintain the Rosegarden District as it is. The **MOTION** was **SECONDED** by Mrs. LaFond. The motion carried (4-2).

### **TROUT RUN DISTRICT**

Chair Botchie began discussion on the Trout Run historic municipal district by defining the terms “significance” and “integrity” as they were defined in the NPS National Register Bulletin. Chair Botchie noted there is a caveat to the “historic integrity” definition in that, “All seven qualities do not need to be present for eligibility as long as the overall sense of past time and place is evident.”

Mrs. LaFond argued that the district was not considered significant due to agricultural integrity, rather, it was due to the springs in the area, which flow into Trout Run. Two Cocklin brothers had farms built around the springs. Mrs. LaFond also noted that the comment concerning the gutting of her home. “Owner Virginia LaFond stated that when she and her husband bought the house 50 years ago, they gutted the entire building and rebuilt it to appear historic on the interior.” Mrs. LaFond said this was done only because it had to be due to the home being gutted previously in 1869, which removed the original interior. Therefore, it had to be gutted to restore the original interior with materials from the 18<sup>th</sup> century.

Chair Botchie states that he believes that the overall historic integrity of the district has been maintained through the overall sense of past time.

### **PUBLIC COMMENT**

Terri Johnson of 401 Gettysburg Pike asked if the homes in the Ashcombe development are included in the district. Ms. Boyer confirmed that they are included and that districts can have modern infill. Mrs. LaFond then asked if those homes were held to the standard of the district. Ms. Boyer said yes and no. The property owners would need to obtain Certificates of Appropriateness for any exterior work since their homes are within the district. However, the modern infill homes are not required to meet historic material requirements, but they should have some architectural features that are harmonious with the district and do not subtract from the historic nature of the district. Chair Botchie stated that the developers of the Ashcombe Farms development had to come before HARB.

Chair Botchie called for a **MOTION**. Mr. Taylor made a **MOTION** to retain the Trout Run District as is. The **MOTION** was **SECONDED** by Ms. Sears. The motion carried (6-0).

## **YELLOW BREECHES DISTRICT**

Chair Botchie called for discussion on the Yellow Breeches district. Mr. Taylor began by explaining that while the district does have some modern infill, it is the most walkable and enjoyable of all the districts. Chair Botchie then read the assessment of the district from the report, "It is the opinion of N&W that the Yellow Breeches Historic District be disbanded as its historic integrity has been diminished due to modern intrusions. The historic agricultural feeling and setting of the district is lacking, and modern houses interrupt the flow of the area." Mr. Taylor stated that he couldn't disagree more. Mrs. LaFond agreed, stating she does not believe agricultural integrity is the point of the district. Chair Botchie quotes the NPS definitions for districts which states, "A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district."

Mr. Taylor argued that modern buildings can still adhere to the historic features. He said the home at 605 McCormick Road was torn down and rebuilt in the same exterior style but with modern materials. The tear down and rebuild was needed because the building was in such disrepair.

Chair Botchie argued that the Yellow Breeches district is a discontinuous district, which is defined as a district that is "composed of two or more definable significant areas separated by nonsignificant areas."

Ms. Sears stated that people with historic homes shouldn't have to suffer.

## **PUBLIC COMMENT**

Phil Walsh of 443 McCormick Road stated that the dates are incorrect for 443 McCormick Road. The original date of construction is ca. 1800 not 1850. The deed states the farm was bought in 1809 and in 1830 the old barn was replaced. Mr. Walsh also noted that a sitting U.S. President visited the property, it is a registered archeological site with over a thousand artifacts collected, and a civil war veteran lived there. Finally, he asked the board to retain the historic district.

Eric Fairchild of 1224 McCormick Road contended that the maps on the PowerPoint that was presented are different from the ones used in the previous presentation to the BOC. Ms. Boyer clarified that these maps were created by staff to show which properties were used to create the original district lines. Mr. Fairchild asked to see the map with the satellite imagery so that he could see where the homes are located on the properties. Mr. Fairchild argued that due to the distance the homes are setback there has been very little that has been objectionable in the district. Chair Botchie stated that some additions or alterations that came before the board would have been outside of the line on the map. Ms. Boyer explained the boundary line in the 1975 map was hand drawn to show the general area of the district. Chapter 155 clarifies that if the line passed through the property it was intended to include the entire property.

Dr. Chin Pham of 814 McCormick Road had a concern that criteria for the district is not being uniformly applied across the district, because since 1975 new homes have been built. Remodeled homes and structures are disparate; there isn't a uniform criterion for development. Dr. Pham questioned the fairness of the board's decisions, since the lack of standard criteria means that what criteria is applied might be different from one home to the next. Chair Botchie stated that he believes that the board has applied the State criteria, with a few exceptions. Ms. Boyer explained that the goal of this report and these discussions are to provide direction to update the ordinance, which will provide specific criteria for each district based on why they are significant.

Phil Walsh of 443 McCormick Road argued that since HARB is an advisory board their recommendations can be overridden by the BOC. Even with a consistent guideline, the BOC could disregard those guidelines on a case-by-case basis. Chair Botchie stated that the BOC can overrule HARB's recommendations. Mr. Walsh questioned how often that has happened. Chair Botchie said he was unsure but noted that the BOC generally does approve of HARB's recommendations. Mr. Walsh feared that even with set criteria the BOC could just disregard it and allow for anything. Ms. Boyer clarified that if criteria are written into the ordinance, then the BOC must follow the ordinance guidelines.

