

**Minutes of the
New Bern Historic Preservation Commission
January 19, 2022 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, January 19, 2022, 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 5:30 pm.

Members Present:	Dr. Ruth Cox, Chair	Tony Bryant (left approx. 6:45)
(5 needed for quorum)	Tripp Eure, Vice-Chair	Ellen Sheridan
	Jim Bisbee	Annette Stone
	Peggy Broadway (left approx. 8:15)	Candace Sullivan

Members Excused: None

Members Absent: John Blackwelder

A quorum was present.

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

City Attorney Present: Jaimee Mosley

Others Present: (see sworn-in sheet, attached to the minutes)

2. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

MOTION to waive reading the 11/17/21 minutes: Vice Chair Eure; Second by Commissioner Bisbee.

Motion passed unanimously.

MOTION to approve the 11/17/21 minutes: Commissioner Broadway; Second by Commissioner Bryant.

Motion passed unanimously.

3. 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 the witnesses with the following oath:

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

The witnesses responded in the affirmative. The list of the witnesses is attached to the minutes.

APPLICATIONS

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

**B. 211 Johnson St. – to include a landscape plan in the Secondary and Tertiary AVCs.
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.

Conflict

Chair Cox asked the Commission if anyone has a conflict of interest for this project.

Commissioner **Broadway** indicated she received a notification letter for this project and therefore requests to be recused from this case.

MOTION to recuse Commissioner Broadway: Commissioner Bisbee; second Commissioner Bryant.

Motion passed unanimously. Commissioner Broadway stepped down.

Completeness

Chair Cox asked the Commission if anyone had any issues with the completeness of the application. There was no response.

Applicant Comment

Chair Cox asked Ms. Tessa O'Regan, authorized representative for the applicant, if they had any additional comments. Ms. O'Regan indicated they had none.

Proponents' and Opponents' Comments

Chair Cox asked if there is anyone who has received notice or has standing in this application, is a proponent of the application, and would like to present evidence. The following spoke:

Ms. Peggy Broadway agreed that is appropriate for the Southern Magnolia to be removed, but asked if the River Birch could have one of its stems removed instead of removing the entire tree. Staff Schelly responded by reviewing the Certified Arborist's report for the River Birch in detail. The report included the arborist's recommendation to remove the tree.

Ms. Broadway followed up by asking if the application is only concerned with the Magnolia and the River Birch or also the other trees to be removed. Chair Cox asked Ms. O'Regan to answer this question. Ms. O'Regan referred to the chart on the plans that indicate 19 trees will be removed, why each one will be removed, and with what they will be replaced, resulting in 29 new trees, with two other trees transplanted. Staff Schelly also referred to the applicant's photos of the trees.

Chair Cox asked if there is plan for where the new trees will be planted. Staff Schelly reviewed the landscape plan, pointing out all the trees, by name and amount.

Ms. Broadway expressed concern that a private arborist might not be fully objective since the owner pays them. Chair Cox indicated that is a discussion for a Design Review meeting.

Others with Evidence

Chair Cox asked if there was anyone who has relevant evidence and standing and would like to speak. 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:

Landscaping

2.4.1

2.4.3

89 2.4.4

90 2.4.7

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

- 93 1. The site is a contributing resource in the *Tight Weave* development pattern;
- 94 2. The proposal is a landscaping project within the Secondary and Tertiary AVCs;
- 95 3. The proposed design, components, and materials meet the requirements of the
96 Guidelines;
- 97 4. The Zoning Administrator and the Chief Building Official have reviewed this
98 project and commented accordingly;
- 99 5. The project is not incongruous with the Guidelines.

100 **Staff recommends** the Commission approve this application to include a landscape plan
101 in the Secondary and Tertiary AVCs.

102 **Others with Evidence**

103 Chair Cox asked if there was anyone from the State, City, or any government body and
104 would like to speak. None spoke.

105 **Applicant's Comments**

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

107 Ms. O'Regan indicated they had no additional comments.

108 **Commissioners' Questions and Comments**

109 Chair Cox asked the Commissioners if they had any questions or comments. None spoke.
110

111 **MOTION** by Commissioner Bisbee to find the application for 211 Johnson St. to be **Not**
112 **Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New
113 Bern's Historic District Guidelines based on the following specific guidelines and
114 findings of fact:

115 **Landscaping**

116 2.4.1

117 2.4.3

118 2.4.4

119 2.4.7

120 **Findings of Fact** are:

- 121 1. The site is a contributing resource in the *Tight Weave* development pattern;
- 122 2. The proposal is a landscaping project within the Secondary and Tertiary AVCs;
- 123 3. The proposed design, components, and materials meet the requirements of the
124 Guidelines;
- 125 4. The Zoning Administrator and the Chief Building Official have reviewed this
126 project and commented accordingly;
- 127 5. The project is not incongruous with the Guidelines.

