

Michigan State Historic Preservation Review Board Meeting Minutes September 25, 2020

Minutes of the State Historic Preservation Review Board Meeting

Friday, September 25, 2020, 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 10:08am), Daniel Bollman, Kemba Braynon, Lane Demas, Dale Gyure, Misty Jackson, Janet Kreger, Krysta Ryzewski (arrived at 10:10am)

BOARD MEMBERS ABSENT

None.

STAFF MEMBERS PRESENT

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

Klein Allison, 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 September 25, 2020 regular board meeting

Motion: Anderson

Second: Bollman

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

3. APPROVAL OF MINUTES – JANUARY 17, 2020

Board Comments: Kreger, Bollman and Walsh sent minor revisions to be incorporated into the final minutes.

Motion to approve the minutes as corrected

Motion: Braynon

Second: Anderson

Vote: 9-0

4. MISCELLANEOUS BOARD BUSINESS

None.

5. PUBLIC COMMENT

Correspondence:

Walsh indicated the Review Board received four pieces of correspondence in support of or have no objection to various National Register of Historic Places nominations presented at this meeting.

Public Comment:

John Mulvihill – on item 9b., Lehman Investment Company, LLC v. City of the Village of Clarkston Historic District Commission:

This has been a 3 ½ year project, which began when the village of Clarkston Historic District Commission (HDC) required a Certificate of Appropriateness for demolition of a non-historic, insignificant building. The City had no process or application, and in the end they denied the Certificate of Appropriateness for demolition as it did not meet the Secretary of the Interior's Standards [for Rehabilitation]. The applicant appealed that decision and went before the Michigan Office of Administrative Hearings and Rules, where the judge issued a Proposal for Decision and found that the HDC was arbitrary and capriciousness. The State Preservation Review Board then issued an order sending the proposed project back to Clarkston Historic District Commission for Notice to Proceed [with demolition] ... [2 minutes of public comment time expired].

6. SHPO REPORT – Martha MacFarlane-Faes & Michele Wildman

Michele Wildman, Senior Vice President of Community Development at the Michigan Economic Development Corporation indicated that while former State Historic Preservation Officer Brian Conway retired in January, there are budget issues as a result of COVID and a temporary hiring freeze in place, but the Officer position is currently posted through October 4. The position has been shared broadly including on social media and on industry specific web forums.

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

- There have been many changes at SHPO, we have a new website, new Section 106 consultation forms and requirements, and online submission is available now.
- The budget is heading to the governor for signature and there are positives for MEDC, including \$15 million for Pure Michigan.

- We have two new Certified Local Government communities, Niles and Charlevoix.
- Michigan Archaeology Day for this year is on October 24 and is all-digital on the website, with a focus on technology.
- We've developed a new single-page document of SHPO program statistics.
- The Michigan Lighthouse Assistance Program awarded one grant to St. Helena Island Lighthouse for FY20.
- MISHPO is also the recipient of two additional Civil Rights Program grants from National Park Service (NPS) which grow our track record; these will fund a survey of Muskegon Civil Rights sites, and the nomination of two sites in Detroit to the National Register. In tandem with this we are concluding earlier civil rights grant projects in Detroit which will complete National Register nominations, install State Historical Markers, and complete a bike tour of sites and a survey.
- Two significant Section 106 project that are underway right now:
 - At Fort Wayne, the city of Detroit was previously subject to agreements with NPS and the General Services Administration and these federal agencies are abrogating their involvement in the site. The city will take full title to the property, unencumbered except for historic preservation easements which are now held by the SHPO. The SHPO will now be in conversation with the City as they pursue rehabilitation of the site.
 - Another complex project is the Saugatuck dunes project. Here, a private developer has acquired land on the north side of the Kalamazoo River near the mouth and wishes to develop the natural dune area and historic archaeological site of Singapore village into a housing community with a marina with fairly large boat basin. The boat basin requires a permit from the Army Corps of Engineers, which triggers Section 106 involvement. In February, MISHPO was contacted by the Gun Lake Tribe who proposes this location is a traditional cultural property (TCP) for their people and practices. The Army Corps has indicated they believe it is not eligible. SHPO and the Advisory Council for Historic Preservation do not agree with this finding and have indicated such. This TCP is different from standard National Register criteria. This unique case has been elevated up to the Keeper of the National Register in Washington for a decision of eligibility. The Gun Lake Tribe may be interested to do a TCP nomination and bring it forward to this review board in the future.

