

**Minutes of the
New Bern Historic Preservation Commission
January 18, 2023 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, January 18, 2023, in the Historic Courtroom, Second Floor, City Hall, 303 Pollock St.

1. OPENING OF MEETING WITH ROLL CALL

Meeting called to order by Chair Bisbee at: 5:32 pm.

Members Present:	James Bisbee, Chair	Gregory Rusch
(5 needed for quorum)	Tripp Eure, Vice-Chair	Tim Thompson
	Mollie Bales	Marc Wartner
	Dr. Ruth Cox	
	Jim Morrison	

Members Excused: None

Members Absent: Candace Sullivan

A quorum was present.

Staff Present: Matthew Schelly, AICP, City Planner, 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 minutes were available for approval.

3. ADJUSTMENTS TO THE AGENDA

Chair Bisbee asked for any adjustments to the agenda. None were offered.

4. HEARINGS ON CERTIFICATES OF APPROPRIATENESS:

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

Chair Bisbee explained the HPC and the quasi-judicial hearing process and Staff Schelly swore in 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 Bisbee called to begin the hearings for the applications for a Certificate of Appropriateness.

B. 305 North Ave. – to include demolition of a contributing structure and construction of a 2-story infill house.

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 H. below.**

Chair Bisbee determined to move on to the next application.

44 **C. 302 Broad St. (Courthouse)** – to include an addition and modifications at the modern
45 Craven St. addition for a new accessible entry and new spaces and covered driveway in
46 the Primary and Secondary AVCs.

47 David Griffin, the owner’s authorized representative, was present and sworn for the
48 hearing.

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

52 **MOTION** by Commissioner Morrison to find the application for a Certificate of
53 Appropriateness for 302 Broad St. to be Not Incongruous with New Bern’s Code of
54 Ordinance sections 15.411 – 15.429 and New Bern’s Historic District Guidelines based on
55 the following specific guidelines and findings of fact:

56 **Development Pattern**

57 2.1.1

58 2.1.2

59 2.1.3

60 **Utilities**

61 2.3.1

62 **Signage**

63 2.8.1

64 2.8.2

65 2.8.4

66 **Design Principles**

67 3.1.1

68 3.1.2

69 3.1.3

70 3.1.4

71 3.1.5

72 **Modifications**

73 3.2.2

74 **Additions**

75 3.3.1

76 3.3.2

77 3.3.3

78 **Foundations**

79 4.1.6

80 **Roofs**

81 4.5.6

82 **Accessibility and Life Safety**

83 4.7.3

84 **Masonry**

85 5.1.2

86 5.1.5

87 **Metals**

88 5.3.3

89 5.3.4

90 **Paint**

91 5.4.2

92 5.4.3

93 5.4.4

94 5.4.6

95 **Contemporary Materials**

96 5.5.2

97 5.5.3

98 **Findings of Fact are:**

- 99 1. The project is located in the *Dense Fabric* development pattern;
100 2. The proposal is an addition and modifications to an existing contributing structure;
101 3. The proposed design, components, and materials meets the requirements of the
102 Guidelines;
103 4. The Zoning Administrator and the Chief Building Official have reviewed this project
104 and commented accordingly;
105 5. The project is not incongruous with the Guidelines.

106 Commissioner Cox seconded the motion.

107 **Motion passed:** Unanimously

108 **MOTION** by Commissioner Thompson to issue the CoA; Second by Commissioner
109 Morrison.

110 **Motion passed:** Unanimously

111
112 **D. 1206 N. Pasteur St.** – to include a front door and sidelights replacement and expand the
113 gravel parking area, all in the Primary, Secondary, and Tertiary AVCs.

114 The owners, Kelly and Jeremy Tyndall, were present and sworn for the hearing.

115 After a summary by HPC staff, opportunities for applicant, proponent, opponent, and
116 government agency comments and rebuttals, recommendations by HPC staff, and board
117 discussion, **the applicant removed all reference to the front door from the application,**
118 **leaving only the driveway in the application.**

119 **MOTION** by Commissioner Morrison to find the application for a Certificate of
120 Appropriateness for 1206 N. Pasteur St. to be Not Incongruous with New Bern's Code of
121 Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines based on
122 the following specific guidelines and findings of fact:

123 **Parking**

124 2.7.1

125 2.7.2

126 2.7.3

127 2.7.4

128 **Findings of Fact are:**

- 129 1. The project is located in the *Tight Weave* development pattern;
130 2. The proposal is a driveway;

3. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;

4. The driveway portion of the application is not incongruous with the Guidelines. Commissioner Cox seconded the motion.

Motion passed: Unanimously

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

Motion passed: Unanimously

E. 1512, 1516 National Ave., and 407 North Ave. – to include fencing in the Primary and Secondary AVCs.

The owners, Gregory and Lynn Chamberlain, were 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 Thompson to find the application for a Certificate of Appropriateness for 1512 and 1516 National Ave. and 407 North Ave. 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

2.5.3

Paint

5.4.3

5.4.4

Findings of Fact are:

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

2. The proposal is the installation of two fences of appropriate design, components, and materials that meet the requirements of the Guidelines.

3. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;

4. The application is not incongruous with the Guidelines.

Approval includes the following condition:

Applicant will provide to the HPA the necessary description and evidence to assure that the 4-foot fence meets the description discussed and the standards.

