

**STAFFORD COUNTY ARCHITECTURAL REVIEW BOARD MINUTES**  
**February 6, 2017**

The meeting of the Stafford County Architectural Review Board of Monday, February 6, 2017, was called to order at 6:01 p.m. by Chairman Jeromy Range, in the ABC Conference Room of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Charles Dodgen, Paul Eakin, Tanya Gossett, Doris McAdams, Mark Osborn and Jeromy Range

MEMBERS ABSENT: Sherry Bailey

STAFF PRESENT: Kathy Baker and Denise Knighting

GUEST PRESENT: None

**CALL TO ORDER**

Mr. Range called the meeting to order and asked Ms. McAdams if she would call roll.

**ROLL CALL OF MEMBERS**

Ms. McAdams called roll, six of the seven members were present.

**ORGANIZE ARB**

Mr. Range asked Ms. Baker what was on the agenda for organization of the ARB.

Ms. Baker stated it was the work plan and asked if the members had any thoughts on the works or goals for the year in addition to normal business.

**PUBLIC PRESENTATIONS**

None

**NEW BUSINESS**

1. 2017 Work Plan

Mr. Range stated since there were no public presentations he would move on to the 2017 work plan and asked the members if they had any suggestion. Hearing none he stated they would focus on public presentations and approval of submittals.

**UNFINISHED BUSINESS**

2. Aquia Church Lighting

Mr. Range stated he did a lighting survey on January 20, 2017 with Jay and Mark, from Aquia Church as well as his son Tristian, who assisted with the light sensor. He explained the area south of the sidewalk entrance to the church was the existing parking lot and everything to the north was new construction and the location of

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the offending lights. He explained they gauged the offensive lighting areas and it was easy to determine removal of two lights would be too extreme. He then went into extensive in depth detail concerning the survey and the report he submitted. He suggested if the bulb was upgraded in the existing post light at the corner he felt it would bring the lighting up to minimum standards. As a final outcome he recommended Aquia Church request permission to disconnect the one modern pole light and request a waiver to have the light removed. He stated if that one light was removed it would not be in the way of the church.

Mr. Dodgen asked if the the purpose of what was being done was for light levels or architectural style of the light.

Mr. Range stated both. He stated Jay, from the church, told him when he was on site towards the end of the construction phase he noted the lights did not look historic and he asked the contractor about the lights. The contractor told him because of the code requirements there was no way the same historical lights could be used. He stated although the building structure was reviewed by the ARB, for some reason the lighting plans were not routed through this Board. He stated the discussion in previous meetings has been trying to decide what could be done to maintain the historic integrity of the church and not cause a financial hardship for the church.

Mr. Dodgen asked if the members of this Board could be held responsible for making a decision on light levels and removal of existing lights and be indemnified by the County if there was a lawsuit brought if injury occurred because of the situation.

Ms. Baker stated she was not an attorney and could not answer that question. She stated that was why there was a process in place for the applicant to go before the Board of Zoning Appeals (BZA). She explained they would need to go before the BZA and received a waiver for the lighting levels.

Mr. Dodgen stated he did not mean to be difficult but wanted to be open and aware of the situation.

Mr. Range agreed and stated as a Board, no recommendations were being made. He stated it was a report he did, pro bono as a concerned citizen trying to help Aquia Church. He stated the report also stated he suggested the church request a waiver for the subject lighted areas, which puts the legal onus on Aquia Church and Stafford County to make the determination to remove the light or not.

Mr. Dodgen asked if the three large area lights were replaced with the type of lights on the opposite side of the parking lot, would that satisfy some of the concerns concerning architectural style.

Mr. Range stated yes and no. He stated the light in front of the church should not be there, if it was historic or not. He stated in his opinion if the lights were changed and replaced with the historic lights, the reading would be the same as the other side. He stated the pilaster was not historic either but if the light was removed the pillar would remain

A brief discussion ensued between Mr. Dodgen and Mr. Range concerning the style of the lighting, the cost of replacing the lights verses replacing the head and who would pay the costs.

Mr. Range stated it was understood that it could not be made perfect and there was possibly no financial means to replace the lights with more historic lights. Since that could not be done, it was discussed to remove the one pole light in front of the church.

Mr. Dodgen confirmed they would leave three that were exactly the same.

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Mr. Range stated yes.

Ms. McAdams stated it was a compromise.

Mr. Dodgen stated as an architect that did not register to him. He stated the reason there was a problem with the pole was the architectural style.

Mr. Range stated the architectural style and the fact that it was right in front of the church.

