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**Minutes of the  
New Bern Historic Preservation Commission  
August 19, 2009**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, August 19, 2009, in the City Hall Courtroom, 2<sup>nd</sup> Floor, 300 Pollock Street.

<b>Members Present:</b>	Jack Morton, Jr., Chair	Peter Adolph, Vice-chair
	Richard Parsons	Jay Heck
	Bradley Cummins	Johnny Harrison
	Peggy Broadway	Rich Frye

**Members Excused/Absent:** Karen Britton

**Staff Present:** Annette Stone, AICP, City Planner  
Leigh Anne Friesen, AICP, Volunteer

The meeting was opened and roll call was taken. A quorum was present. A motion to waive reading of past minutes was approved by Commissioner Adolph, seconded by Commissioner Parsons and received the unanimous vote of the Commission. The Minutes were approved upon unanimous vote for a motion by Commissioner Cummins, seconded by Commissioner Parsons. Chairman Morton discussed the function and qualifications of the Historic Preservation Commission and its members. Witnesses were sworn in.

**Witnesses Sworn:** Jay Livingston, Matt Jackson, Ed Coleman, Richard McDevitt, Robert Tyson, Jr, Tom Dunton, Jerry Hobbins, Dan Amey, Charles Dettor, Terry Startzman, Phil Urick and others.

**New Business**

**1. Consider COA for 316 Avenue B for removal of porch enclosure.**

**Staff Comments:** Staff Annette Stone gave a description of the project. She stated that Jay Livingston owns the property and is present to speak. She noted that it is a restoration project for tax credits.

**Applicant's Comments:** Mr. Livingston said that the enclosure appears to never have been finished, and contains sub-standard materials that are not salvageable. His desire is to return the house to its original state.

**Public Comments:** NONE

**Discussion by the Commission:** The Commissioners addressed issues such as the condition of the existing porch floor, speculations on the original floor, what additional supports are anticipated, plans for any new construction related to the project, the age of the house, and plans for any steps or additional project components to provide access to the house once the porch is removed.

**Finding of Fact:** Commissioner Parsons moved to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing “Entrances and Porches”, pages 34-36, guideline(s)#1,2,4, and 10. Commissioner Adolph seconded. The Commission voted unanimously in favor of the motion.

**Statements of Reason:** 1) The porch was enclosed prior to adoption of locally designated historic district guidelines; 2) The enclosure was done using inappropriate and low quality materials; and 3) removal of this material will restore the porch to an earlier configuration.

**Conditions:**

- Applicant must return to Staff with any additions to this application, particularly steps to access the house.

**Discussion on the Motion:** None

**Motion:** Commissioner Cummins moved to issue the COA, seconded by Commissioner Parsons. The motion passed unanimously.

**2. Consider COA for Village Townes Apartments at 710 Craven Street for replacement of all (24) AC units with a thru the wall energy efficient heat pumps and replacement of existing exterior wood door with fiberglass doors.**

**Staff Comments:** Staff Ms. Stone reminded the Commission that this property received a Certificate of Appropriateness last year to replace existing rotting wood with cement board. In an effort to continue upgrading the property, this application requests to add heat pumps and replace worn wooden doors with fiberglass. She gave a brief history of these rental units and noted for the Commission that as they are not contributing to the District, “New Construction” guidelines will be applied to determine appropriateness. Additionally, she stated her assessment that the project areas are tertiary, since they are off the inner parking lot and will be screened by existing hedges. Her recommendation includes not removing this vegetation so as to continue to provide screening. The second part of the project involves existing doors. Ms. Stone’s recommendation suggests that the owner donate the wooden doors for reuse via a local charity.

**Applicant Comments:** Applicant Matt Jackson, Real Estate Plus representative, explained the motivation of the project is increased energy efficiency and comfort of the residents. He cited problems with existing HVAC and desire for increased ease of heating and cooling as reasons for this change.

**Public Comments:** NONE

**Discussion by the Commission:** Commissioners addressed topics such as what will become of the old air conditioning units after the upgrade, the presence of security issues with existing wooden doors, the extent of door replacement, how the new pumps will be inserted, the effort to match new materials with existing brick and cement board, the number of units to be replaced per building, additional changes, the fact that current construction is still underway to complete the previously approved project, an existing replacement-in-kind roofing project, and the amount of roof overhang provided for the new pumps.

**Finding of Fact:** Commissioner Adolph moved to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing “Residential New Construction Materials”, pages 68-69, guideline(s)#3 and Details, page 70, guideline(s)#4. Commissioner Parsons seconded. The Commission voted unanimously in favor of the motion.

**Statements of Reason:** 1) The structures are non-contributing properties; 2) The HVAC units are hidden by the existing hedges and are hidden from the right-of-way view; and 3) Synthetic materials such as fiberglass doors and allowed in new construction and non-contributing structures.

**Recommendation (not “Condition”)**

- Applicant is asked to repair wooden doors as much as possible and/or donate removed doors to Habitat for Humanity Re-Use Store, Salvation Army, or similar recycle store.

**Discussion on the Motion:** Commissioner Frye confirmed that the open space left in the walls after removal of the existing air conditioning units would be re-bricked as part of this application approval.