128 Commissioner Sheridan seconded the motion.

129 **Motion passed** unanimously.
130

131 **MOTION** by Commissioner Stone to issue the CoA; Second by Commissioner Bisbee.
132 **Motion passed** unanimously.
133

134 **Reseating Recused Commissioner**

135 **MOTION** by Commissioner Bryant to reseat Commissioner Broadway; Second by Vice
136 Chair Eure.

137 **Motion passed** unanimously. Commissioner Broadway returned to the dais.
138

- 139 C. **302 Broad St.** – to include application of a masonry water repellant in all AVCs.
140 Staff Schelly indicated that the applicants have requested to have their application
141 continued to the next Regular Meeting on February 16, 2022.
142

143 **MOTION** by Vice Chair Eure at the applicant's request to continue the application for 302
144 Broad St. to the February 16, 2022 meeting, 5:30 pm, City Hall Courtroom; second
145 Commissioner Bisbee.

146 **Motion passed** unanimously.
147

- 148 D. **221 S. Front St.** – to include a 1-story addition and site modifications on the Secondary
149 and Tertiary AVCs.

150 **Conflict**

151 Vice Chair Eure indicated his firm represents the applicants for this project and the 211
152 Pollock St. project and therefore requests to be recused from both cases.

153 **MOTION:** Commissioner Bryant; second Commissioner Sullivan.

154 **Motion passed** unanimously. Vice Chair Eure stepped down.

155 Staff Schelly asked the Commission if anyone else has a conflict of interest for this project.
156 There was no response.

157 **Staff Overview of the Application**

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

160 **Applicant Comment**

161 Chair Cox asked Mr. Tripp Eure, authorized representative for the applicant, if they had
162 any additional comments. Mr. Eure added that they have modified the plans due to the
163 discussion at HPC's February 2 Design Review Meeting, such as a lower clerestory and a
164 taller wall and fence at the entryway.

165 **Commissioner Broadway** asked if the doors on the south elevation are entrance doors.
166 Mr. Eure answered that there are many doors on the south elevation, but the ones to which
167 she is referring are rear entrance doors from the deck area.

168 Mr. Eure added that the historic photo added to the application shows several low buildings
169 in the area to the south of the Harvey Mansion, including one building with large, garage-
170 door-like openings.

171 **Proponents' and Opponents' Comments**

172 Chair Cox asked if there is anyone who has received notice or has standing in this
173 application, is a proponent of the application, and would like to present evidence. Nobody
174 Spoke.

Others with Evidence

Chair Cox asked if there was anyone who has relevant evidence and standing and would like to speak. None spoke.

Chair Cox asked if there was anyone from the State, City, or any government body and would like to speak. 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:

Public and Open Spaces

2.2.1

Utilities

2.3.1

2.3.2

2.3.6

Landscaping

2.4.3

2.4.4

2.4.7

Fences and Garden Walls

2.5.1

2.5.2

2.5.3

Parking

2.7.5

Signage

2.8.2

Design Principles

3.1.1

3.1.2

3.1.3

3.1.4

3.1.5

Modifications

3.2.1

3.2.2

3.2.4

Additions

3.3.1

3.3.2

Foundations

4.1.1

4.1.3

4.1.4

4.1.5

219	4.1.6
220	<u>Walls, Trim and Ornamentation</u>
221	4.2.1
222	4.2.2
223	4.2.4
224	<u>Windows, Doors and Openings</u>
225	4.3.1
226	4.3.2
227	4.3.3
228	<u>Entrances</u>
229	4.4.1
230	4.4.4
231	<u>Roofs</u>
232	4.5.4
233	4.5.6
234	<u>Decks and Patios</u>
235	4.6.2
236	<u>Accessibility and Life Safety</u>
237	4.7.2
238	<u>Masonry</u>
239	5.1.1
240	5.1.2
241	5.1.3
242	5.1.4
243	5.1.5
244	<u>Wood</u>
245	5.2.1
246	5.2.2
247	<u>Metals</u>
248	5.3.3
249	5.3.4
250	<u>Paint</u>
251	5.4.1
252	5.4.2
253	5.4.3
254	5.4.4

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

1. The project is located in the *Dense Fabric* development pattern;
2. The proposal is an addition and site work project;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;

263 5. The project is not incongruous with the Guidelines.
264 **Staff recommends** the Commission approve this application to include a 1-story addition
265 and site modifications in the Secondary and Tertiary AVCs with the condition that kitchen
266 exhaust hoods and other mechanical appurtenances be submitted to the HPA for their or HPC
267 review.

