

**Minutes of the
New Bern Historic Preservation Commission
April 15, 2009**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, April 15, 2009, in the Planning Conference Room, 3rd Floor, 248 Craven Street.

Members Present: Diane Filipowicz, Chair
Peter Adolph, Vice-chair
Richard Parsons
Bradley Cummins
Jay Heck
Jack Morton, Jr.
Rich Frye

Members Excused/Absent: Karen Britton, Sadaf Hassan

Staff Present: Annette Stone, AICP, City Planner
Lorraine DiBella, Administrative Assistant

The meeting was opened and roll call was taken. A quorum was present. Reading of the March 18, 2009 minutes was waived with motion by Commissioner Adolph, second by Commissioner Heck and unanimous vote of Commission. Minutes were approved with motion by Commissioner Adolph, second by Commissioner Heck and unanimous vote of Commission. Chairwoman Filipowicz discussed the function and qualifications of the Historic Preservation Commission and its members. Witnesses were sworn in.

Witnesses Sworn: Annette Stone, Charles Francis, David and Marjorie Preis, Gerry Lancto, Laura Lindsey, Marty Ingianni, Anthony Veneziano, Debra Mullinix, Mora Garrity, Eddie Holloway, Richard Hoff and others

New Business

1. Consider COA for 406 Dunn Street, owned by Craven Partners, LLC, for window replacement.

Staff Comments: Staff Ms. Stone presented a video of the subject property and detailed the application. Because the subject property is one of several homes the applicants are renovating and this application is one of several previously submitted, Ms. Stone chronicled the history of applicant(s) work at the Dunn Street addresses. Mrs. Stone said the applicants, in good faith, put one over one (1/1) wooden windows in the first structure (402 Dunn). However, the predominant window style in these series of houses is a single pane two over two (2/2). The applicants were allowed to keep the windows with modifications. The applicants were advised at that time, this was a one-time approval and the rest of the houses must comply with the Commissions standards. In the second renovation (404 Dunn), the applicants and reused the existing windows. In the current application (406 Dunn), applicants are requesting to again install 1/1 windows or as an alternative, install 1/1 and alter with the grills and divider as before to create the appearance of a 2/2 window.

Applicant's Comments: Gerry Lancto, principle of Craven Partner, LLC, stated she remembered

things differently and believes they were denied their request in the last application.

Clarification was made by Ms. Stone who cited the minutes and said the application for a porch and replacement windows at 404 were approved on the condition the replacement windows be 2 over 2 wood windows. Ms. Lancto maintains that the condition is a denial of the application.

Continuing, Lancto said the very costly work done to the houses on Dunn Street had essentially cleaned up a drug alley. She said she has secured a neighborhood petition in support of the improvements and a letter from John Wood at the state preservation office in Raleigh who said the windows “might” have been 2/2. Mrs. Lancto said they have done a lot of research to try and determine what type of windows were there originally and no one has offered evidence to her satisfaction that the original windows were 2/2. She recounted her recollection of the events and said she feels she had been treated unfairly by Ms. Stone. Mrs. Lancto said she believes the mandate of the HPC is to determine appropriate changes that will not “severely alter the character of a building site.” She does not believe that a 2/2 window constitutes a severe alteration when they are prevalent all over the neighborhood. The 2/2 window is less costly and things are getting tight in this economy.

Public Comments: Anthony Veneziano, 512 National Avenue, testified in his opinion that the renovations at the subject property were much-needed improvements to a part of town he “would hesitate to visit” prior. He offered that much in-harmony exists in the historic downtown so far as different types of architecture and window sizes. He said the guidelines should be just that, guidelines and not set in stone. Accommodations should be made for projects such as this increases tax revenues in this trying economy.

Margie and David Preis, 1203 National Avenue, stated their home was built in 1894 and had many different styles of windows. They asked the guidelines be cited that specified the 1/1 windows as being inappropriate.

Ms. Stone responded, citing the Historic District Guidelines, Windows and Doors guideline 4,

Replace windows and doors in-kind only when these building components are too deteriorated to repair. Match the original in terms of dimension, configuration, material, size, detail, location, and style.

David Preis offered that in consideration of the improvements being made to this sad neighborhood, some flexibility should be allowed “as long as it is not jeopardizing the whole area.”