Kreger indicated that she greatly appreciates the SHPO staff's flexibility and responsiveness through the COVID-19 pandemic, this period of staff and leadership change, and during preparations for this virtual meeting.

7. NATIONAL REGISTER NOMINATIONS

a. United States Postal Service Roosevelt Park Station, Detroit, Wayne County

Presented by Rebecca Savage

Board Comments: Kreger: It was astounding what I didn't know about the postal service and delivery. In as much as Frederick Stevens acquired the building from 1948 for metal plating, which is a water and heat intensive industry, has there been any damage in the building from this time period or process? Savage responded that the building is pretty much open space and nothing remains from its postal days, but there does not appear to be any obvious damage from this activity. Zachary Bowersox from Bedrock Detroit indicated there has been some damage from external water entry due to roofing problems, but the interior is very much structurally intact. The brick has since been restored and some limited concrete repair has been undertaken. Bollman questioned the use on pg. 7 of "wood block," Savage replied that it was common in industrial flooring applications and that it is comprised of cross sections of wood which is a softer surface than concrete. Anderson indicated this seems to be an active construction site, do changes undertaken over the past 12 months or so need to be addressed? Savage indicated there is a brief section at the end of the nomination that discusses recent and emergency stabilization work that has been undertaken. Are the photos we are looking at accurate to how it currently looks today? Savage indicated most of the recent emergency work relates to the parapet being stabilized. Some windows have been removed but some are in good enough condition to remain. Kreger asked Walsh if the nomination can move forward with the understanding that the board members will see current photos before it is submitted to NPS, and language may be modified to reflect recent changes. Walsh indicated this is a reasonable course of action. Kreger noted Architecture and Engineering selected as areas of significance. Is engineering strong? Would 'government' be more important? Walsh agreed especially considering significance to postal development in Detroit.

Motion to approve the nomination pending the inclusion of current 2020 photos, removal of Engineering as an area of significance, and addition of Government as a new area of significance.

Criteria and Level: A & C, local

Motion: Demas

Second: Braynon

Vote: 9-0

Klein Allison (AG) reminded the board that any comments shared in the "chat feature" of Zoom must also be stated verbally to comply with the Open Meetings Act.

b. Haskell Manufacturing Company Building, Ludington, Mason County

Presented by Jennifer Metz

Board Comments: Kreger observed that this is another modest-appearing manufacturing building that has an astounding history that is not obvious from just the exterior.

Motion to approve the nomination as presented
Criteria and Level: A, local
Motion: Ryzewski
Second: Jackson
Vote: 9-0

c. Lakewood Farm, Park Township, Ottawa County

Presented by Valerie van Heest

Board Comments: Kreger thanked Mrs. Patti Bing, the homeowner, who attended the meeting virtually with Van Heest as she presented. Braynon stated she appreciated the care and the research put into this nomination including the detailed back story and acknowledgment of Ida Fay, the original homeowner. Kreger inquired that the period of significance actually begins in 1903 instead of 1910 to incorporate Fay's contributions to the story. Kreger also questioned the close of the Period of Significance as 1933. The park closed to the public in 1934; Getz passed away in 1938. Walsh indicated that as this nomination cited criterion B, 1938 would be preferable for its association with Getz. Kreger asked the board if they are satisfied with the remaining physical integrity of the property after many renovations have occurred. No concerns were expressed from the board. Walsh agreed that while there have been changes to the property over the past eighty years, the property if taken as a whole still retains integrity so as to make this a feasible nomination. Jackson seconded that the period of significance start in 1903 due to the known construction date and the origin of the story with original owner Ida Fay. Demas asked Walsh about the National Register's acceptance of open source citations. Walsh concurred that these well-known facts do not need to be cited from sources such as Wikipedia.