268 **Applicant's Comments**

269 Chair Cox asked the applicants if they had any additional comments.
270 Mr. Eure indicated they had no additional comments.

271 **Commissioners' Questions and Comments**

272 Chair Cox asked the Commissioners if they had any questions or comments.
273 Commissioner Bisbee asked for an explanation of the situation regarding the project not
274 meeting the land use requirements. Staff Schelly explained that the Land Use
275 Administrator indicated that the project needs to maintain or not reduce the existing number
276 of parking spaces. Commissioner Bisbee asked if that condition was met, then zoning
277 would be ok. Chair Cox followed up by asking how many spaces are involved. Mr. Eure
278 said 17 parking spaces, but also provided additional background information. They have
279 been talking to the planning department to identify a number of possibilities in order to
280 comply with the requirements. Mr. Eure also pointed out that there is no road map for how
281 to proceed through the approval process for the various permits that are required, so he
282 advised his client that the HPC determines the viability of the project and with an HPC
283 approval then go to the planning department to work out solutions to their issues.

284 Chair Cox reminded the HPC members that this maybe should be included as a condition
285 in a motion of approval. ACA Mosley suggested the condition include a provision that
286 construction not begin until the project complies with the requirements of the land use
287 ordinance as determined by the Land Use Administrator.

288 Commissioner Broadway asked how many seats are in the restaurant. Mr. Eure answered
289 that there are about 75 to 100 chairs.

290 Commissioner Broadway also asked if the double doors on the south side of the building
291 are an entrance. Mr. Eure indicated there are not any double doors on the back, but there
292 is access from the south side.

293 Chair Cox asked about the overhead doors. Mr. Eure said they are the doors for which
294 manufacturer's information has been provided. Commissioner Bisbee followed up by
295 asking why the doors are overhead doors. Mr. Eure said they are to be opened when the
296 weather is nice and open to the rear elevated terrace.

297 Chair Cox asked a few questions about the flood level. Mr. Eure explained the conditions
298 for the existing building and the proposed conditions. To summarize, the proposal is to
299 use a wet-proofing approach which is to build so the materials below the flood elevation
300 can be hosed out and not need to be replaced and new electrical and mechanical aspects
301 will be above the required flood elevation. The proposal will need to comply with all the
302 requirements of the flood ordinance.

303 Chair Cox asked for the applicant to review the changes to the entry way that were
304 discussed at the Design Review Meeting. Mr. Eure went over the changes to the entry
305 tower, the entry garden wall, and entry fencing and gate.

Commissioner Broadway asked about handicapped ramps. The two proposed ramps were explained, one in front, one in back.

Chair Cox asked if there was any more information about the plantings. Mr. Eure indicated the applicants would like to come back later with that information.

Chair Cox asked for any other questions from the Commissioners. There were none.

Chair Cox clarified that the motion for the application should include the issue about the parking spaces and the flood elevation compliance need to be resolved before final approval.

Staff Schelly reminded Chair Cox that the staff recommendation includes to have the appurtenances for the kitchen exhausts be brought back to the HPC or the HPA for approval.

Chair Cox also added the specifics of the plantings, too.

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

Public and Open Spaces

2.2.1

Utilities

2.3.1

2.3.2

2.3.6

Landscaping

2.4.3

2.4.4

2.4.7

Fences and Garden Walls

2.5.1

2.5.2

2.5.3

Parking

2.7.5

Signage

2.8.2

Design Principles

3.1.1

3.1.2

3.1.3

3.1.4

3.1.5

Modifications

3.2.1

350	3.2.2
351	3.2.4
352	<u>Additions</u>
353	3.3.1
354	3.3.2
355	<u>Foundations</u>
356	4.1.1
357	4.1.3
358	4.1.4
359	4.1.5
360	4.1.6
361	<u>Walls, Trim and Ornamentation</u>
362	4.2.1
363	4.2.2
364	4.2.4
365	<u>Windows, Doors and Openings</u>
366	4.3.1
367	4.3.2
368	4.3.3
369	<u>Entrances</u>
370	4.4.1
371	4.4.4
372	<u>Roofs</u>
373	4.5.4
374	4.5.6
375	<u>Decks and Patios</u>
376	4.6.2
377	<u>Accessibility and Life Safety</u>
378	4.7.2
379	<u>Masonry</u>
380	5.1.1
381	5.1.2
382	5.1.3
383	5.1.4
384	5.1.5
385	<u>Wood</u>
386	5.2.1
387	5.2.2
388	<u>Metals</u>
389	5.3.3
390	5.3.4
391	<u>Paint</u>
392	5.4.1
393	5.4.2

