

**Minutes of the
New Bern Historic Preservation Commission
May 16, 2007**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, May 16, 2007, in the Second Floor City Hall Courtroom, 300 Pollock Street.

Members Present: Dr. Joseph Klotz, Chairman
Mrs. Sarah Afflerbach, Vice Chair
Ms. Diane Filipowicz
Mrs. Sadaf Hassan
Mr. David Lancto
Mrs. Elisabeth Wilkinson
Mr. Jack Morton, Jr.

Members Excused: Mr. Marvin Mullinix, Jr.

Members Absent: Mr. Robert Gardner

Staff Present: Mrs. Annette Stone, AICP, City Planner
Mrs. Leigh Anne Friesen, AICP, Planner

The meeting was opened and roll call was taken. A quorum was reached. Vice-chair Afflerbach briefly discussed the function and qualifications of the Historic Preservation Commission and its members. Witnesses were sworn in.

Witnesses Sworn: David Charagis, Nancy Perlman, Katherine Adolph, Martha and Jim Ross, Jane Dagnon, Jerry Hobbins, David Preis, Sandra Rawlings, Jeannie Collison, Ellen Norman, Eddie Coleman, Paul Switzer, Geraldine Lancto, Mindi Faraci, Thurman Hardison, Alfred Barfield, Harry Turen, Terry Startzman, and others.
, and others.

The Commission reviewed the minutes from the April 18th meeting. Ms. Filipowicz asked that the word “seconded” be added to the motion to deny the amendment of the COA for 312 Avenue D. Mr. Morton moved to approve the minutes as amended with a second by Mrs. Hassan. The motion passed unanimously.

Old Business:

- 1. Consider COA for 314 Avenue B, owned by Stella Madison Properties, LLC, for demolition of a contributing structure.**

Staff Comments: Staff Mrs. Stone noted that neither the property owner nor a representative is in the audience. She gave an overview of the application to the Commission. The applicant was not present at the April HPC meeting, therefore, this application was tabled. The applicant owns

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several contributing structures in Riverside (316 Avenue B, 314 Avenue B, 1306 North Pasteur St, & 1118 North Craven St). He is requesting to demolish the house at 314 Avenue B due to excessive termite and other structural damage. He has included photo-evidence of the damage as an addendum to his application, and planned to bring a video of the same to the meeting. Staff Mrs. Stone reminded the Commission that due to the current ordinances, they can only delay the demolition for 365 days, and add reasonable conditions per those listed in staff recommendations. The contributing structure was built c. 1925.

Applicant's Comments: NONE

Public Comments: *David Preis*, 1203 National Avenue, opposed to the demolition and believes it should be denied. He believes such demolitions will affect the integrity of the Historic District. *Jerry Hobbins*, 229 New Street, said he has seen the house, and from the outside it looks like it's in great shape, though acknowledged you can't judge a book by its cover. Inquired as to the owners' ability to rebuild if they do demolish the house if the lot is non-conforming. *Jim Ross*, 216 Johnson Street, asked that the property's eligibility to be demolished not be grandfathered in reference to House Bill 303. *Nancy Perlman*, 1304 National Avenue, noted that this property is an important house to Riverside and is a twin house to another built by the same person. Said the property plays a part in the existing demographic of both larger and smaller houses in the District. Doesn't believe the house is too far gone to preserve, as she's seen worse. *Terry Startzman*, 212 Change Street, wanted to clarify the exact start date of the 160 window to rebuild on a non-conforming lot and Staff's recommendation for conditions on the property's demolition COA. *Paul Switzer*, 417 Metcalf Street, is against the demolition. Said it is difficult to engage the applicant about alternatives when a representative doesn't come to the meeting. Said that the HPC can do a lot to work with the applicant on alternatives. Approved of Staff recommendations. Asked the HPC to suggest that the applicant withdraw the application.

Discussion by the Commission: Discussion included issues such as the Commission's strong opposition to the demolition, and the difficulty of making any determination on the application without the applicant or a representative present.

Findings of Fact: Commissioner Morton moved to approve the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Demolition of Buildings", page 71 – 72, guideline(s)#1 – 5.

Commissioner Lancto seconded. Motion carried.