Motion to approve with the addition that the Period of Significance be modified to 1903-1938.
Criteria and Level: B & C, local
Motion: Braynon
Second: Baker
Vote: 9-0

d. American Box Board Company Headquarters and Factory, Grand Rapids, Kent County

Presented by Rachel Barnhart, MacRostie Historic Advisors

Board Comments: Kreger commented that often lost to history in Grand Rapids is the story of the dominance of packaging, which continues today in this area.

Motion to approve the nomination as presented
Criteria and Level: A, local
Motion: Baker
Second: Gyure
Vote: 9-0

e. Bingham School, Alpena, Alpena County

Presented by Grace A.M. Smith, DesignSmiths

Board Comments: Kreger noted that this building is tucked away in a residential neighborhood and you somewhat come upon it by surprise; it is a bit of a hidden gem. Kreger inquired about the future use, Smith responded that it will be converted into senior housing.

Motion to approve the nomination as presented
Criteria and Level: A & C, local
Motion: Bollman
Second: Anderson
Vote: 9-0

f. Ishpeming Main Street Historic District, Ishpeming, Marquette County

Presented by Jessica Flores, Preservation Forward

Board Comments: Kreger inquired why there were so many explosions in Ishpeming. Flores responded it may have something to do with the mining economy and clearing land for mining. Kreger asked if the US Post Office which is noted in the text is included within the boundaries of the district. Flores confirmed yes, it is within the boundary. Kreger noted on pg. 31 the discussion about the period of significance as 1870s-1960s is not in agreement with other stated dates in the document – Walsh indicated that there has been ongoing discussion of where to end it, as there are some modern movement resources which do contribute to the district which should be included. The dates will be made consistent throughout the document when decisions are made.

Motion to approve the nomination with the understanding that the period of significance will be extended into the 1960s.
Criteria and Level: A & C, local
Motion: Anderson
Second: Gyure
Vote: 9-0

g. Negaunee Downtown Historic District, Negaunee, Marquette County

Presented by Jessica Flores, Preservation Forward

Board Comments: Jackson noted on pg. 63, under Setting and Early History it is stated that no Native American tribe inhabited this area, but it should be noted that there was an Indian settlement 15-16 miles to the east, and this area would have been Chippewa territory used for hunting and gathering activities. Kreger inquired that on the front page of the nomination it is noted as criteria A and C only, but on page 61, it lists A, B and C, and these should be brought into alignment. Kreger inquired as to the reason(s) and goal(s) Negaunee and Ishpeming are interested in National Register listing. Flores responded that the City of Negaunee indicated they are interested in a possible local historic district and future Certified Local Government participation due to pressure from new development from the M-28 corridor, using a preservation and planning lens.

Motion to approve the nomination, incorporating additional information about Chippewa history and omitting any reference to criterion B.

Criteria and Level: A & C, local

Motion: Anderson

Second: Demas

Vote: 9-0

h. Wayland Downtown Historic District, Wayland, Allegan County

Presented by Jessica Flores, Preservation Forward

Board Comments: Jackson inquired on pg. 28 if there was a source for the mention of the Hopewell culture? Her guess would be that the pre-history of Allegan County goes back much earlier than this period. Walsh reminded all that the National Register primarily looks at the period of significance, not a total summation of all known history. Kreger inquired about the period of significance, as it was orally presented to be 1960 but the nomination specifies 1970. Walsh clarified that there was discussion about the period of significance end date, but 1970 is correct. Kreger indicated that a little more discussion of the history of dahlia production here would emphasize this unique crop that the town was known for would seem appropriate.