Ms. Gossett stated none of the new lights were compatible with the historic setting for a National Historic Landmark, end of discussion.

Mr. Dodgen stated there was no reason to have the difference in one light from the other. He stated it should not be any more difficult that.

A discussion ensued concerning the pole placements, architectural style, amount of light projected, county requirements for parking areas and the fact that the ARB did not get a chance to review the light plan. It was discussed that the lights were adversely affecting the integrity of a National Historic Landmark and the contractor did come before the ARB, after the fact, to discuss the lighting issues.

Mr. Range stated there was no real feasible way to force the lights to be replaced based on the previous discussion with the contractor. During the light survey, if all four lights were removed the foot candles would not be within the code and that was why he did not suggest removing all four lights. He stated at the very least, to maintain the historic integrity in front of Aquia Church, the one light could be removed.

Mr. Dodgen stated he understood, but did not feel it was a solution. He stated electric contractors or their suppliers would do photometric studies of the areas at no cost, in hopes of selling product. He suggested that be done. He stated it was common to have the lights too bright when using LED lighting.

Ms. Gossett asked if the ARB could make additional recommendations.

Mr. Range stated it was up to the Church to decide if they wanted to remove the poles. But he felt the ARB could suggest that the church pursue a way in the future to replace or remove all the lights with more appropriate lighting.

Mr. Eakin asked Ms. Baker if the ARB could say they do not approve of the lights at this point.

Ms. Baker stated the fact that the County had signed off on the site plan showing these structures, it would be difficult to go back and suggest changes be made because it was not compliant with the ARB code.

Mr. Eakin stated the only thing that could be done was make suggestions.

Ms. Baker stated recommendations could be made and state why it violates the ARB codes. If it was something that was done without county approval, you may be able to pursue it as a violation.

Mr. Dodgen asked why the ARB did not see the site plan and the lighting.

Ms. Baker stated there was no lighting plan when the Certificate of Appropriateness application was submitted. When the follow up site plan was submitted, the standards of the COA were reviewed and the church came back before this Board when they made a change to some of the outside structures.

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Mr. Dodgen asked if the site lighting was added after the ARB review.

Ms. Baker stated when the site plan, which included lighting, was submitted to the county the reviewer did not catch the fact that lighting was not part of the COA application.

Mr. Range stated anything that was attached to the ground that was one foot or higher had to come before the ARB, so it should have been submitted for approval.

Mr. Dodgen stated he thought the ARB could go back and ask the church to resubmit the site lighting to complete the certificate of appropriateness.

Ms. Baker stated the ARB could certainly ask, but because the County had already signed off and approved a plan showing the lights were in compliance with all of County Codes. She stated the ARB could certainly put something in writing and submit it to the Zoning Administrator and the Planning Director for review. But the fact that it has been signed off on by the agent for the Board of Supervisors, it says in essence the plan met County Code.

Mr. Dodgen agreed and stated in order to close this item, the ARB would need to elevate it to that level and let the Board of Supervisors or whoever is the agent that has jurisdiction over the review of permitting, make the determination. Otherwise the ARB has not done their job making the comment that we didn't have the site lighting when the COA was submitted, it was permitted with site lighting and did not come back to the ARB for review. He stated it was our duty to say that and elevate it to someone else.

Ms. Baker stated it was up to the ARB as to what recommendations you want to send and to whom.

Mr. Dodged stated if it was said the issue cannot be pursued, the ARB has done their job and move on.

Mr. Eakin agreed and stated the ARB would not have ever approved the lights that were installed.

Mr. Range asked if Planning could take back a plan that was previously approved.

Mr. Dodgen stated the attorney's would have to weigh in on it, but if it was submitted and incorrectly submitted or reviewed, yes they can review it again and make a judgement. The County Attorney would have to review it and see if he wants to pursue it. He stated it was the responsibility of the ARB to do their job and that was to point out what was found.

Mr. Osborn stated in his opinion Mr. Dodgen made a good point, and this would put it to the record.

Mr. Dodgen asked if the existing lights on the west side parking lot were keeping in the historical side.

Ms. Gossett stated they were more sympathetic to the historic character of the era.

Mr. Dodgen stated he would suggested working on a response of how the ARB wanted to write it to whoever the authority having jurisdiction was and spending some time on writing it before submitting it. He stated in his opinion it needs to be worded properly. He reviewed the fact that the lighting was not submitted to the ARB for review and now there was a condition of non-compliance with the era lighting. The letter should ask what the ARB should do from here.

Mr. Range asked Mr. Dodgen and Ms. Gossett if they wanted to form a sub-committee to draft that language.

