

Michigan State Historic Preservation Review Board Meeting Minutes January 29, 2021

Minutes of the State Historic Preservation Review Board Meeting

Friday, January 29, 2021, 10:00 a.m.

Meeting held via Zoom. In compliance with Michigan Executive Order 2020-165, this virtual meeting was open to the public.

BOARD MEMBERS PRESENT

Devan Anderson, Rhonda Baker (arrived at 10:05am), Daniel Bollman, Kemba Braynon, Dale Gyure, Misty Jackson, Janet Kreger, Krysta Ryzewski

BOARD MEMBERS ABSENT

Lane Demas (pre-excused)

STAFF MEMBERS PRESENT

Amy Arnold, Martha MacFarlane-Faes, Nathan Nietering, Todd Walsh, State Historic Preservation Office (SHPO)

Jon Stuckey, Michigan Office of the Attorney General (AG).

MEMBERS OF THE PUBLIC PRESENT

From list.

1. CALL TO ORDER AND ROLL CALL

Board Chair Kreger called the meeting to order at 10:02am

2. APPROVAL OF AGENDA

Motion to approve the agenda of the January 29, 2021 regular board meeting

Motion: Anderson

Second: Bollman

Vote: 8-0 (Baker had not yet arrived)

3. APPROVAL OF MINUTES – SEPTEMBER 25, 2020

Board Comments: Anderson had not received the minutes and will abstain from the vote.

Motion to approve the minutes

Motion: Braynon

Second: Gyure

Vote: 7-0 (Anderson abstained)

4. ADAPTATION OF BOARD POLICIES

a. Board Officers Policy

Motion to approve the policy

Motion: Anderson

Second: Ryzewski

Vote: 8-0

b. Public Comment Policy

Motion to approve the policy

Motion: Anderson

Second: Bollman

Vote: 8-0

5. 2021-2022 BOARD SCHEDULE

May 28, 2021; September 24, 2021; January 28, 2022 (dates proposed by staff)

Discussion: It was noted that May 28 will immediately precede Memorial Day weekend. Consensus to move that meeting one week earlier.

Motion to adopt May 21, 2021; September 24, 2021 and January 28, 2022

Motion: Anderson

Second: Jackson

Vote: 8-0

6. MISCELLANEOUS BOARD BUSINESS

Kreger welcomed everyone to 2021 and hoped that the recovery from the pandemic will have progressed enough that the board may meet in person again for future meetings.

7. SHPO REPORT – Martha MacFarlane-Faes

MacFarlane-Faes provided a summary of recent changes and activities in the office:

- SHPO is currently in the process of setting annual goals and budgeting for the office.
- The [Michigan Statewide 5-Year Historic Preservation Plan](#) is currently in the design phase and expected to be released in the next month or two. A text-only version of the plan is already available online on the SHPO website.
- Staffing update: A State Historic Preservation Officer has not yet been appointed. The position was advertised and interviews were held in November. SHPO staff are all waiting in anticipation. Archaeologist Stacy Tchorzynski was promoted to Senior Archaeologist in October and SHPO is moving forward to hire another archaeologist to assist her. The Attorney General's opinion is that there is no present legal authority to title someone as the "State Archaeologist," however Stacy is fulfilling that role.
- Archaeology Report: As we are meeting right now, the Michigan Department of Environment, Great Lakes and Energy (EGLE) is

announcing their permit issuance for the Line 5 Project in the Straits of Mackinac. The SHPO and MEDC Communications staff have been coordinating with EGLE to form an agreed upon statement of SHPO involvement regarding the protection of cultural resources that may be affected by this action both above and below water. SHPO has no control over the permitting process. An additional Section 106 layer will take place in the future with federal permitting from the U.S. Army Corps of Engineers (USACE).

- SHPO has been meeting with representatives from MDOT, DNR and EGLE to try to work together to build up archaeology among all state agencies.
- Saturday October 30 will be Michigan Archaeology Day – in person if possible, if not, another virtual day.
- A press release was recently issued focusing on all 12 of the sites listed in the National Register in 2020 which has generated favorable media attention.
- In May, the SHPO is partnering with the National Alliance of Preservation Commissions (NAPC) to host a Commission Assistance and Mentoring Program (CAMP) in partnership with the Michigan Historic Preservation Network (MHPN) during the virtual MHPN conference.
- The newly-approved state tax credit program will need to go through the rulemaking process; currently a working group with members from SHPO, the Attorney General's office, and the MEDC are working on the process flow of the proposed program. Much of the process is out of the hands of SHPO/AG/MEDC. The likely timeline, taking into the account rulemaking procedure and the public participation requirements, means the first state credit applications will not be accepted until late summer if not a full year away. The Review Board will have an opportunity to make comment as part of the rulemaking, probably at the May meeting.
- SHPO has received a subpoena from the Great Lakes Capital Fund for specific Detroit based-projects and the SHPO is working with the AG to comply with the subpoena.
- The Haskell Building in Ludington is getting great media coverage in Ludington as the “Lofts on Rowe” project recently received \$2 million CBDG funding through the Michigan Strategic Fund, in addition to National Register listing enabling the use of the federal historic tax credits.
- The Detroit Civil Rights grant project is wrapping up this month, and enhancements are planned for this section of the SHPO website in the coming months.
- Section 106 related concerns:
 - Line 5, as discussed earlier
 - Over the last 6 months we have changed our Section 106 application process with consultants so that applications give us more information about each consultant's professional qualifications. Virtual trainings are taking place in coming weeks.