Statements of Reason: (1) Structure proposed to be demolished is a contributing one-story, triple-pile, frame, bungalow structure, c. 1925, and (2) Demolition is an irreversible action that results in the permanent loss of the very resources that contribute to the Historic District's sense of integrity and character.

Condition(s): (1) The Commission delays the demolition for the maximum time allowed by

state law: 365 days; (2) HPC Chairman convenes a meeting within 10 days to include the property owner, City staff, New Bern Preservation Foundation appointees, and other necessary participants. The group will explore viable alternatives to demolition, and present a report to the HPC at the next regular meeting; (3) No permits shall be issued for the demolition of the existing structure until a redevelopment plan has received all city approvals including building permits for any new construction; and the Commission strongly urges the applicant to consider withdrawing the application.

Motion: Commissioner Afflerbach moved to issue the COA, with a second by Commissioner Wilkinson. The motion passed unanimously.

New Business

1. Consider COA for 402 Dunn Street, owned by Craven Partners, LLC, for addition of a side stoop.

Staff Comments: Staff Mrs. Stone gave a description of the project and showed the application on the document camera. This applicant appeared at the May design review to discuss this project. The drawings indicate a side stoop and rear patio area. The rear landscaping will be reviewed at staff level. The Commission members present at design review suggested the applicant bring photo of the existing structure, requested pickets in the railings, and recommended a small roof to cover the stoop. She noted that the Staff recommendations include asking the applicant to consider an overhanging roof above the proposed stoop as it is a more commonly seen combination in the Districts. This house is contributing to the District, c. 1912.

At the end of the meeting, Staff Mrs. Stone again reviewed the issue of the replacement windows at 402 Dunn Street. She noted that she had indeed researched the availability of simulated divided light windows from local manufacturers, and found that they are obtainable at a reasonable price.

Applicant's Comments: Regarding the proposed stoop, Harry Turen, a member of Craven Partners, LLC, presented the front and side elevation of the proposed stoop. He confirmed the steps are to be wood. Regarding the replacement windows, Geraldine Lancto noted that they have determined how to affix the window mullion and completed a prototype of the desired window application. She said when they tried to remove it once complete they broke the glass trying to get it off. Mrs. Lancto read from a letter that Staff Mrs. Stone wrote at her request explaining that the Commission was deciding the matter because Staff did not think the proposed application was appropriate. Mrs. Lancto disagrees with Staff, and submitted photo evidence of the "before" and "after" window shots for the Commission to review. She also expressed concern that they would not be able to receive an Electrical Permit from the Inspections Department until this issue is resolved.

Public Comments: No public comments were made regarding the stoop. Regarding the replacement windows, *Alfred Barfield*, 1105 North Pasteur Street, is in support of the project to improve these houses, and noted that there are similar windows being made.

Discussion by the Commission: Commissioner Lancto recused himself from the discussion and voting. Topics included the helpfulness of the photos submitted, the importance of matching the design of the side stoop to the front porch, the style of the stoop steps, the closeness of the proposed design to that of the photos submitted, and the preference by the Commission of the first photo's stoop design versus the second.

Regarding the replacement windows issue, Commissioner Wilkinson was asked to recuse herself due to having had a one-on-one conversation with the applicant regarding the windows, which is a violation of Section 4.6 of the Commission's Rules of Procedure: "Impartiality Required". The Commission then discussed topics such as the need to see this application prototype, whether or not the mullion can qualify as three-dimensional, the definition of "false muntin or window grill", the availability of simulated divided light windows, whether or not guidelines can be satisfied with the current application proposed, the assurance of longevity of the application, the need for a wider mullion, the possibility of several Commission members making an on-site evaluation of the proposed application, and the importance of noting that the rationale for a decision to accept this application is to bring non-compliant windows into compliance.

Findings of Fact: Commissioner Filipowicz moved to approve the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Exterior Entrances and Porches", pages 27 – 29, guideline(s)#1 – 2, 4 – 6, 10 -12, 14.

Commissioner Afflerbach seconded. During the discussion, the lattice materials were questioned, and determined to be wood. Motion carried unanimously.

Statements of Reason: (1) Project impacts a secondary AVC; and (2) Materials include brick base; wooden handrails, stoop, and wooden stairs, all which are appropriate to the house and District.

Condition(s): Stoop lattice material will be wood and matched in design to that of the front porch.