**Motion:** Commissioner Parsons moved to issue the COA, seconded by Commissioner Heck. The motion passed unanimously.

**3. Consider COA for the 800 block of E. Front Street for construction of a residential (non-commercial) 54 – slip marina in the Riverstation neighborhood development project.**

**Staff Comments:** Staff Ms. Stone noted that the application for a marina at RiverStation is the next phase of this project. She reminded the Commissioners that this project approval would fall under the newly approved “Piers, Docks, and Bulkheads” guidelines. Before turning the floor over to the applicant for a presentation, Ms. Stone discussed the process for final city approval of the marina, which includes a Special Use Permit to be issued by the Board of Adjustment once a Certification of Appropriateness is issued. She asked for this reason, in the interest of efficiency, that comments tonight be held to that pertaining to Commission purview such as design (materials, appearance, etc.). Zoning concerns will be addressed at the Board of Adjustment meeting to be determined.

**Applicant Comments:** Applicant/UHF Principle Ed Coleman, 702 East Front Street, presented information about the RiverStation project, noting that his notes indicated he first spoke with Ms. Stone about this project in July 2002. At that time, there were no guidelines for “Piers, Docks, and Bulkheads”. Instead, UHF followed the concepts laid out in the 2000 Urban Design Plan and the Riverstation Plan. While the pilings from the historic docks were not maintained on-site, Mr. Coleman showed photos of its re-use in other UHF projects. He stated that the current CAMA approval is on schedule, with minor recommendations and contingent on all City of New Bern approvals, of which Staff Ms. Stone spoke. He showed current gate access plans with trashcans, dock carts and bike racks. A gazebo is proposed that would have a similarly colored roof to that of the gazebo at Union Point Park.

**Public Comments:** *Richard McDevitt*, 101 Queen Street, inquired about the limitation for dock density in an R-6 zone. He confirmed that the CAMA approvals are contingent on City approvals, and asked whether the applicant had addressed a parking plan. He also inquired if the submitted COA application was complete. He also has concerns about access to the marina and the ensuing problems it will provide for the Queens Point and RiverStation residents. He asked who will supervise and maintain the facility. Finally he asked the HPC not to issue an approval for the marina as proposed. *Phil Urick*, 103 Queen Street, stated he is the president of the Queens Point Property Owners Association, and thanked the Commission for a forum to speak. He asked if a large commercial marina is appropriate for the Historic District. He noted that 17 slips for 17 lots [at RiverStation] would seem more appropriate. *Tom Dunton*, 758 E Front Street, inquired as to the number of piers approved by CAMA. He noted that per the City Historic Guidelines, "gazebos are not appropriate". He asked who will empty proposed trashcans for the property. He added that a residential, not commercial, neighborhood marina is more in-keeping with the Historic District that what has been proposed by the applicant. *Jerry Hobbins*, 229 New Street, inquired as to the role of the HPC in this matter. He expressed concern at the lack of a parking plan, and noted that no slips should be approved until this is addressed to avoid approving more slips than can be accommodated by parking appropriate for the District. He questioned the paperwork given to Commissioners at the start of the meeting and said that new information should be studied by Commissioners before the meeting, not during. He asked the HPC to suspend a decision on the plan until the Planning and Zoning Board can address their issues. Finally, he congratulated the Planning Staff for winning the Marvin Collins Planning Award for

the newly implemented demolition-assessment plan, and mentioned additional citizens who should be recognized for this effort. *Dan Amey*, 805 East Front Street, stated that he shares the infrastructure concerns mentioned by the previous Queens Point owners. The marina as proposed is not what he understood the plan to be, and he does not believe it is appropriate for the Historic District. *Charles Dettor*, 107 Queen Street, asked the Commission to address the scale and massing of the marina. *Terry Startzman*, 212 Change Street, noted that the newly approved Guidelines for Piers, Docks, and Bulkheads appear to have some words missing for guideline #6. He mentioned that it would be helpful to compare the size of the Galley Store marina to that of the proposed RiverStation marina. Citing Will Cook's assessment (Charleston attorney who spoke to New Bernians at a recent Preservation Forum), he stated he agreed that it may be premature legally for the HPC to issue a decision on this application before the Special Use Permit is issued. He asked the HPC not to put the cart before the horse by approving a design before zoning concerns are addressed, as this has caused problems in the past. Ms. Stone stated Mr. Startzman testimony regarding Mr. Cook's opinion on a Charleston case was not admissible as evidence for this hearing as it is hearsay. *Robert Tyson, Jr.* of 756 East Front Street, agrees that 54 slips are excessive and asks the HPC to request the letters they have sent to CAMA opposing this project.

**Discussion by the Commission:** Commissioners addressed topics such as the appropriate order of City approvals, the determination of a “commercial” marina versus a “residential” one, the desire to have more information on the project, the timeframe for the applicant to appear before the Board of Adjustment, the proposed location of the gazebo, and the idea of tabling the application to allow for more information to be collected, and the relevant issues addressed in the public hearing to be considered.

**Motion:** Commissioner Cummins moved to table the application, seconded by Commissioner Broadway. Discussion of the motion addressed the type of information needed to make a decision, the number of variables that still exist for the project, the desire for some direction from Board of Adjustment as it would impact marina design, and the desire for more time to consider additional information. The motion passed unanimously.

There being no further business the meeting was adjourned.

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Jack Morton, Chair

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Annette Stone, AICP  
Commission Administrator