

**Minutes of the
New Bern Historic Preservation Commission
September 15, 2021 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, September 15, 2021, in the Historic Courtroom, Second Floor, City Hall, 303 Pollock St.

1. OPENING OF MEETING WITH ROLL CALL

Meeting called to order by Chair Cox at 5:41 pm.

Members Present:	Dr. Ruth Cox, Chair	Annette Stone
(5 needed for quorum)	Tripp Eure, Vice-Chair	Candace Sullivan
	Tony Bryant (sworn in at the beginning of the meeting)	

Members Excused (E)/Absent (A): James Bisbee (E), John Blackwelder (E), Peggy Broadway (A), Ellen Sheridan (E)

Tony Bryant was sworn in as member of the Historic Preservation Commission, using the text of the Oath of Office.

A quorum was now present.

Staff Present: Matthew Schelly, AICP, City Planner, HPC Secretary

City Attorney Present: Jaimee Mosley

Others Present: Sarah Afflerbach, Dusty Sicard

2. PRESENTATION OF CERTIFICATE OF APPRECIATION (Klotz)

The presentation was made to former Commissioner Klotz prior to the opening of the meeting. He was thanked for his many years of service the HPC and the New Bern community.

3. ELECTION OF OFFICERS

Chair Cox asked for nominations from the floor for the position of Chair.

Commissioner Stone nominated Ruth Cox; second Commissioner Sullivan.

Chair Cox asked if there are any more nominations; hearing none, Chair Cox closed the nominations.

Chair Cox called for a vote. Unanimously, Cox was voted in as Chair.

Chair Cox continued the election by asking for nominations from the floor for the position of Vice Chair.

Commissioner Sullivan nominated Tripp Eure; second Commissioner Stone.

Chair Cox asked if there are any more nominations; hearing none, Chair Cox closed the nominations.

Chair Cox called for a vote. Unanimously, Eure was voted in as Vice Chair.

4. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion to waive reading the 08/18/2021, 09/01/2021, and 3/17/2021 minutes:
Commissioner Stone; Commissioner Sullivan Second; the motion carried unanimously.

Motion to approve the 08/18/2021, 09/01/2021, and 3/17/2021 minutes:

Vice Chair Eure; Commissioner Stone Second; the motion carried unanimously.

5. HEARINGS ON CERTIFICATES OF APPROPRIATENESS:

A. Hearings: Introduction, Swearing-In, Summary of Process

Chair Cox explained the HPC and the quasi-judicial hearing process and Staff Schelly swore in three witnesses with the following oath:

“Do you swear to tell the truth to the best of your knowledge?”

Sarah Afflerbach, Dusty Sicard, and Tripp Eure responded in the affirmative.

APPLICATIONS

Chair Cox called to begin the hearings for the applications for a Certificate of Appropriateness.

B. 227 E. Front St. – to include elevating the building 3 feet, moving it back 4 feet on the lot, revising the front stairs in the Primary and Secondary AVCs, removing the existing ramp in the Secondary AVC, removing the existing rear porch and stairs, adding a second story door, and adding a new ramp and two-story stairs in the Tertiary AVC.

Conflict

Chair Cox asked the Commission if anyone has a conflict of interest for this project. There was no response.

Staff Overview of the Application

Staff Schelly provided a review of the application and internal review documents. The existence of a staff recommendation was indicated.

Applicant Comment

Chair Cox asked Ms. Afflerbach, authorized representative for the applicant, if they had any additional comments. Ms. Afflerbach indicated they had no additional comments.

Proponents’, Opponents’, and Government Comments

Chair Cox asked if there is anyone who has received notice, has standing in this application, is a proponent or opponent of the application, or from a government agency and would like to present evidence. None spoke.

Staff Recommendation

Staff Schelly submitted the description of the project and the following Historic District Guidelines, Statements of Reason, and Recommendation as appropriate to this application:

Utilities

2.3.1

2.3.2

89	<u>Landscaping</u>
90	2.4.3
91	<u>Fences and Garden Walls</u>
92	2.5.1
93	2.5.2
94	<u>Design Principles</u>
95	3.1.1
96	<u>Modifications</u>
97	3.2.1
98	3.2.2
99	<u>Foundations</u>
100	4.1.1
101	4.1.2
102	4.1.3
103	4.1.4
104	4.1.5
105	4.1.6
106	<u>Walls, Trim and Ornamentation</u>
107	4.2.1
108	4.2.2
109	4.2.4
110	<u>Windows, Doors and Openings</u>
111	4.3.1
112	4.3.2
113	<u>Entrances</u>
114	4.4.1
115	4.4.2
116	4.4.4
117	<u>Accessibility and Life Safety</u>
118	4.7.1
119	4.7.2
120	4.7.3
121	<u>Masonry</u>
122	5.1.1
123	5.1.2
124	5.1.3
125	5.1.4
126	5.1.5
127	5.1.6
128	<u>Wood</u>
129	5.2.1
130	5.2.2
131	<u>Metals</u>
132	5.3.1

