

**Minutes of the
New Bern Historic Preservation Commission
May 18, 2022 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, May 18, 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
(5 needed for quorum)	Tripp Eure, Vice-Chair	Annette Stone
	Jim Bisbee	Candace Sullivan
	Peggy Broadway	

Members Excused: Ellen Sheridan

Members Absent: John Blackwelder

A quorum was present.

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

City Attorney Present: Jaimee Mosley, Assistant City Attorney

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

No meeting minutes were available.

MOTION to waive reading the minutes: Commissioner Bisbee; 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. 823 Pollock St. – to include installation of a new, 6-foot-high, wood gate for the driveway in the Primary AVC.

Jon Behrendt, the property owner, was present and sworn for the hearing.

After a summary by HPC staff, opportunities for applicant, proponent, opponent, and government agency comments and rebuttals, recommendations by HPC staff, and board discussion, there was a:

MOTION by Commissioner Sullivan to find the application for a Certificate of Appropriateness for 823 Pollock 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:

Fences and Garden Walls

2.5.1

2.5.2

Signs

2.8.2

Masonry

5.1.1

Metal

5.3.3

5.3.4

Paint

5.4.2

5.4.3

5.4.4

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

1. The project is located in the *Tight Weave* development pattern;
2. The proposal is a garden wall modification and gate 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 application is not incongruous with the Guidelines.

Approval includes the following conditions:

- a. Any fastening for the gate structure to the existing brick and stone wall shall only be embedded into the mortar joints, not into the bricks or stones.
- b. The gate is to be painted white.
- c. Before installation, installers are to provide shop drawings of any installation structures to the Staff to determine if it needs to come to the HPC for review.

Commissioner Bisbee seconded the motion.

Motion passed unanimously.

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

Motion passed unanimously.

C. 226 New St. – to include installation of a shed in the Tertiary AVC.

Staff informed the Chair the applicants for this item were not yet present and usually in these situations the HPC moves the item to later on the agenda. See item F. below.

Chair Cox determined to move this application to later on the agenda.

D. 244 Middle St. and Pollock St., Middle St., and Craven St. Rights-of-Way – to include installation of cable access boxes flush with the surface of the sidewalk in the Primary AVC.

Chair Cox indicated she received a notification letter and requested to be recused from this hearing.

MOTION to recuse Chair Cox by Commissioner Sullivan; second by Commissioner Bisbee.

Motion passed unanimously. Chair Cox stepped down.

Marvin Williams, the City of New Bern Assistant City Manager, was present and sworn for the hearing.

After a summary by HPC staff, opportunities for applicant, proponent, opponent, and government agency comments and rebuttals, recommendations by HPC staff, and board discussion, there was a:

MOTION by Commissioner Bisbee to find the application for a Certificate of Appropriateness for 244 Middle St. and Pollock St., Middle St., and Craven St. Rights-of-Way 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:

Utilities

2.3.3

2.3.4

Findings of Fact:

1. The project is in the *Dense Fabric* and *Tight Weave* development patterns;
2. The project is within the Primary 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 conditions:

- a. All hand hold boxes that are in paver areas are to be submerged under the pavers.
- b. Work on 244 Middle St. is to be handled as a Minor Work.

Commissioner Bryant seconded the motion.

Motion passed unanimously.

MOTION by Commissioner Bryant to issue the CoA; Second by Commissioner Bisbee.

Motion passed unanimously.

Reseating Recused Commissioner

MOTION by Commissioner Bisbee to reseat Chair Cox; Second by Commissioner Bryant.

Motion passed unanimously. Chair Cox returned to the dais.

E. 407 Avenue D - to include installation of an accessory structure in the Tertiary AVC.

Jon Friesen, the owner's authorized representative, was present and sworn for the hearing.