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Ms. Gossett stated yes.

Mr. Dodgen stated okay.

Ms. Baker stated she would recommend sending the letter to the Director of Planning and copying the Zoning Administrator and the County Administrator, in this case, because it could end up going above and beyond. She would recommend including why it was not in compliance and a recommendation to bring it into compliance. That will then prompt a review of the process and figure out if there is any recourse.

Mr. Dodgen stated this was not a reflection on the church.

Mr. Range stated he forwarded the lighting design and lighting report to Mr. Dodgen and Ms. Gossett and asked them to get together to work on the letter.

Mr. Dodgen asked if this could be done before the next meeting.

Ms. Baker suggested sending the letter to all ARB members for review. She stated if that was the plan, she suggested making a motion today that you are representing the ARB and include the points that are going to be raised in the letter and that would give the sub-committee the flexibility to draft a letter.

Mr. Dodgen made a motion that a sub-committee be formed by Tanya Gossett and Charles Dodgen to wordsmith an existing condition letter indicating that the existing condition is deficient in the design of the Aquia Church parking lot lighting and to bring to or present to the authority having jurisdiction the situation that the original Certificate or Application of Appropriateness was deficient and not including site lighting either in the initial submission or in the follow up submission as the final permitting drawings included lighting that was not in the initial application.

Ms. McAdams seconded.

The motion passed 6 – 0 (Mrs. Bailey was absent).

Mr. Range stated the motion passed and verbiage would be presented and agreed upon via correspondence.

STAFF UPDATE

- Barnes House COA

Ms. Baker stated based on updates requested from the last meeting she sent an email concerning the Barnes House and was not sure if further discussion was needed. She stated the Department of Historic Resources oversees the work on the property since they were under easement. She stated Ms. Gossett initially thought there was a time limit on the work to be done, and initially there was and she could read the message from DHR if necessary. She stated DHR did not formally write a new plan, but they have been monitoring, photographing and documenting the process since 2012 and feel there was sufficient progress being made. DHR has not re-established any official deadlines.

Ms. Gossett verified that since the work began within the first year, there were no issues with the COA.

Ms. Baker stated that was correct; there was really no deadline on a Certificate of Appropriateness.

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Mr. Eakin stated he lives down the street from the Barnes House, and they have been working on the house for the last month or more and are really making progress.

Ms. Baker stated you could finally see some progress being made.

- Ferry Farm

Ms. Baker passed out copies of the Phase I plan, that was currently being worked on which entails a new entrance road, which was being realigned with the Ferry Road intersection. She stated the boyhood home was under construction currently. Grading and infrastructure for the proposed visitors center was on the current site plan with a future administration building on the left. She stated all construction was approved by the ARB, Department of Historic Resources and the National Park Service.

Ms. Gossett asked if an archeological survey was done before they started grading for the road.

Ms. Baker stated yes.

Ms. Gossett stated she would be very interested to know what was found.

Ms. Baker stated she would check with them.

- Counting House

Ms. Baker stated the signed baseline report was received today from the potential owner, which was the last piece the County was waiting on before everything goes to the County Attorney. She stated she would speak to the County Attorney to see the timing to get the property transferred so work could start. She stated the potential owner was currently working on getting a site plan and Certificate of Appropriateness application.

- Falmouth Overlay

Ms. Baker stated the Falmouth Overlay was now scheduled for the Planning Commission public hearing on February 22, 2017. Notices were sent to property owners within the district last Friday and it would be in the paper. She stated each property has the option to opt out if they are not interested in having the overlay on their property now. If they decide to do it in the future, they will have to pay the application fee. She stated the Rezoning from R-1 to B-1 for Dunbar Kitchen was going to the Planning Commission on March 8, 2017 and that also includes the two properties on Gordon Street.

Mr. Range asked if Ms. Baker could brief the ARB on the business plan for that area.

Ms. Baker stated as soon as she received the final information and plan layout she would email that information to the ARB members.

**REPORTS BY ARB MEMBERS**

Ms. McAdams stated she signed up the class to be held on March 2, 2017 in Fairfax.

Mr. Osborn stated he planned on attending it also.

**APPROVAL OF MINUTES**

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January 9, 2017

Mr. Eakin made a motion to approve the minutes.

Ms. Gossett seconded.

The motion passed 6 – 0 (Mrs. Bailey was absent).

ADJOURNMENT

Ms. Gossett made a motion to adjourn.

Mr. Osborn seconded.

The motion passed 6 – 0 (Mrs. Bailey was absent).

With no further business to discuss, the meeting was adjourned at 6:59 p.m.