5.3.2

5.3.3

5.3.4

Paint

5.4.1

5.4.2

5.4.3

5.4.4

5.4.6

5.4.9

Contemporary Materials

5.5.1

5.5.2

5.5.3

Statements of Reason, based on the information contained in the application, in Staff's judgment are:

1. The project is located in the *Tight Weave* development pattern;
2. The project is located within the Primary, Secondary, and Tertiary AVCs;
3. The structure is a contributing resource;
4. Elevating this structure helps protect it from future damage and potential destruction or demolition;
5. Moving this structure is necessary in order to accommodate the longer stairway to the sidewalk;
6. The proposed modifications do not conceal, damage, or remove significant design components or architectural features;
7. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
8. The project is not incongruous with the Guidelines.

Staff recommends the Commission approve this application to include elevating the building 3 feet, moving it back 4 feet on the lot, revising the front stairs in the Primary and Secondary AVCs, removing the existing ramp in the Secondary AVC, removing the existing rear porch and stairs, adding a second story door, and adding a new ramp and two-story stairs in the Tertiary AVC.

Applicant's Comments

Chair Cox asked the applicants if they had any additional comments.

Commissioners' Questions and Comments

Chair Cox asked the Commissioners if they had any questions or comments.

Commissioner Stone asked the applicant, how did it work out regarding the neighbor's nearby building? Ms. Afflerbach replied that she spoke to the building inspector, and it is not a building code or zoning issue. There is a 2-foot-high, 4-foot-wide embankment

177 along the property line. The subject building will be moved back to the point that it
178 overlaps with the existing neighbor's building.
179 Commissioner Sullivan asked about the finish of the railings. Ms. Afflerbach replied that
180 they will be painted to blend in with the siding and the slats below the railing.
181 Chair Cox asked for any other questions from the Commissioners. There were none.
182

183 Chair Cox clarified that the motion for the application should include:
184 Chair Cox asked that the motion include something about the flood vents that were
185 missing in the application.
186

187 **MOTION** by Vice Chair Eure to find the application **Not Incongruous** with New Bern's
188 Code of Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines
189 based on the following specific guidelines and findings of fact:

190 **Foundations**

191 4.1.5

192 4.1.6

193 **Accessibility and Life Safety**

194 4.7.1

195 4.7.2

196 4.7.3

197 **Masonry**

198 5.1.2

199 **Paint**

200 5.4.3
201

202 **The Findings of Fact, based on the information contained in the application, are:**

- 203 1. The structure is being elevated to the minimum height to meet code and regulatory
204 requirements;
205 2. Accessible building elements are located in the Secondary AVC;
206 3. Traditional materials are used in traditional ways;
207 4. The changes contained in the application are not incongruous with the Guidelines or
208 the District.

209 **Approval includes the following condition:**

210 The applicant is to submit the flood vent locations to HPA Schelly so that it is a matter of
211 record.

212 Commissioner Sullivan seconded the motion.

213 Chair Cox asked if there is any other discussion.

214 **Motion passed:** Unanimously

215 **MOTION** by Vice Chair Eure to issue the CoA; Second by Commissioner Stone.

216 **Motion passed:** Unanimously
217

- 218 **C. 221 S. Front St.** – to include modifying the approved CoA with two new windows
219 instead of four new windows on the Tertiary AVC.
220

221 **Conflict**

222 Chair Cox asked the Commission if anyone has a conflict of interest for this project.
223 Vice Chair Eure indicated he has a conflict and therefore requests to be recused from this
224 case.

225 MOTION: Commissioner Sullivan; second Commissioner Stone; vote was unanimous.
226 Vice Chair Eure stepped down.
227

228 **Staff Overview of the Application**

229 Staff Schelly provided a review of the application and internal review documents. The
230 existence of a staff recommendation was indicated.
231

232 **Applicant Comment**

233 Dusty Sicard, authorized representative for the applicant, answered Chair Cox's question
234 if the applicants were also changing the windows on the north elevation, by saying no,
235 they were not changing windows on the north elevation.
236

237 **Proponents', Opponents', and Government Comments**

238 Chair Cox noted there is nobody in the audience, so there is nobody present who has
239 received notice, has standing in this application, is a proponent or opponent of the
240 application, or is from a government agency and would like to present evidence.
241