After a summary by HPC staff, opportunities for applicant, proponent, opponent, and government agency comments and rebuttals, recommendations by HPC staff, and board discussion, there was a:

MOTION by Commissioner Stone to find the application for a Certificate of Appropriateness for 407 Avenue D 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

2.6.1

2.6.2

Design Principles

3.1.1

- 138 3.1.2
- 139 **Walls, Trim and Ornamentation**
- 140 4.2.4
- 141 4.2.5
- 142 **Windows, Doors and Openings**
- 143 4.3.2
- 144 4.3.3
- 145 **Paint**
- 146 5.4.2
- 147 5.4.3
- 148 **Contemporary Materials**
- 149 5.5.1
- 150 5.5.2
- 151 5.5.3
- 152 5.5.6
- 153 **Findings of Fact**, based on the information contained in the application, are:
- 154 1. The property is a contributing property in the *Tight Weave* development pattern;
- 155 2. The project is within the Tertiary AVC;
- 156 3. All components and materials meet the requirements of the Guidelines;
- 157 4. The Zoning Administrator and the Chief Building Official have reviewed this
- 158 project and commented accordingly;
- 159 5. The project is not incongruous with the Historic District Guidelines.
- 160 **Approval includes the following condition:**
- 161 a. That the applicant has the choice to use a soffit or exposed rafters on a
- 162 sufficient overhang for the roof.
- 163 Commissioner Broadway seconded the motion.
- 164 **Motion passed** unanimously.
- 165 **MOTION** by Commissioner Bryant to issue the CoA; Second by Commissioner Sullivan.
- 166 **Motion passed** unanimously.
- 167
- 168 F. **226 New St.** – to include installation of a shed in the Tertiary AVC.
- 169 The owner, nor their authorized representative, were present.
- 170 **MOTION** by Commissioner Stone to continue the application for 305 North Ave. until
- 171 our next regularly scheduled hearing, which will occur on June 15, 2022, 5:30 pm in the
- 172 City Hall Courtroom in order to hear evidence from the applicant.
- 173 Commissioner Sullivan seconded the motion.
- 174 **Motion passed** unanimously.
- 175
- 176 4. **OLD BUSINESS** (non-hearing items tabled or continued from a previous meeting)
- 177 A. **Awards Work Group Discussion**
- 178 Chair Cox referred to the new, final version of the document. It is the result of a
- 179 collaborative effort with representatives of the New Bern Historical Society and the New
- 180 Bern Preservation Foundation.
- 181
- 182 5. **GENERAL PUBLIC COMMENTS**
- 183 None spoke.

184
185 **6. NEW BUSINESS:**

186 None

187
188 **7. HPC ADMINISTRATOR'S REPORT**

189 **A. Report on CoAs Issued 04/13/2022 – 05/10/2022**

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

191 **MAJORS, including AMENDMENTS:**

- 192 1. 216 Johnson St. – fencing
193 2. 207 Pollock St. – stair removal, door closure, fencing
194 3. 411 Broad St. – patio, rear fence, windows, door, lighting
195 4. 509 Queen St. – infill house

196 **MINORS:**

- 197 1. 215 New St. – tree replacement
198 2. 424 Craven St. – tree replacement
199 3. 511 Metcalf St. – gutters
200 4. 609 New St. – driveway, landscaping
201 5. 610 New St. – hvac
202 6. 720 Pollock St. – paving, planting, fencing
203 7. 720 Pollock St. – tree replacement

204
205 **B. Report on CoA Extensions Issued since the Prior Regular Meeting:**

206 None

207
208 **C. Other Items and Updates**

209 None

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211 **8. COMMISSIONERS' COMMENTS:**

212 Commissioner Sullivan asked about upcoming ends of HPC Commissioners' terms and
213 election of officers.

214 Staff Schelly provided information about how the process works for term endings,
215 reappointments, and new appointments,

216
217 **9. ADJOURN:**

218 **Motion to adjourn the meeting:** Commissioner Bisbee; Second by Commissioner Stone.

219 **Motion passed** unanimously

220 The meeting was adjourned at 7:30 pm.

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222
223 Minutes approved: May 17, 2023

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225 

226
227
228 Jim Bisbee, Chair



Matthew Schelly, City Planner, HPC Secretary



HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, May 18, 2022, 5:30 PM

SWORN SIGN-IN SHEET

Name (printed legibly)

Address

JON FRISSEN

New Bern, NC

Michael Worznon

Smithfield, NC

Leslie Adams

Wilmington NC

Jon Behrendt

823 Pollock St.

MARVIN WILLIAMS

300 Pollock St.