Motion: Commissioner Morton moved to issue the COA, with a second by Commissioner Hassan. The motion passed unanimously.

Finally, regarding the replacement window issue, the Commission agreed to let Commissioners Afflerbach and Filipowicz make a visual inspection and recommendation on the windows to Staff who would administer the decision. Staff Mrs. Stone also agreed to authorize the Inspections Department to issue a temporary electrical permit until the window issue is finally resolved.

2. 714 Broad Street (former JimBob's site), owned by Toshikazu Hiroi, for change of roofing material and addition of driveway entrance pillar.

Staff Comments: Staff Mrs. Stone noted that the applicant could not be at the meeting because he works in the evening. For maintenance purposes, the applicant would like to change his wood-shingled roof to metal. In addition, he had already added a pair of entrance pillars to prevent unauthorized vehicles. He has included these in the application as well. The structure is non-contributing to the District. Because it was a fairly straight-forward application, Staff requests that the Commission review it in his absence.

Applicant's Comments: Not present.

Public Comments: NONE

Discussion by the Commission: Topics included the difficulty of reviewing any project without the applicant or a representative available, the inability to mandate the presence of an applicant based on the ordinance, and a desire to deny the application because no one is present to represent the application.

No action was taken on this application.

3. Consider COA for 304 South Front Street, owned by UHF Development Group, for new construction of a mixed-use building.

Staff Comments: Staff Mrs. Stone used the document camera to read over the application submitted, along with a description and pictures. The applicant presented to those Commission members present at the February Design Review, as a follow up to their January Design Review presentation, making changes to respond to the Commission's comments. The project is a mixed use structure commercial on the first floor with four (4) floors of residential. The fifth floor is stepped back in order to reduce the appearance of the mass of the structure.

Applicant's Comments: Owner Ed Coleman noted that they will return to the Commission as necessary to refine the project. He is excited about the building and is hoping for concept approval to continue the planning stages.

Public Comments: *Jerry Hobbins*, 229 New Street, believes the building is well-designed for its mass. He thinks it is a nice balance to the New Orleans-style porch being discussed for the other end of the block. He inquired if parking at this building will be an issue.

Discussion by the Commission: Topics included the planned brick color, the lack of an ADA-compliant entrance at the front of the building, the necessary order of application approvals by the City, the significance of entrances, the reasoning for a raised entrance, the location of an accessible entrance, building height, and a recommendation for the future to send big projects to Building Inspections and Departmental Review before HPC review.

Findings of Fact: Commissioner Lancto moved to approve the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required;

Section 15-429 Review Criteria, citing the following guidelines: “New Construction”, pages 44-49.2: “Placement”, page 44-45 guideline(s)#1 – 4, 6; “Building Height and Scale”, guideline(s)#1 – 4; “Materials” (amended), pages 46-47 guideline(s)#1 – 5; “Details”, pages 47-48 guideline(s)#1 – 6; “Texture”, pages 48 guideline(s)#1 – 2; “Form and Rhythm”, pp. 48-49, guideline(s)#1 – 4; “Mixed Use – Commercial”, pp 49.1-49.2, guideline(s)#1 – 7.

Commissioner Wilkinson seconded. During the discussion Commissioner Hassan questioned the rear brick application, though Commission Afflerbach noted this concern was addressed at the Design Review. Commissioner Afflerbach also emphasized that her concern for ADA requirement compliance, while not the purview of the HPC, is a part of her professional review of any structure. After this brief discussion, the motion carried unanimously.

Statement(s) of Reason: (1) Building placement is consistent with other structures on South Front Street; (2) Entrances of the corner structure address both South Front and Craven Streets; (3) Materials include pre-cast concrete, brick, fiberglass, painted fiber cement, metal, and wood; and (4) Building is broken into base, mid level, and top levels.

Condition(s): (1) Applicant will return to Commission or staff on final window and door selection and any other undetermined material selection; and (2) Applicant will meet with City Building Inspections to address necessary issues, including the ADA front entrance requirements.

Motion: Commissioner Afflerbach moved to issue the COA, seconded by Commissioner Morton. Motion passed unanimously.

3. Consider COA for Union Point Park, owned by City of New Bern, for addition of swings.

Staff Comments: Staff Mrs. Stone showed the application and pictures. The applicant, City of New Bern Parks and Recreation, returns to the Commission after having a failed motion to approve a more developed set of playground equipment at the September 2006 meeting. The application has been scaled back to swings.