Laura Lindsey, co-principle of Craven Partner, LLC, stated the applicants felt pressured by the Commission to add the large porch to the front of 402 when in fact she is sure the original porch was half that size. They were flexible, she said, and she feels the same flexibility should be awarded them now.

Marty Ingianni, 210 New Street, spoke and added his support of the Dunn Street work.

1 **Discussion by the Commission:** Commissioner Heck stated the Commission determined the
2 window configuration using the most logical, educated estimation. He said he is disturbed that
3 the applicants are calling into question the motives of the Commission and City staff.
4

5 Ms. Stone stated the house is listed in the *National Register of Historic Places*, Sec 7, Pg 7.42,
6 which reads:
7

8 “O.A. Kafer Rental House – 406 Dunn St; ca. 1913....two-story, triple-pile, frame,
9 side-hall-plan house built as a rental property....A standing seam tin front gable roof
10 with returns covers the house, which has a three-bay facade and a one-story rear ell
11 with interior corner porch. Windows are two over two sash, and chimneys rise in
12 interior locations. The façade is sheltered by a one-story porch with Tuscan columns
13 on brick piers.....”
14

15 Commissioner Parsons asked for a re-cap of the work done at each house. Mrs. Lancto went back
16 through it, adding that they had been very unhappy with the window restoration at 404. She said
17 each of the houses is different with different porches and footprints and should thusly be
18 considered separately. She said she does not believe that any of the windows in any of the houses
19 are the originals; the previous owner just put in whatever window he could find; the houses were
20 ready for condemnation when applicant(s) began this work. Arguments continued by Anthony
21 Veneziano for the use of glued-on window parts as used at the 402 Dunn Street house (the one-
22 time exception).
23

24 Chair Filipowicz said she is confident in the Commission’s finding that the 2/2 window is
25 appropriate; she is convinced that changing the size of the sash on these houses is an
26 unacceptable compromise. Where a structure has a mix of window sizes, the 2/2 is considered
27 the older, she said. If this application is approved, the Commission will set a precedent in
28 opposition to the guidelines and this improper use could become rampant in the historic district.
29

30 Staff Ms. Stone said she is entirely agreeable to having John Wood come down and offer his
31 professional assessment of the window situation in Riverside.
32

33 **Motion:** Commissioner Parsons moved to find the application incongruous with the Historic
34 Preservation Guidelines, citing “Windows and Doors”, pages 20-23, Guidelines 4.
35 Commissioner Frye seconded. The Commission voted unanimously in favor of the motion.
36

37 **Statements of Reason:** 1) Project impacts all areas of visual concern. 2) The replacement
38 window proposed is a wood one over one thermal pane; a two over two window is appropriate.
39

40 **Discussion on the Motion:** None
41

42 **2. Consider COA for 615 New Street, owned by Debra and Marvin Mullinix, for**
43 **replacement of front door.**
44

45 **Staff Comments:** Staff Ms. Stone presented a video of the subject property, a contributing
46 structure, and detailed the application. She said owners Debra and Marvin Mullinix are
47 requesting to replace a historic front door which is in disrepair. The owner/applicant is

48 requesting to replace the door with a new three quarter lead glass door. Similar doors are found
49 in the district. Photos of similar doors were examined. If replaced, Ms. Stone would ask that the
50 door be donated to the Preservation Foundation.

51
52 **Applicant's Comments:** Debra Mullinix testified their contractor (George Zaytoun) had first
53 thought the door could be repaired but it is too far gone to repair. The door is warped, drafty and
54 difficult to lock at times. Mrs. Mullinix presented a catalog and pointed out the door they are
55 considering. Side lights will also be replaced. The transom will remain. She does not want a
56 cheap door.

57
58 **Public Comments:** None

59
60 **Discussion by the Commission:** Chair Filipowicz said the door makes such a strong statement,
61 she would hate to see it go. Commissioner Parsons said preservation is not about beautification
62 or enhancement; it is elements like this door that make New Bern great. Economics should not
63 come into play. Every scrap of historic fabric is precious and irreplaceable to the personality and
64 historic character of the City, he said.

65
66 **Motion:** Commissioner Cummins moved to find the application incongruous with the Historic
67 Preservation Guidelines, citing "Windows and Doors", pages 20-23, Guidelines 4.
68 Commissioner Parsons seconded. The Commission voted 6 yea, 1 nay (Morton) and the motion
69 passed.