- SHPO is currently in a lengthy process to develop a new programmatic agreement with MDOT to include local agency projects in addition to trunkline projects, which will continue to streamline road projects.
- There is a new Superintendent at Isle Royale National Park, Martha will be meeting with her virtually in the coming week to introduce SHPO and talk about preservation activities moving forward.

Board Comments:

Anderson inquired in the new State Tax Credit will “stack” with the federal tax credit, or will it be an overlap whereby only the additional 5% can be used for state credit. MacFarlane-Faes responded that they will stack, meaning up to 25% state credit can be claimed in addition to up to 20% federal if a project qualifies for both programs. Kreger added that although many details are still undetermined, Robb McKay of the SHPO and Mark Rodman of the MHPN are assembling a fact sheet of what is currently known (and not yet known) to address some of the frequently asked questions. MacFarlane-Faes indicated the SHPO tax credit portion of the website is being updated as new details are known and able to be shared. Kreger shared that the process to begin the previous State Tax Credit, in 1999, also took approximately a full year to work through. Kreger continued that it was really inspiring to see the additional press coverage of recent National Register listings, and she inquired about how to best communicate the value of properties which from the exterior may not be substantially impressive. Todd Walsh of the SHPO responded that the SHPO works closely with MEDC Marketing and Communications to develop language which helps to interpret the significance of these perhaps less-obvious designations. Kreger also thanked the SHPO staff for their continued responsiveness to the public throughout the pandemic.

8. PUBLIC COMMENT

Correspondence:

Kreger acknowledged email correspondence requesting time to present oral arguments relating to a local historic district appeal item. Kreger stated that this request was declined, and went on to explain that it is not the Review Board’s role to re-adjudicate appeals that come before it, as the petitioner has already presented the arguments before an administrative law judge for consideration. Walsh indicated the Review Board thus far received no pieces of correspondence in support of or in objection to any of the National Register of Historic Places nominations presented at this meeting, however, the City of Detroit and City of Lansing have both submitted CLG reports in relation to the properties which are being presented from their communities today.

Summary of Public Comment:

NOTE: Comments from the public are limited to 2 minute per speaker.

Wayne Groleau – on item 11b., Groleau v. Detroit Historic District Commission:

Thanks to the Review Board and to the Attorney General’s office for assisting with our appeal item. We appreciate that the survey manual is

the legal foundation for a local historic district, however based on this and our reading of Public Act 169 [of 1970] we feel that there are significant constitutional violations in this case which we have outlined in the summary. We are talking about a house in a particular district that was never surveyed, the house is considered to be non-contributing and when we purchased it it was already suffering from demolition by neglect; our task was to get a permit to begin repairing the house. We feel we stayed within the confines of what this house once was [a tudor revival], and that our work reflects that architectural classification. [...time concluded]

Rebecca Savage – on item 9a., Detroit Savings Bank Southwest Branch:

Representing the City of Detroit Historic District Advisory Board (HDAB), which recently heard the presentation for this property and the board appreciated hearing the history and supports this nomination.

Kimberly Forshee – on item 9d., Gwen Frostic Studio:

As a co-owner of the Gwen Frostic Prints, we consider ourselves to be the caretaker for what Gwen created and believe she would be very excited by this opportunity. Thanks to Debra Johnson of the SHPO who wrote this nomination.