Applicant’s Comments: Parks and Recreation Director Thurman Hardison gave a brief project description and talked about possible traffic calming additions in the park if necessary. He emphasized the “swingability” improvements the swing sets will make for the park. While the Parks and Recreation Department would love to present a more developed playground set, there has been confusion for them from the HPC as to what type of set would be appropriate.

Public Comments: *Jeanie Collison*, 217 King Street, was troubled by the fact that this is the third visit to the Commission, and the applicants have been treated wrongly. *Martha Ross*, 216 Johnson Street, is confused as to why the applicant has changed for this project, and it has been significantly scaled back. She saw it as a wonderful public/private partnership and is disappointed at the cutbacks. *Mindi Faraci*, 1407 Spencer Avenue, supports the application as

is, but would like to see a more developed playground set approved. She confirmed that the Junior Women's Club has worked very closely with Thurman Hardison and the Parks and Recreation Department, and that he was at the first meeting with the HPC. She understood from the first meeting that the materials and design were not considered appropriate by the Commission.

Discussion by the Commission: Discussion surrounded topics including disappointment in the scaled back application, surprise at the misunderstanding about the Commission's initial evaluation of the project's appropriateness, the history of the application, and the need to approve the application at hand, and recommend the applicant return with more if desired.

Findings of Fact: Commissioner Morton moved to approve the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Landscaping", pages 53-56; guideline(s)#10 – 12, 15; "New Construction", pages 44-49: "Placement", page 44-45 guideline(s)#6; "Materials" (amended), pages 46-47 guideline(s)#1, 4 – 5; "Texture", pages 48 guideline(s)#2; "Form and Rhythm", guideline(s)#1.

Commissioner Lancto seconded the motion. Motion carried unanimously with no discussion.

Statements of Reason: (1) The playground will augment existing facilities in Union Point Park; (2) Proposed equipment is a 4-bay swing set plus 2-bay baby swings; and (3) Materials for the proposed swing sets are metal.

Condition(s): Applicant is encouraged to return with a more developed playground set.

Motion: Commissioner Wilkinson moved to issue the COA, seconded by Commissioner Lancto. Motion passed unanimously.

4. Consider COA for 319 Middle Street, owned by David Chagaris, for rear addition and rooftop deck.

Staff Comments: Staff Mrs. Stone visited the site to get a better idea of the nature of the project. She gave a detailed description of the proposal, along with the application's photographs and roof plan, submitted to make the project clearer at the request of the Commissioners at the May Design Review. The structure is contributing to the District, c. 1927.

Applicant's Comments: NONE

Public Comments: NONE

Discussion by the Commission: Discussion surrounded topics including confusion surrounding the Design Review submission, the need for drawing clarifications, how (if at all) the addition and deck will be viewed from Middle and Hancock, the siding material, the style of deck railing,

window heights, wall and skylight configuration, and the painting of a small portion of rear brick.

Findings of Fact: Commissioner Lancto moved to approve the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required, Section 15-429 Review Criteria, citing the following guidelines: “Additions to Historic Buildings”, pages 50 – 51, guideline(s)#1 – 6, 8 – 10, 14 – 15; “Decks on Historic Buildings”, page 52, guideline(s)#1 – 5.

Commissioner Hassan seconded. During the discussion, Commissioners confirmed the decking material and exact location. Motion carried unanimously.

Statements of Reason: (1) Project area impacts a tertiary AVC; (2) Materials include cement board, brick and wood decking; and (3) Deck is to be located on top of the existing building.

Condition(s): Applicant will return to staff with detail on deck railing and final window types.

Motion: Commissioner Wilkinson moved to issue the COA, seconded by Commissioner Hassan. Motion passed unanimously.

Certificates were presented for the retiring Commissioners: Elisabeth Wilkinson (6 years of service), Marvin “Benny” Mullinix, Jr. (3 years), and Robert Gardner (3 years). Plans were announced for Commissioner training opportunities in the coming weeks. There being no further business, Commissioner Afflerbach moved, and Commission Hassan seconded that the meeting be adjourned.

Dr. Joe Klotz, Chairman

Annette D. Stone, AICP _____

Commission Administrator