394 5.4.3

395 5.4.4

396 **Findings of Fact** are:

- 397 1. The project is located in the *Dense Fabric* development pattern;
398 2. The proposal is an addition and site work project;
399 3. The proposed design, components, and materials meet the requirements of the
400 Guidelines;
401 4. The Zoning Administrator and the Chief Building Official have reviewed this project
402 and commented accordingly;
403 5. The project is not incongruous with the Guidelines.

404 **Approval includes the following conditions:**

- 405 1. The construction may not begin until the project is compliant with the land use
406 ordinance as determined by the City's Zoning Administrator.
407 2. The construction may not begin until the project is compliant with the flood ordinance
408 as determined by the City's inspections department.
409 3. The applicant present a landscape design plan to the HPC at a later time.
410 4. The kitchen exhaust hoods and other appurtenances will not be installed until reviewed
411 by the HPC at a later time.

412
413 Commissioner Sheridan seconded the motion.

414 **Motion passed** unanimously.

415
416 **MOTION** by Commissioner Broadway to issue the CoA with all the conditions; Second by
417 Commissioner Bisbee.

418 **Motion passed** unanimously.

- 419
420 E. **211 Pollock St.** – to include a rear addition, new walk-in freezer, new recessed side entrance,
421 closing 7 windows, new waterproofing trim, painting waterproofing, new wall-mounted
422 lighting, and new mechanical units on platforms, all in the Secondary and Tertiary AVCs.

423 **Staff Overview of the Application**

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

426 **Conflict**

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

429 **Applicant Comment**

430 Chair Cox asked Tripp Eure, authorized representative for the applicant, if they had any
431 additional comments. Mr. Eure indicated the application is exactly the same as presented
432 and discussed at the Design Review Meeting.

433 **Proponents' and Opponents' Comments**

434 Chair Cox asked if there is anyone who has received notice or has standing in this
435 application, is a proponent of the application, and would like to present evidence. Nobody
436 Spoke.

Chair Cox asked if there is anyone who has received notice or has standing in this application, is an opponent of the application, and would like to present evidence. Nobody Spoke.

Others with Evidence

Chair Cox asked if there was anyone from the State, City, or any government body and would like to speak. None spoke.

Chair Cox asked if there was anyone who has relevant evidence and standing and would like to speak. 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

Design Principles

3.1.1

3.1.2

3.1.4

Modifications

3.2.1

3.2.2

Additions

3.3.1

3.3.2

3.3.3

Foundations

4.1.1

4.1.2

4.1.3

Walls, Trim and Ornamentation

4.2.1

4.2.4

Windows, Doors and Openings

4.3.1

4.3.2

Entrances

4.4.1

4.4.3

Roofs

4.5.6

Masonry

5.1.2

5.1.4

5.1.5

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.2

5.5.6

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 proposal is an addition and modification project;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
5. The project is not incongruous with the Guidelines.

Staff recommends the Commission approve this application to include a rear addition, new walk-in freezer, new recessed side entrance, closing 7 windows, new waterproofing trim, painting waterproofing, new wall-mounted lighting, new mechanical units on platforms, and a new front door, all in the Secondary and Tertiary AVCs.

Applicant's Comments

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

Mr. Eure indicated they had none.

Commissioners' Questions and Comments

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

Commissioner Broadway and Chair Cox asked, relative to the need to close all the windows, why the windows need to be closed, if there is seating inside and if so, how much seating. Mr. Eure answered that the windows need to be closed because the western wall is required to be a fire wall and the other two because the kitchen is to be located there. Also, there will be 40 to 50 seats inside.

Chair Cox asked why a new door is needed on the east side. Mr. Eure answered it is needed as a second means of egress.

Chair Cox asked about flood proofing the new door. Mr. Eure answered that the owner will be providing temporary gates when needed prior to a flood. Chair Cox asked if that would be required to be added to the application. Mr. Eure replied that it was seen as a temporary treatment. Staff Schelly responded that in the event some permanent construction is needed, such as brackets or channels, for the temporary gate, that should be reviewed and approved. Mr. Eure would accept that as a condition of the approval.