242 **Staff Recommendation**

243 Staff Schelly submitted the description of the project and the following Historic District
244 Guidelines, Statements of Reason, and Recommendation as appropriate to this
245 application:

246 **Modifications**

247 3.2.1

248 3.2.4

249 **Windows, Doors and Openings**

250 4.3.1

251 4.3.2

252 4.3.3

253 **Masonry**

254 5.1.1

255 5.1.2

256 5.1.3

257 5.1.4

258 **Wood**

259 5.2.1

260 5.2.2

261 **Paint**

262 5.4.1

263 5.4.2

264 5.4.3

265 **Statements of Reason**, based on the information contained in the application, in Staff's
266 judgment are:

- 267 1. The project is located in the *Dense Fabric* development pattern;
- 268 2. The proposal is a renovation and restoration project;
- 269 3. The proposed design, components, and materials meet the requirements of the
270 Guidelines;
- 271 4. The Zoning Administrator and the Chief Building Official have reviewed this project
272 and commented accordingly;
- 273 5. The project is not incongruous with the Guidelines.

274 **Staff recommends** the Commission approve this application for the replacement of 4
275 existing windows with 2 new windows in the Tertiary AVC.
276

277 **Applicant's Comments**

278 Chair Cox asked the applicants if they had any additional comments.
279 Mr. Sicard responded that he did not.
280

281 **Commissioners' Questions and Comments**

282 Chair Cox asked the Commissioners if they had any questions or comments. None spoke.
283

284 **MOTION** by Commissioner Stone to find the amendment for 221 S. Front St. to be **Not**
285 **Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New
286 Bern's Historic District Guidelines based on the following specific guidelines and
287 findings of fact:

288 **Modifications**

289 3.2.1

290 3.2.4

291 **Windows, Doors and Openings**

292 4.3.1

293 4.3.2

294 4.3.3

295 **Masonry**

296 5.1.1

297 5.1.2

298 5.1.3

299 5.1.4

300 **Wood**

301 5.2.1

302 5.2.2

303 **Paint**

304 5.4.1

305 5.4.2

306 5.4.3

307 **Findings of Fact** are:

- 308 1. The project is located in the *Dense Fabric* area;

2. The proposal is a renovation and restoration project;
3. The materials meet the minimum standards of the Guidelines;
4. It is consistent with the Zoning official's approval;
5. The project is not incongruous with the Historic District Guidelines.
Commissioner Sullivan seconded the motion.

Motion passed: Unanimously

MOTION by Commissioner Sullivan to reseal Vice Chair Eure; Second by Commissioner Bryant.

Motion passed unanimously. Vice Chair Eure returned to the dais.

6. OLD BUSINESS (non-hearing items tabled or continued from a previous meeting)

None

7. GENERAL PUBLIC COMMENTS

None

8. NEW BUSINESS

None

9. HPC ADMINISTRATOR'S REPORT

A. Report on CoAs Issued 8/11/2021 – 9/7/2021

Chair Cox introduced the list in the agenda (below).

MAJORS and AMENDMENTS:

None

MINORS:

1. 100 Block Craven St. – electric vehicle charging station
2. 375 S. Front St. – signs
3. 402 Dunn St. – gutters, downspouts
4. 505 E. Front St. – driveway pavers
5. 513 Metcalf St. – fencing, rear pavers
6. 630 Edgerton Dr. – tree removal
7. 724 Pollock St. – landscaping, front steps, handrails

B. Report on CoA Extensions Issued since the Prior Regular Meeting:

1. 416-418 Broad St. – extension of CoA for infill construction of 8 new townhouse units.

C. Other Items and Updates

Chair Cox added an update from the Awards Work Group. She has spoken with Tim Thompson of the New Bern Preservation Foundation who said they are interested in joining with us to get a proposal together. She has also spoken with Jimmy Hodges at the New Bern Historical Society who says he thinks they also would like to participate and she is talking to the director there tomorrow morning.

Commissioner Stone added that the electric vehicle spaces are being put in. Staff Schelly indicated they received their CoA for that.

10. COMMISSIONERS' COMMENTS:

None

11. ADJOURN:

Motion to adjourn the meeting: Commissioner Sullivan; Second by Commissioner Bryant.


Motion passed: Unanimously

The meeting was adjourned at 6:36 pm.

Minutes approved: October 20, 2021



Dr. Ruth Cox, Chair



Matthew Schelly, City Planner, HPC Secretary



HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, September 15, 2021, 5:30 PM

SWORN SIGN-IN SHEET

Name (printed legibly)

Address

Sarah Atterbach

406 Hancock Street

DUSTY SICARD

317-c Pollock St.