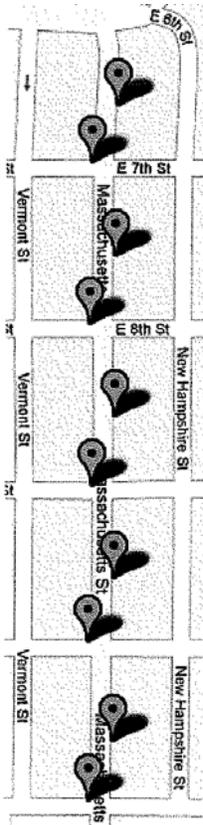

LAWRENCE HISTORIC RESOURCES COMMISSION
ITEM NO. 9: DR-3-20-09
STAFF REPORT

A. SUMMARY

DR-3-20-09 Massachusetts Street; Communication Antennas/Freenet Downtown; Certified Local Government Review and Certificate of Appropriateness Review. The area is listed in the Lawrence Downtown Historic District, National Register of Historic Places. The property is in the environs of Miller's Hall (723-725 Massachusetts), the Hanna Building (933 Massachusetts), South Park (1140-1141 Massachusetts), Lawrence Register of Historic Places, the House Building (729 Massachusetts), Shalor Eldridge Residence (945 Rhode Island), Register of Historic Kansas Places, the United States Post Office (645 New Hampshire), the Eldridge Hotel (701 Massachusetts), the Carnegie Library (200 W. 9th), the Lucy Hobbs Taylor House (809 Vermont), Plymouth Congregational Church (925 Vermont), Watkins Bank (1047 Massachusetts), the Douglas County Courthouse (1100 Massachusetts), the English Lutheran Church (1040 New Hampshire), the Oread Historic District, and the North Rhode Island Historic District, National Register of Historic Places. Submitted by Lawrence Freenet for the City of Lawrence, the property owner of record.

B. PROJECT DESCRIPTION

The applicant is requesting to install 10 antennas and associated electronic enclosures on the light poles located on Massachusetts Street (See map).



C. STANDARD FOR REVIEW

For Certified Local Government Review of projects involving listed properties, the Historic Resources Commission has typically used the Secretary of the Interior's Standards to evaluate the proposed project. Therefore, the following standards apply to the proposed project:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.*

For Certificate of Appropriateness Review, Section 22-505 of the Code of the City of Lawrence indicates that the least stringent standard of evaluation be applied to properties within the environs of listed properties:

4. The least stringent evaluation is applied to noncontributory properties and the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness shall be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district. If the Commission denies a certificate of appropriateness in this category, and the owner(s) appeals to the City Commission, the burden to affirm the denial shall be upon the commission, the City or other interested persons.

For projects requiring a Certificate of Appropriateness, the Historic Resources Commission must use the general standards and design criteria listed in Section 22-505 of the Code of the City of Lawrence. Therefore, the following standards apply to the proposed project:

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;

4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity;

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conceptual designs or the availability of different architectural elements from other buildings or structures;

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken;

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, and project;

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.

D. STAFF ANALYSIS

Lawrence Freenet is proposing to install ten antennas in Lawrence's Downtown Historic District on the light poles located on Massachusetts Street. According to the Lawrence Freenet website,

The Lawrence Freenet Project is one of the first municipal wireless broadband projects in the Midwest. The goal of the project is to build a community in which everyone can access the internet, anywhere, anytime, free of charge.

To work toward this goal, the organization has initially focused on providing free access to low income families. The organization is now working to expand this service to include every child in Lawrence. By making this important educational resource available to children everywhere, Freenet hopes to benefit the entire community.

Lawrence Freenet, Inc. is a 501c(4) not-for-profit company that works with city government, service providers and members of the community to further the project's mission. The not-for-profit is governed by a board of directors consisting of members of the community that are interested in making the Internet available to everyone, everywhere, regardless of income. Freenet's service is provided by [Community Wireless Communications Co.](#), a for-profit company established specifically to develop the technologies and business practices necessary to run a sustainable municipal WiFi network.

Over time it is the goal of Lawrence Freenet to expand its service to provide broadband wireless to rural and urban communities across the Midwest.

The applicant is proposing to place communications antenna and associated electrical boxes on ten light poles in Lawrence's Downtown Historic District. The installations will make use of the existing light poles and electrical systems. The applicant has chosen the placement on the poles for maximum benefit of the system while attempting to minimize the impact of the installation on the listed property.

The Historic Resources Commission has approved the installation of communications antennas on the roofs of structures within the environs of listed properties. These reviews found that while there may be a line of sight from the listed property, the antennas have minimal impact on the environs of the listed properties. In addition, the antennas can be removed in the future with no damage to the environs of the listed properties. The HRC has also approved the requested type of antenna and associated electrical on properties located in the environs of listed properties.