Commissioner Broadway asked if the parking was at the rear of the building and customers would walk around to the front to enter the building. Mr. Eure answered that would be the case.

Chair Cox asked for any other questions from the Commissioners. There were none.

MOTION by Commissioner Bisbee to find the application for 211 Pollock St. **Not Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New

Bern's Historic District Guidelines based on the following specific guidelines and findings of fact:

Utilities

2.3.1

2.3.2

Design Principles

3.1.1

3.1.2

3.1.4

Modifications

3.2.1

3.2.2

Additions

3.3.1

3.3.2

3.3.3

Foundations

4.1.1

4.1.2

4.1.3

Walls, Trim and Ornamentation

4.2.1

4.2.4

Windows, Doors and Openings

4.3.1

4.3.2

Entrances

4.4.1

4.4.3

Roofs

4.5.6

Masonry

5.1.2

5.1.4

5.1.5

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.2

5.5.6

Findings of Fact are:

1. The project is located in the *Tight Weave* development pattern;

- 569 2. The proposal is an addition and modification project;
570 3. The proposed design, components, and materials meet the requirements of the
571 Guidelines;
572 4. The Zoning Administrator and the Chief Building Official have reviewed this project
573 and commented accordingly;
574 5. The project is not incongruous with the Guidelines.

575 **Approval includes the following condition:**

576 When appurtenances for the purposes of flood containment are added, the proposal will
577 come back to the Commission.

578 Commissioner Broadway seconded the motion.

579 **Motion passed:** Unanimously

580 **MOTION** by Commissioner Stone to issue the CoA; Second by Commissioner
581 Bisbee.

582 **Motion passed:** Unanimously

583 **Reseating Recused Commissioner**

584 **MOTION** by Commissioner Stone to reseat Vice Chair Eure; Second by Commissioner
585 Bisbee.

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

- 587
588 **F. 616 New St.** – to include a new shed, extend the driveway, and new fencing, all in the
589 Tertiary AVC.

590 **Conflict**

591 Commissioner Sheridan indicated she may have received a notification letter for this
592 project and therefore requests to be recused from this case.

593 **MOTION:** Commissioner Bisbee; second Commissioner Broadway.

594 **Motion passed** unanimously. Commissioner Sheridan stepped down.

595 **Staff Overview of the Application**

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

598 **Applicant Comment**

599 Chair Cox asked the applicants if they had any additional comments. Ms. McAllister had
600 the following additional comments. Staff left out that they will be doing wood-trimmed
601 windows, and fiberglass asphalt shingles. They will also reduce the size of the shed to
602 remove the requirement for a building permit.

603 **Proponents' and Opponents' Comments**

604 Chair Cox asked if there is anyone who has received notice or has standing in this
605 application, is a proponent of the application, and would like to present evidence. Nobody
606 Spoke.

607 Chair Cox asked if there is anyone who has received notice or has standing in this
608 application, is an opponent of the application, and would like to present evidence. Nobody
609 Spoke.

610 **Others with Evidence**

611 Chair Cox asked if there is anyone who has relevant evidence and standing and would like
612 to speak. None spoke.

Chair Cox asked if there was anyone from the State, City, or any government body and would like to speak. 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:

Fences and Garden Walls

2.5.1

2.5.3

2.5.4

Accessory Structures

2.6.1

2.6.3

Parking

2.7.1

2.7.2

2.7.4

Design Principles

3.1.1

3.1.2

Foundations

4.1.3

Walls, Trim and Ornamentation

4.2.4

4.2.5

Windows, Doors and Openings

4.3.2

4.3.3

Masonry

5.1.5

Metals

5.3.4

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.1

5.5.2

5.5.3

5.5.5

5.5.6

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

1. The structure is a contributing resource in the *Tight Weave* development pattern;

2. The project is within the Tertiary AVC;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
5. The project is not incongruous with the Guidelines.
- Staff recommends** the Commission approve this application to include a new shed, extend the driveway, and new fencing, all in the Tertiary AVC.

Applicant's Comments

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

Ms. McAllister indicated they had none at this time.

Chair's Clarification

Chair Cox asked staff how to handle the change to the size of the shed. Staff Schelly replied that it is approved as 10x12 or 10x10, or have staff review it as a condition of the approval.

Commissioners' Questions and Comments

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

Commissioner Broadway asked about the material for the foundation for the shed. Ms. McAllister answered that the foundation will have bricks similar to the house and she showed a photo to Commissioner Broadway.