70
71 **Statements of Reason:** 1) Project impacts an area of visual concern. 2) The replacement door
72 is incongruous in the historic district.

73
74 **Discussion on the Motion:** Applicants options were discussed, including choosing a
75 replacement wood door that is congruous, re-applying and addressing the side lights in the future
76 application. Replacement in kind was explained to the applicant who was advised she could
77 bring an identical replacement door to staff for approval.

78
79 **3. Consider COA for 212 Middle Street, owned by Eddie Holloway, for replacement of**
80 **sliding door.**

81
82 **Staff Comments:** Staff Ms. Stone discussed the application and said applicant/owner Eddie
83 Holloway is seeking permission to replace a sliding glass door in his mother's condo unit. The
84 condo complex is a non-contributing multi-family structure built in early 1990. Many of the
85 sliding glass doors on the front of the structure have deteriorated due to exposure to the weather
86 and lack of maintenance.

87
88 New Construction guidelines will apply in this application. This application will set precedence
89 for a replacement door that should be used by the individual owners as repairs are made.

90
91 **Applicant's Comments:** Eddie Holloway spoke briefly reiterating Ms. Stone's comments.

92
93 **Public Comments:** Steve Wynn discussed his efforts to find an identical door. The doors will
94 not be replaced all at one time, but replacement staggered depending on urgency created by

95 wear. He testified that the door is no longer being made and even if it were, it is an inferior
96 product that no one would choose to use again.

97
98 Mora Garrity, speaking on behalf of the HOA, said a telephone conference call was held between
99 a number of the homeowners, and it was generally agreed that whatever door is approved will be
100 adopted by HOA as the standard. If an exact replica cannot be found, they will strive to find a
101 door that will make the best transaction. The HOA Board will incorporate the door into the
102 condo's restrictive covenants. Each individual unit owner is responsible for door and window
103 replacement.

104
105 **Discussion by the Commission:** The configuration of the current sliding doors was discussed.
106 Chair Filipowicz said it is important that the City records contain all the specs, cut sheets, on
107 whatever door is chosen. Commissioner Parsons asked to add for the record the fact that different
108 standards apply in this application and the Dunn window application heard earlier. It was noted
109 that the grills are only on the inside. The effect of exterior grills was initially accomplished by
110 "stick-ons" but these have long since peeled away.

111
112 **Findings of Fact:** Commissioner Parsons moved to find the application congruous with the
113 Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required;
114 Section 15-429 Review Criteria, citing the following guidelines: "New Construction, pages 44-
115 49.1, Guidelines 1, 2, 3 and 4. Commissioner Adolph seconded.

116
117 **Statements of Reason:** 1) Project impacts a primary area of visual concern. 2) The
118 replacement sliding door will match the existing in terms of size and configuration.

119
120 **Discussion on the Motion:** Conditions were discussed. Once this application is approved, staff
121 will be able approve future minor applications.

122
123 **Condition(s):** The approved replacement sliding door is a Pella Architect 850 series or like
124 with interior grills and 18 lights, subject to approval by City staff.

125
126 **Motion** was made by Commissioner Parsons, with second by Commissioner Morton and
127 unanimous vote of the Commission, to issue a Certificate of Appropriateness for 212 Middle
128 Street.

129
130 **4. Consider COA for 210 Hancock Street, owned by Richard Hoff, for addition of**
131 **dormers.**

132
133 **Staff Comments:** Staff Ms. Stone discussed the application and referenced old photographs.
134 Applicant Richard Hoff is asking to recreate dormers on the front and rear of the structure. He
135 has supplied historic documentation that dormers once existed on this contributing structure and
136 is now requesting to recreate the dormers based on the ghost marks and using photos to replicate
137 proportions.

138
139 **Applicant's Comments:** Richard Hoff spoke briefly on the application, detailed the history of
140 the structure ("Benjamin Smith House") and discussed the windows. He believes the shiplap
141 parallel to the slope of the roof is most historically accurate siding treatment for the dormers.

142
143 **Public Comments:** None

144
145 **Discussion by the Commission:** Windows were discussed with speculation on the exact
146 construction of the previous dormers. Commissioner Parsons stated research he and Peter
147 Sandbeck saw revealed a relatively equal mix of shingles and wood siding with historic dormers
148 being more prevalent in New Bern.