9. NATIONAL REGISTER NOMINATIONS

a. Detroit Savings Bank Southwest Branch, Detroit, Wayne County

Presented by Michael G. Smith

Board Comments: Anderson inquired about the meaning of “reclaimed” yellow brick, as used on the exterior. Smith responded the brick is all original, but the rubble was used to build up the exterior walls behind the limestone panel cladding and plaster on the interior. “Reclaimed” applies to brick that was likely taken from the two houses which previously occupied this site, and was reused, likely as a cost savings. Kreger indicated that it would be beneficial to note in the narrative summary description that Wirt Rowland was the architect, which introduces readers to this significant, though modest, gem of a building right from the beginning. Anderson inquired if the PDF documents the board received are size-reduced for transmittal and what the quality of the images actually is when submitted to NPS. Walsh responded that NPS requires TIFF files with listing documents, at the highest resolution. Braynon stated she appreciated the approach taken to discuss Rowland and his use of geometry in design, it was very interesting. Braynon noted there were two different dates referenced to start period of significance and inquired which is correct. Ryzewski added it was interesting to read about the status of banks as anchors within ethnic neighborhoods. She noted that in her professional archaeological work at the Blue Bird Inn jazz club in Detroit, there was a great document cache found, among which were checks cashed from the Detroit Savings Bank (DSB). Analysis of these showed that DSB was one of the few banks that would work with African American customers at a time of great discrimination. Smith added that DSB was oriented toward the working class and this seems in line.

Jackson inquired about future plans for the building. Denise Pike of Community Health and Social Services Center responded that CHSSC is the owner of the building and the vision is to create a child care center with an appropriate addition toward the rear of the bank, working with SHPO to make sure the new work is consistent with the Secretary of the Interior's Standards. Pike added that at the time this bank branch was functioning, the Delray neighborhood was Hungarian and Polish in ethnicity and this facility would have served those communities.

Motion to approve the nomination as presented.

Criteria and Level: A & C, local

Motion: Braynon

Second: Ryzewski

Vote: 8-0

b. Camp Black Lake, Ocqueoc Township, Presque Isle County

Presented by Mary Ann Heidemann

Board Comments: Kreger observed that this nomination includes a very good explanation of the physical integrity of the site in that it's what has not been built on or around this site that has enabled what is there to remain. Heidemann responded that the new use will be a youth outdoor camp; a very compatible use. The work of previous camp enrollees surrounds campers today. Kreger asked if there were any plans to recreate missing buildings or features. Heidemann responded that the Friends of Ocqueoc Outdoor Center group raised and received money to save and preserve the garage building for long term preservation and use as a craft classroom in the future. There is a proposal to place a picnic pavilion on the footprint of the craft paper sided building, to honor the location, overlooking the lake. Every building on the site is presently in active use. At one time, DNR proposed demolishing all of the buildings and returning the site to state forest use. It was only local interest that spurred turning the land over to the Presque Isle County.

Motion to approve the nomination as presented.

Criteria and Level: A, state

Motion: Baker

Second: Gyure

Vote: 8-0

c. Hickory Lodge No. 345, Hickory Corners, Barry County

Presented by Eugene Newell

Board Comments: Bollman noted that in the application, specific pains were taken to justify the new roof installed on the building to deal with

snow-load, but we should really expect to see that a low sloping unobtrusive roof was added to ensure continued use of the building, and there is no reason to apologize for this necessary change. Kreger noted on pages 20-21, there was some history of anti-Masonic “excitement,” but there wasn’t a timeframe mentioned as to when this took place, but it would be beneficial to have specific dates included here. Jackson inquired about historical archaeological remains on the property, and if the location of a privy was known. She expressed that if a plan to explore those historical archaeological remains ever came to be, be certain to use a professional, Walsh noted that a brief reference to the privy location can be added in a revision to the nomination before it is finalized.

Motion to approve the nomination as presented.
Criteria and Level: A, local
Motion: Bollman
Second: Jackson
Vote: 8-0

A lunch break was observed from 12:00noon until 12:20p.m.

d. Gwen Frostic Studio, Benzonia Township, Benzie County
Presented by Debra Ball Johnson

Board Comments: Anderson inquired if any drawings were prepared during the renovation of the house. Johnson responded that only sketches were prepared for certain features, which do not include any of the six additions. Braynon states she was really inspired with Gwen’s story and accomplishments. She inquired of the architectural classification as Organic, wondering if that was due to the site materials that were incorporated, or if this was due to the absence of a stated architect. Braynon also asked if any of the sketching sheds remained. Johnson responded her site visit did not allow her to determine if any remains of sketching shacks exist. She continued that Organic was selected as the classification due to the way the building and its natural materials blend with the surrounding landscape.