Chair Cox asked for any other questions from the Commissioners. None

MOTION by Commissioner Stone to find the application for 616 New St. **Not Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines based on the following specific guidelines and findings of fact:

Fences and Garden Walls

2.5.1

2.5.3

2.5.4

Accessory Structures

2.6.1

2.6.3

Parking

2.7.1

2.7.2

2.7.4

Design Principles

3.1.1

3.1.2

Foundations

4.1.3

Walls, Trim and Ornamentation

4.2.4

4.2.5

Windows, Doors and Openings

4.3.2

4.3.3

Masonry

5.1.5

Metals

5.3.4

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.1

5.5.2

5.5.3

5.5.5

5.5.6

Findings of Fact are:

1. The structure is a contributing resource in the *Tight Weave* development pattern;
2. The project is within the Tertiary AVC;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
5. The project is not incongruous with the Guidelines.

Approval includes the following condition:

The reduced building come back to the administrator for review and to comply with any applicable building code requirements.

Vice Chair Eure seconded the motion.

Motion passed: Unanimously

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

Motion passed unanimously

Reseating Recused Commissioner

MOTION by Commissioner Stone to reseat Commissioner Sheridan; Second by Commissioner Broadway

Motion passed unanimously. Commissioner Sheridan returned to the dais.

G. 316 Liberty St. – to include a new infill 1-story house and parking area.

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.

Conflict

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

745 **Completeness**

746 Chair Cox asked the Commission if anyone had any issues with the application. There was
747 no response.

748 **Applicant Comment**

749 Chair Cox asked Charles Francis, authorized representative for the applicant, if they had
750 any additional comments. Mr. Francis indicated they had none.

751 **Proponents' and Opponents' Comments**

752 Chair Cox asked if there is anyone who has received notice or has standing in this
753 application, is a proponent of the application, and would like to present evidence. Nobody
754 Spoke.

755 Chair Cox asked if there is anyone who has received notice or has standing in this
756 application, is an opponent of the application, and would like to present evidence. Nobody
757 Spoke.

758 **Others with Evidence**

759 Chair Cox asked if there was anyone who has relevant evidence and standing and would
760 like to speak. None spoke.

761 Chair Cox asked if there was anyone from the State, City, or any government body and
762 would like to speak. None spoke.

763 **Staff Recommendation**

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

766 **Development Pattern**

767 2.1.1

768 2.1.2

769 2.1.3

770 **Utilities**

771 2.3.1

772 2.3.2

773 **Landscaping**

774 2.4.4

775 **Parking**

776 2.7.1

777 2.7.2

778 2.7.4

779 2.7.5

780 **Design Principles**

781 3.1.1

782 3.1.2

783 3.1.5

784 **Infill Construction**

785 3.4.1

786 3.4.2

787 3.4.3

788 3.4.4

789 **Foundations**

790 4.1.3

791 **Walls, Trim and Ornamentation**

792 4.2.4

793 **Windows, Doors and Openings**

794 4.3.3

795 **Entrances**

796 4.4.4

797 **Paint**

798 5.4.2

799 5.4.3

800 5.4.4

801 **Contemporary Materials**

802 5.5.1

803 5.5.2

804 5.5.3

805 5.5.6

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

- 808 1. The project is located in the *Tight Weave* development pattern;
- 809 2. The existing development pattern along Liberty St. has been severely weakened by
810 vacant lots and nonconforming structures;
- 811 3. The proposal is an infill project in a Modern Style to fit with a neighboring structure;
- 812 4. The proposed design, components, and materials meet the requirements of the
813 Guidelines;
- 814 5. The Zoning Administrator and the Chief Building Official have reviewed this project
815 and commented accordingly;
- 816 6. The project is not incongruous with the Guidelines.

817 **Staff recommends** the Commission approve this application to include a new infill 1-story
818 house and parking area with the following condition:

- 819 • Before pulling a building permit, the applicant shall provide verification of the zoning
820 and subdivision requirements to the HPA. If site changes are needed, the applicant
821 shall submit revised drawings to the HPA for his approval or for review and approval
822 by the HPC.

823 **Applicant's Comments**

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

825 Mr. Francis indicated they had the following additional comments:

826 It was their understanding that the zoning requirements for setbacks established a setback
827 zone for the front yard setback. Staff Schelly clarified that the suggested condition is
828 relative to the parking.

829 **Commissioners' Questions and Comments**

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

831 Commissioner Sullivan asked why the applicants decided to use a Modern style instead
832 any of the other styles for the proposal. Mr. Francis replied that the design emulates the

only other building on the block, the neighboring day care, which represents the current times and also that would be considered a work of architecture. Commissioner Sullivan asked which Guidelines would back up the choice for a Modern style.