Motion to approve the nomination with the clarification of Native American history of the area

Criteria and Level: A & C, local

Motion: Braynon

Second: Jackson

Vote: 9-0

8. LOCAL HISTORIC DISTRICT STUDY COMMITTEE REPORTS – Amy Arnold
a. Higginbotham School Historic District, Detroit, Wayne County

Board comments: Kreger questioned the reference to the class of 1923 gifting the Pewabic drinking fountains to the school, but the structure wasn't built until 1926, so what school's class was this?

b. Johnson Recreation and Joe Louis Playfield Historic District, Detroit, Wayne County

Board comments: None.

c. Eastern Market Historic District, Detroit, Wayne County

Board comments: None. Arnold noted that several recent Detroit submissions have proposed a period of significance of less than 50 years which were not well substantiated. This is a new trend that warrants a future discussion with the city.

9. APPEALS – Jon Stuckey & Klein Allison, Michigan Office of the Attorney General
a. Skok v. City of Detroit Historic District Commission

Board Comments:

Baker indicated she found that Secretary of the Interior Standards 2 and 9 were cited appropriately and therefore believes the judge's opinion is correct. Bollman indicated that the summary by the Administrative Law Judge was well stated that the Local Historic District Commission is really in the best position to consider these type of changes within their own community.

Motion made that the Michigan State Historic Review Board takes the following action with respect to the matter of John Skok, 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 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: Gyure

Vote: 9-0

b. Lehman Investment Company, LLC v. City of the Village of Clarkston Historic District Commission

Board Comments:

Kreger noted that there was repeated discussion between petitioner and respondent that the petitioner was told to file for a Certificate of Appropriateness, PA 169, Section 5(1) specifically states that a Certificate of Appropriateness or Notice to Proceed is not a thing that you apply for, it is a finding after a petitioner seeks a permit for construction. The Historic District Commission (HDC) then has a finding. The first time down this path, the HDC had a difficult time reviewing the project for a Certificate of Appropriateness because the petitioner was proposing demolition and therefore a Certificate is not appropriate. When this review board saw that this was the path that the HDC chose, we stated that a Notice to Proceed was the more appropriate tool. The petitioner's claim, however, was that none of the four criteria found in PA 169, Section 5(6), that would have allowed the Commission to issue a Notice to Proceed for demolition, applied to his project. Anderson added that there was a corollary noting that PA 169 applies to *all* buildings within a local district boundary, and that contributing or non-contributing resources must meet one of the four criteria for a Commission to issue a Notice to Proceed. Bollman added that the petitioner freely admitted that any future work to this property would fall under the restrictions of the HDC. Kreger indicated she was surprised that the petitioner did not turn immediately to the Notice to Proceed to make his case that demolition would be necessary. Instead, when he applied the four Criteria, he explained that each of these came up with a "no" decision, which set the stage for the HDC's decision. Anderson added that in his personal experience in Detroit, in nearly every meeting someone brings forward a reference to PA 169 and it provides a framework for these decisions to be made, and there are times where buildings do come down. Kreger noted that the channel for bringing a building down is the Notice to Proceed and the petitioner did not pursue that.

Motion made that the State Historic Preservation Review Board take the following action with respect to the matter of Lehman Investment Company LLC, 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 its Counsel to draft a Final Decision and Order reflecting the Board's decision; and that the Board authorizes the President of the Board to sign and issue the Final Decision and Order on behalf of the Board.

Motion: Anderson

Second: Baker

Discussion: Stuckey clarified that there are no changes of the conclusions of law and the board wishes to fully adopt ALJ decision. Yes, the board is agreed.

Vote: 9-0

Kreger offered her compliments to the board for working through hundreds of pages of text for the two appeal cases and looks forward to an electronic means of transmission in the future.

10. DATE OF NEXT MEETING

January 29, 2021

11. ADJOURNMENT

Motion to adjourn: Anderson

Second: Braynon

Vote: 9-0

Meeting adjourned at 1:52 pm

Prepared by Nathan Nietering