Motion to approve the nomination as presented.
Criteria and Level: B & C, local
Motion: Braynon
Second: Jackson
Vote: 8-0

e. Bailey Grocery Buildings, Lansing, Ingham County
Presented by Cassandra Nelson

Board Comments: Jackson inquired about adding the historical photographs presented at today's meeting and incorporating them into the final nomination document. Walsh responded that as long as permission can be obtained to include historical photos, they can be added to the document. Kreger emphasized that it is so important to nominate these "pocket" commercial buildings found in historic residential neighborhoods which are so frequently altered or lost because downtown-centered commercial districts dominate. Kreger questioned the use of the term "wrap-around" to fully describe the front display windows or if another phrase should be used. Kreger inquired about the location of the stairway to access the second story of the west building. Nelson responded that there is an entry on the façade and will double check that this description is in the nomination.

Motion to approve the nomination as presented.

Criteria and Level: A & C, local

Motion: Anderson

Second: Gyure

Vote: 8-0

f. Grosse Pointe Public Library, Grosse Pointe Farms, Wayne County

Presented by Kyle Keaffaber

Board Comments: The board discussed level of significance, state vs. local. Walsh stated that he was not sure there was a state level of significance absent [Marcel] Breuer's name and that association. There is no question of its significance, but it is not clear we can contextualize it yet at the state level. Gyure inquired about the level of significance of Saint Francis Church, Breuer's other work in Michigan. Walsh responded that the church is not yet listed. Walsh recalled that SHPO had submitted a request to National Park Service (NPS) for consideration of a National Historic Landmark (NHL) designation for St. Francis, which at the time was declined. Arnold of the SHPO clarified that NPS was interested to do the NHL, but that there was difficulty securing a consultant to do the project. Kreger thanked Keaffaber for noting in the nomination text that this library was almost lost, previously.

Motion to approve the nomination as presented.

Criteria and Level: C, local

Motion: Gyure

Second: Braynon

Vote: 8-0

10. LOCAL HISTORIC DISTRICT STUDY COMMITTEE REPORTS – Amy Arnold

a. First Baptist Church, Kalamazoo, Kalamazoo County

Board comments: None.

b. Pere Marquette Potter Street Station, Saginaw, Saginaw County

Board comments: None.

11. APPEALS – Jon Stuckey, Michigan Office of the Attorney General

a. Line v. City of the Village of Clarkston Historic District Commission

Board Comments: None.

Motion made that the Michigan State Historic Review Board takes the following action with respect to the matter of, Robert and Barbara Line, Petitioner v. City of the Village of Clarkston Historic District Commission, Respondent: namely, that the Board accepts and adopts all findings of fact, conclusions of law, and the recommended decision of the Administrative Law Judge as the Board's final decision in this matter; that the Board directs the Attorney General's office to draft a Final Decision and Order reflecting the Board's decision; and that the Board authorizes the Chair of the Board to sign and issue the Final Decision and Order on behalf of the Board.

Motion: Bollman

Second: Braynon

Discussion: Bollman stated he is concerned about this appeal. He indicated that his opinion the guardrails, which may not ideal, but are okay when considering this is a new building and seems to be a reasonable appeal by the Petitioner. He continued that in his own experience in the service with other historic district commissions (HDC's) he always sought a way to approve the COA [Certificate of Appropriateness] application, recognizing that the city's interests were protected by the Standards; that the owner also had interests, and that in his role as an architect to use skill and experience as a bridge, not a fence. Now, when presenting to HDCs; cannot focus on cost or that it looks 'good,' but must look to the [Secretary of the Interior's] Standards and to their text. Bollman cited Standards 3 and 9, and noted that the HDC referred to the house's "craftsman" style, however this is not a 1910s-1920s house, but instead is a 2010s neo-craftsman house. It is not the Review Board's purview to determine matters of what constitutes 'arbitrary' or 'capricious,' that is for the Administrative Law Judge to instruct. He concluded that he was disappointed this matter could not have been settled locally.

Vote: 8-0

b. Groleau v. Detroit Historic District Commission

Board Comments: Kreger noted the Review Board members did receive the Petitioner's Exceptions to the Proposal for Decision in advance of this meeting so that information may be factored in.

Motion made that the State Historic Preservation Review Board take the following action with respect to the matter of Wayne Groleau, Petitioner, v. City of Detroit Historic District Commission, Respondent, namely: that the Board accepts and adopts all findings of fact, conclusions of law, and the recommended decision of the Administrative Law Judge as the Board's final decision in this matter; that the Board directs its Counsel to draft a Final Decision and Order reflecting the Board's decision; and that the Board authorizes the Chair of the Board to sign and issue the Final Decision and Order on behalf of the Board.

Motion: Anderson

Second: Baker

Discussion: None.

Vote: 8-0

12. DATES OF NEXT MEETING

May 21, 2021, September 24, 2021, January 28, 2022

13. ADJOURNMENT

Motion to adjourn: Anderson

Second: Braynon

Vote: 8-0

Meeting adjourned at 2:10 pm

Prepared by Nathan Nietering