Vice Chair Eure added that Guideline 3.4.1, building mass and open space, is satisfied; Guideline 3.4.2, predominant materials to emulate palette of material in the historic district, is satisfied; Guideline 3.4.3, modern materials are acceptable as a means of continuing architecture through time so this is a record of its time and place. Commissioner Sheridan cited a paragraph in the infill construction section. A discussion between Commissioners Sullivan and Sheridan clarified similar issues related to the style of the proposed infill construction.

Ms. Katherine Adolf was sworn in.

Ms. Adolf, owner of the property, spoke to say that the design is appropriate to the location and not likely to be appropriate in another location in the historic district.

Chair Cox asked for any other comments from the Commissioners. There were none.

MOTION by Commissioner Bisbee to find the application for 316 Liberty St. to be **Not Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines based on the following specific guidelines and findings of fact:

Development Patterns

2.1.1

2.1.2

2.1.3

Utilities

2.3.1

2.3.2

Landscaping

2.4.4

Parking

2.7.1

2.7.2

2.7.4

2.7.5

Design Principles

3.1.1

3.1.2

3.1.5

Infill Construction

3.4.1

3.4.2

3.4.3

3.4.4

Foundations

4.1.3

Walls, Trim and Ornamentation

877 4.2.4

878 **Windows, Doors and Openings**

879 4.3.3

880 **Entrances**

881 4.4.4

882 **Paint**

883 5.4.2

884 5.4.3

885 5.4.4

886 **Contemporary Materials**

887 5.5.1

888 5.5.2

889 5.5.3

890 5.5.6

891 **Findings of Fact are:**

- 892 1. The project is located in the *Tight Weave* development pattern;
- 893 2. The existing development pattern along Liberty St. has been severely weakened by
- 894 vacant lots and nonconforming structures;
- 895 3. The proposal is an infill project in a Modern Style to fit with a neighboring structure;
- 896 4. The proposed design, components, and materials meet the requirements of the
- 897 Guidelines;
- 898 5. The Zoning Administrator and the Chief Building Official have reviewed this project
- 899 and commented accordingly;
- 900 6. The project is not incongruous with the Guidelines.

901 **Approval includes the following condition:**

902 the zoning and subdivision requirements around the location of the parking lot be approved.

903 Commissioner Broadway seconded the motion.

904 **Motion passed:** Commissioner Sullivan opposed.

905 **MOTION** by Commissioner Sullivan to issue the CoA; Second by Commissioner

906 Broadway.

907 **Motion passed:** Unanimously

908

909 **H. 521 Hancock St. – to include roof revisions to an existing garage in the Tertiary AVC.**

910 **Staff Overview of the Application**

911 Staff Schelly provided a review of the application and internal review documents. The

912 existence of a staff recommendation was indicated.

913 **Conflict**

914 Chair Cox asked the Commission if anyone has a conflict of interest for this project. There

915 was no response.

916 **Applicant Comment**

917 Chair Cox asked Ms. Sarah Afflerbach, authorized representative for the applicant, if they

918 had any additional comments. Ms. Afflerbach indicated they had none.

919 **Proponents' and Opponents' Comments, Others with Evidence**

Chair Cox noted there is nobody in the audience that would be proponents, opponents, others or government persons, so there are no further comments.

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:

Accessory Structures

2.6.2

Design Principles

3.1.1

3.1.2

Modifications

3.2.1

Walls, Trim and Ornamentation

4.2.4

4.2.5

Windows, Doors and Openings

4.3.2

4.3.3

Roofs

4.5.2

4.5.4

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.1

5.5.2

5.5.3

5.5.5

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

1. The structure is a contributing resource in the *Tight Weave* development pattern;
2. The project is within the Tertiary AVC;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
5. The project is not incongruous with the Guidelines.

Staff recommends the Commission approve this application to include roof revisions to an existing garage in the Tertiary AVC.

Applicant's Comments

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

Ms. Afflerbach indicated they had no additional comments.

Commissioners' Questions and Comments

Chair Cox asked the Commissioners if they had any questions or comments. Nobody responded.