Currently, there are no private communications antennas in the public right of way in the downtown area. However, as changes in the use of structures and cultural areas occur, some alterations to the area are important to the overall viability of the area. Alterations should require minimal change to the environment. The installation of the antenna and associated boxes will not destroy any significant historic material. Although the installation will alter the character of the district, they could be removed at a future date without impairing the essential form and integrity of the property, the environs, or the environs of other listed properties.

Historically, "sky" lines (telegraph, electrical, telephone) were installed above ground in the public air space. As additional companies and lines were needed, they were added because they were deemed important to the overall viability of the area. Eventually, the number of lines became so intrusive to the area that they were often referred to as "black skies." The majority of lines are now located underground in most downtown areas.

Staff has concerns about the proposed project because it will add additional non-historic visual clutter that may impact the overall character of the district. An installation at each intersection of the downtown area will create a visual pattern. This pattern will grow in dominance if the applicant adds additional installations as proposed for total downtown coverage of the program. In addition, Staff has concerns about the lack of guidelines for the installation of private communications equipment in the public right of way in Lawrence's Downtown Historic District. In the past, the HRC has requested that the City Commission defer issuance of license/permits/agreements until guidelines that protect the historic character of the downtown area can be developed. While one installation of ten antennas and associated electrical boxes may meet the intent of the Secretary of the Interior's Guidelines, Chapter 22 of the Historic Resources Code of the City of Lawrence, and the *Downtown Design Guidelines*, multiple installations by different companies may dominate the overall character of the downtown air space and significantly damage the listed property. The Lawrence City Commission approved of this particular concept and has referred it to the HRC for review.

According to the applicant, the current application is different from the February 2006 application.

As for the power requirements, our units consume 7 Watts of continuous power. This is roughly ½ the energy consumption of a Compact Florescent Light-bulb. We have had more than 550 of these units in operation for over the past two years and have a perfect safety record. Our units have survived direct lightning strikes, tree branch strikes, 90+ MPH winds, power surges, car accidents and other significant traumas without incident.

There are several significant differences between our proposed installation and the one that we abandoned two years ago (which is attached for your convenience).

1. We no longer require the installation of an 18" square enclosure for battery power.
2. We no longer require the installation of a side arm on the pole.
3. We no longer require any internal wiring at the site.
4. We no longer require a separate antenna, mount, cable, etc.

Basically the proposed installation is simple. We strap the provided unit to the pole and plug it in. The units are low profile, especially when they are attached 30' up and they are capable of providing service to the thousands of Lawrence residents who choose to use the service in the downtown area.

The National Park Service has issued information bulletins on the location of antenna in and on historic properties. All of this information indicates that equipment should be obscured from view and integrated into existing fabric so as to be stealth. The applicant has made some progress in the reduction of the overall size and electrical equipment needed to place units in the Downtown District. Commissioner Amyx requested that the units be painted the same color as the light poles so as to better blend in with the fixtures. Staff applauds this effort, but hopes the applicant will continue to try and make the units less visible. Many historic districts have achieved antenna introduction into the district by having the units concealed in signage, etc.

Staff is of the opinion that this one time application of the installation of the antenna and associated boxes will not destroy any significant historic material. Although the installation will alter the character of the district, they could be removed at a future date without impairing the essential form and integrity of the property, the environs, or the environs of other listed properties. Staff does recommend, however, that the application be reviewed periodically to determine if there is new equipment available that would be less intrusive into the Downtown Historic District. In addition, staff is of the opinion that additional units should not be added without specific guidelines for the installation of antenna in the Downtown District.

D. STAFF RECOMMENDATION

Staff recommends the Commission approve, with the following conditions, the proposed project and make the determination that the proposed project does not encroach upon, damage or destroy listed historic properties and their environs in accordance with the Secretary of the Interior's Standards, Chapter 22 the Historic Resources Code of the City of Lawrence, the standard of evaluation, and the *Downtown Design Guidelines*.

1. This recommendation is given with the understanding that the City Commission must approve any associated permits, licenses or agreements. Approval of this request by staff or the HRC does not guarantee the City Commission will approve the associated permits, licenses or agreements.
2. This approval is only for the ten units and the precise location identified in the map supplied by the applicant.
3. The units should be painted the color of the pole onto which they are attached to make them less noticeable.
4. The applicant will continue to evaluate new equipment that may be less intrusive into the Downtown Historic District.
5. Any changes to the approved project will be submitted to the Historic Resources Commission prior to the commencement of any related work.