149
150 **Findings of Fact:** Commissioner Parsons moved to find the application congruous with the
151 Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required;
152 Section 15-429 Review Criteria, citing the following guidelines: "Roofs", pages 13-15,
153 Guideline 1. Commissioner Morton seconded.

154
155 **Statements of Reason:** 1) The project impacts primary and secondary areas of visual concern.
156 2) There is photo documentation that there were dormers on the structure at one time on the front
157 and rear. 3) The reconstructed dormers will match the original in size and location as close as
158 possible based on photo history and ghost marks. 4) Materials for the dormers will match the
159 house. 5) Windows in dormers will be 6 over 6 wood.

160
161 **Discussion on the Motion:** None

162
163 **Condition(s):** "The sides of the dormer shall be wooden shingles, or shiplap running parallel to
164 the slope of the roof, or over-lapping siding running parallel to the sloop of the roof."

165
166 **Motion** was made by Commissioner Parsons, with second by Commissioner Cummins and
167 unanimous vote of the Commission, to issue a Certificate of Appropriateness for 210 Hancock
168 Street.

169
170 **5. Consider COA for 418 New Street, owned by First Presbyterian Church, for**
171 **demolition of the former Production Credit Association structure located on the NE**
172 **corner of the intersection of New and Hancock Street, the Christian Education**
173 **Building, and the rear vestibule of the Church.**

174
175 Chair Filipowicz rescued herself due to a conflict of interest (her firm represents the applicant.)

176
177 **Staff Comments:** Staff Ms. Stone described the application which is for demolition of several
178 buildings on the First Presbyterian Church campus. This application is the first part of an over-
179 all building program by the Church which will eventually include new Church offices and
180 education center, new vestibule and covered walkway connecting to the sanctuary, and new
181 landscaping, drives and parking.

182
183 When the project was in design review in January, the subject buildings were identified as non-
184 contributing, however, it has since been realized that because the structures are over 50 years,
185 they are subject to the Commission's review utilizing the demolition and redevelopment criteria
186 established as part of the City's local bill and ordinance.

188 Ms. Stone distributed worksheets and Commissioners were asked to score, then discuss each of
189 the three proposed-for-demo structures based on the newly adopted preservation standards for
190 evaluating demolition of contributing structures: Architectural Integrity, Architectural Style,
191 Cultural Significance, and Structural Integrity. The intricacies of each topic were discussed. The
192 Commission was advised that each Commissioner should vote according to their scoring; a total
193 of four points equates to a denial to demolish. Commissioner Parsons offered caution that
194 everyone should be clear on how to apply the standards as tonight's first use of this scoring
195 system would set a precedent and every effort should be made to assure that the standards are
196 applied consistently beginning tonight and in all future applications.

197
198 **Public Comments:** None

199
200 **Applicants Comments included with Discussion by the Commission:**

201
202 In the case of each structure, Mr. Charles Francis, plan architect, addressed the points of criteria
203 on which the Commission deliberated. Mr. Francis was able to recount much of the history of
204 each structure.

205
206 It was noted that the 418 New Street structure was built in 1958 and an addition made in 1974.
207 Following discussion, the request for demolition of the former Production Credit Association
208 structure at 418 New Street was approved 6-0.

209
210 It was noted that a portico was added to the 1950 Sunday School Building sometime in the last
211 15 years. Ms. Stone said oddly, there is no reference to this building in the National Register.
212 Mr. Francis stated he is somewhat concerned that the demolition criteria does not take family
213 safety into consideration as the walls of this building are bowing out. Following discussion, the
214 demolition for the 1950 Sunday School Building was approved 6-0.

215
216 The 1895 rear vestibule of the Church was discussed including its functionality failure and plans
217 for its replacement. Following brief discussion, the demolition for the vestibule was approved 6-
218 0.

219
220 It was noted that the COAs for demolition are not issued until such time as the Commission has
221 reviewed and approved the re-use plan. The tally worksheets were collected from each
222 Commissioner and will become a part of the City's file for the work at 418 New Street.

223
224 There being no further business the meeting was adjourned.

225
226
227
228 _____
229 Diane Filipowicz, Chair

225
226
227
228 _____
229 Annette Stone, AICP
Commission Administrator