Chair Botchie called for a **MOTION**. Mr. Grottola made a **MOTION** to retain the district. The **MOTION** was **SECONDED** by Vice-Chair Adler. The motion carried (6-0).

### **SHEPHERDSTOWN DISTRICT**

Chair Botchie called for discussion on the Shepherdstown district. Mr. Taylor started the discussion by explaining that whole reason for this process is because of the home owned by Linlo Properties in the Shepherdstown District. Historic maps of the district were not in alignment and had unclear boundaries; therefore, it was decided to have the districts researched.

### **PUBLIC COMMENT**

Bob Morrison of 411 Gettysburg Pike noted that a lot of new construction is happening along the Gettysburg Pike. Since the zoning is Neighborhood Commercial (C-1), how are the historic district regulations applied to new construction, and can a residential building be changed to have a commercial use? Ms. Boyer clarified that the C-1 Zoning District abides by the zoning ordinance, which describes what uses can go where, property setbacks, how many parking spaces a commercial establishment must have, signage regulations, etc. If someone wanted to change a property to a different use, they could if it was permitted within the C-1 district. The historic district ensures that any changes to the exterior of the property requires approval of a Certificate of Appropriateness.

Karen Cruse of 301 Gettysburg Pike questioned whether construction companies had any influence on the decision to perform a redistricting, because there has been an increased volume of mailings and phone calls concerning the desire to buy the property. Ms. Boyer stated that there is no influence from external companies. Chair Botchie asks Ms. Cruse if she would prefer to be in a historic district or not. Ms. Cruse stated she is unsure. She has lived at the home since 2008 and never knew she was in a historic district until now.

John Esser of 311 Gettysburg Pike stated he just recently purchased the property which had been vacant for an approximate twelve years. He is unsure if there is anything historically significant about the property, and notes that it is in very poor condition with multiple issues and is probably structurally unsound. Mr. Esser explained that he was planning to approach the board to apply to have the building demolished, and since there is discussion on redrawing the historic district lines, he asked the board to consider removing the property from the district.

Ms. Sears stated that her son had just gone through the process of getting a Certificate of Appropriateness for his property. He appreciated the process. He asked that, if possible, the time between going before HARB and the BOC could be lessened. He did state the BOC takes HARB's recommendations seriously.

Mr. Taylor thought the district should remain as is, while Chair Botchie felt the district should be withdrawn. Chair Botchie felt the properties of 239, 301, and 303 Gettysburg Pike should be included in the district.

Chair Botchie called for a **MOTION**. Mr. Taylor made a **MOTION** to amend the Shepherdstown District boundary, as proposed by N&W, and to include 239, 301, and 303 Gettysburg Pike, while considering 311 Gettysburg Pike later. The **MOTION** was **SECONDED** by Mr. Grottola. The motion carried (6-0).

### **OTHER BUSINESS**

Mr. Taylor began discussion of the new Township Park at 1340 E. Lisburn Road. The Township recently had opened sealed bids for purchase of the Lambert house to move the home within 180 days. An article was written by Zack Hoopes titled, "Upper Allen Twp. receives no viable bids to relocate historic farmhouse" on Penn Live and in the newspaper. Mr. Taylor took a little bit of exception to the word "viable" because it means "capable of working successfully", he believed using the word 'acceptable' would have been a better choice. Mr. Taylor would like the Township to open rebidding with the opportunity to purchase the land on the creek side to move the house there and preserve the property. Ms. Boyer noted that the BOC was scheduled to discuss next steps for the structure at their October 19<sup>th</sup>. Mr. Taylor, along with everyone else, was encouraged to attend the BOC meeting to discuss his request. Mr. Taylor asked how HARB could go about getting the house considered to be a historic property. Ms. Boyer stated the request would need to go before the BOC.

### **PUBLIC COMMENT**

Eric Fairchild of 1224 McCormick Road wanted to understand how residents who live in the historic districts do not know they are in a historic district. He suggested attaching something to the deed or have a filing at the courthouse to inform those who buy properties in a historic district, or to put it on the real estate tax bill. Ms. Boyer clarified that tax bills come from the county. The historic districts are defined by municipalities; therefore, the county would most likely not put it on the tax bill. Historic districts can change throughout time, so it would be the responsibility of the property owner to add it to a deed, but that information could become incorrect; therefore, the deed may not be the most appropriate document. Historic district information is public information, and a property owner should be disclosing it when they sell a property. Interested buyers are also encouraged to do their own research and call the Township for information about any given property. Mr. Fairchild stated he would like to see a document that would provide an overview of the requirements of living in a historic district to help remove some of the misconceptions. He also wanted a list of vendors and contractors provided who do work with historic properties. Ms. Boyer explained that a list cannot be provided to residents, because it could be construed as showing favoritism to certain vendors. Residents are encouraged to search for the vendor who they believe is most qualified for the work they want to have done.

### **ADJOURNMENT**

There being no other business, Mr. Taylor made a motion to adjourn the meeting. Mr. Grottola seconded the motion and the meeting adjourned at 9:08 p.m.