MOTION by Commissioner Sheridan to find the application for 521 Hancock St. to be **Not Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines based on the following specific guidelines and findings of fact:

Accessory Structures

2.6.2

Design Principles

3.1.1

3.1.2

Modifications

3.2.1

Walls, Trim and Ornamentation

4.2.4

4.2.5

Windows, Doors and Openings

4.3.2

4.3.3

Roofs

4.5.2

4.5.4

Paint

5.4.2

5.4.3

5.4.4

Contemporary Materials

5.5.1

5.5.2

5.5.3

5.5.5

Findings of Fact are:

1. The structure is a contributing resource in the *Tight Weave* development pattern;
2. The project is within the Tertiary AVC;
3. The proposed design, components, and materials meet the requirements of the Guidelines;
4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
5. The project is not incongruous with the Guidelines.

Commissioner Bisbee seconded the motion.

Motion passed: Unanimously

1008 **MOTION** by Commissioner Sheridan to issue the CoA; Second by Vice Chair Eure

1009 **Motion passed:** Unanimously

1010
1011 4. **OLD BUSINESS** (non-hearing items tabled or continued from a previous meeting)

1012 None

1013
1014 5. **GENERAL PUBLIC COMMENTS**

1015 None

1016
1017 6. **NEW BUSINESS:**

1018 **A. Establish a deadline for Design Review Meeting application items.**

1019 Staff Schelly introduced the issue.

1020 The deadline to submit information for the Design Review Meeting shall be noon on the
1021 Friday before the Design Review Meeting the next Wednesday.

1022 **MOTION** by Commissioner Sheridan to approve the calendar; second Commissioner
1023 Bisbee.

1024 **Motion passed:** Unanimously

1025 Chair Cox indicated there are several locations such as in the policies and on our website
1026 that will need to be revised to reflect this change. Vice Chair Eure pointed out that the
1027 HPC has complete control over all those locations, so no additional approvals for the
1028 changes are necessary.

1029
1030 7. **HPC ADMINISTRATOR'S REPORT**

1031 **A. Report on CoAs Issued 11/10/2021 – 01/10/2022**

1032 Chair Cox introduced the list in the agenda (below).

1033 **MAJORS, including AMENDMENTS:**

- 1034 1. 111 Pollock St. – new porch addition
- 1035 2. 300 Pollock St. (City Hall) – 3-story addition
- 1036 3. 404 Avenue C – demolition of rear addition, garage, front porch, and side porch;
1037 construction of 2-story addition, front and side porch replacements, new workshop
- 1038 4. 407 Avenue D – new shed
- 1039 5. 810 E. Front St. – infill house

1040 **MINORS:**

- 1041 1. 520 Johnson St. – two tree replacements
- 1042 2. 221 Craven St. – utility meter and lines
- 1043 3. 248-254 Craven St. – stair tower doors and windows
- 1044 4. 306 Avenue B – tree replacement
- 1045 5. 504 S. Front St. – shade sails, sod
- 1046 6. 508 Middle St. - handrail
- 1047 7. 520 Metcalf St. – front porch gutter
- 1048 8. 804 Queen St. – access ramp in Primary AVC

1049 **B. Report on CoA Extensions Issued since the Prior Regular Meeting:**

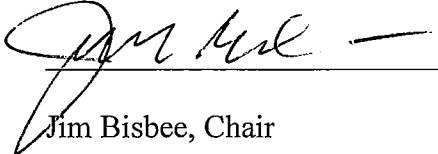
- 1050 1. 720 E Front St – infill house

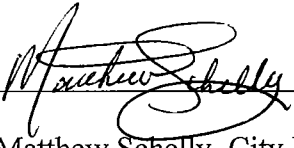
1052 **C. Other Items and Updates**
1053 Staff Schelly had nothing to add.

1054
1055 **8. COMMISSIONERS' COMMENTS:**
1056 None

1057
1058 **9. ADJOURN:**
1059 **Motion to adjourn the meeting:** Commissioner Bisbee; Second by Commissioner
1060 Sheridan.
1061 **Motion passed** unanimously
1062 The meeting was adjourned at 8:35 pm.

1063
1064
1065 Minutes approved: April 19, 2023

1066
1067 
1068 _____
1069 Jim Bisbee, Chair
1070



Matthew Schelly, City Planner, HPC Secretary

1.19.22



NEW BERN

CITY OF NEW BERN

HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, Jan. 19, 2022, 5:30 PM

SWORN SIGN-IN SHEET

Name (printed legibly)

Address

Sarah Atterbach

406 Hancock St.

TESSA O'REGAN

211 JOHNSON ST.

Charles Cushman

4701 Trent River Dr.

CHARLES FORDYCE

327 MIDDA ST

Emily Sigmon

317 Pollack St

Tripp Eura

317 Pollack St

SABRA B McCallister

616 New St

Peggy Broadway

214 Chape St.

Kathleen Adair