Commissioner Morrison seconded the motion.

Motion passed: Unanimously

Chair Bisbee asked the applicant if he understood what is still required of him. The applicant summarized what he understood that he is expected to do.

MOTION by Commissioner Cox to issue the CoA; Second by Commissioner Thompson.

Motion passed: Unanimously

175 **F. 305 Bern St.** – to include a new shed in the Tertiary AVC.

176 The owners, Gregory and Lynn Chamberlain, were present and sworn for the hearing.

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

180 **MOTION** by Commissioner Thompson to find the application for a Certificate of
181 Appropriateness for 305 Bern St. to be Not Incongruous with New Bern's Code of
182 Ordinance sections 15.411 – 15.429 and New Bern's Historic District Guidelines based on
183 the following specific guidelines and findings of fact:

184 **Accessory Structures**

185 2.6.1

186 2.6.3

187 **Design Principles**

188 3.1.1

189 3.1.2

190 **Foundations**

191 4.1.3

192 **Walls, Trim and Ornamentation**

193 4.2.4

194 4.2.5

195 **Windows, Doors and Openings**

196 4.3.2

197 4.3.3

198 **Paint**

199 5.4.2

200 5.4.3

201 5.4.4

202 **Contemporary Materials**

203 5.5.1

204 5.5.2

205 5.5.3

206 5.5.5

207 5.5.6

208 **Findings of Fact are:**

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

211 2. The project is an accessory structure within the Tertiary AVC;

212 3. The proposed design, components, and materials meet the requirements of the
213 Guidelines;

214 4. The Zoning Administrator and the Chief Building Official have reviewed this project
215 and commented accordingly;

216 5. The project is not incongruous with the Guidelines.

217 Commissioner Cox seconded the motion.

218 Chair Bisbee asked if there was any discussion: none spoke.

219 **Motion passed:** Unanimously

220 **MOTION** by Commissioner Thompson to issue the CoA; Second by Vice Chair Eure.

221 **Motion passed:** Unanimously

222
223 **G. 720 E. Front St.** – to include construction of a new 2-story infill house and 2-story
224 detached garage.

225 Sarah Afflerbach, the owner's authorized representative, was present and sworn for the
226 hearing.

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

230 **MOTION** by Vice Chair Eure to find the application for 720 E. Front St. for a Certificate
231 of Appropriateness to be Not Incongruous with New Bern's Code of Ordinance sections
232 15.411 – 15.429 and New Bern's Historic District Guidelines based on the following
233 specific guidelines and findings of fact:

234 **Development Pattern**

235 2.1.1

236 2.1.2

237 2.1.3

238 **Utilities**

239 2.3.1

240 2.3.2

241 2.3.3

242 2.3.6

243 **Landscaping**

244 2.4.3

245 2.4.4

246 2.4.7

247 **Fences and Garden Walls**

248 2.5.1

249 2.5.2

250 **Accessory Structures**

251 2.6.1

252 2.6.2

253 **Parking**

254 2.7.1

255 2.7.2

256 **Waterfront Modifications**

257 2.9.3

258 **Design Principles**

259 3.1.1

260 3.1.2

261 3.1.3

262 3.1.4

263	3.1.5
264	<u>Infill Construction</u>
265	3.4.1
266	3.4.2
267	3.4.3
268	3.4.4
269	<u>Foundations</u>
270	4.1.2
271	4.1.3
272	4.1.4
273	4.1.5
274	4.1.6
275	<u>Walls, Trim and Ornamentation</u>
276	4.2.4
277	4.2.5
278	<u>Windows, Doors and Openings</u>
279	4.3.2
280	4.3.3
281	<u>Entrances</u>
282	4.4.4
283	<u>Roofs</u>
284	4.5.4
285	4.5.6
286	<u>Decks and Patios</u>
287	4.6.2
288	<u>Masonry</u>
289	5.1.3
290	5.1.5
291	5.1.6
292	<u>Metals</u>
293	5.3.3
294	5.3.4
295	<u>Paint</u>
296	5.4.2
297	5.4.3
298	5.4.4
299	5.4.6
300	<u>Contemporary Materials</u>
301	5.5.1
302	5.5.2
303	5.5.3
304	5.5.5
305	5.5.6
306	Findings of Fact are:

1. The project is located in the *Tight Weave* development pattern;
2. The proposal is an infill and accessory structure project;
3. The proposed design, components, and materials meet the Standards;
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:

Information pertaining to the utilities, exterior lighting, and landscaping will come back as a separate CoA.

Commissioner Thompson seconded the motion.

Motion passed: Unanimously

MOTION by Commissioner Morrison to issue the CoA with the condition; Second by Vice Chair Eure.

Motion passed: Unanimously

H. 305 North Ave. – to include demolition of a contributing structure and construction of a 2-story infill house.

The owner, nor their authorized representative, were present.

MOTION by Vice Chair Eure to **continue** the application for 305 North Ave. until our next regularly scheduled hearing, which will occur on February 15, 2023, 5:30 pm in the City Hall Courtroom.

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

None

6. GENERAL PUBLIC COMMENTS

None spoke.

7. NEW BUSINESS

None

8. HPC ADMINISTRATOR'S REPORT

A. Report on CoAs Issued 10/12/2022 – 01/11/2023

Chair Bisbee asked if there were any questions on these. There was no reply.

MAJORS:

1. 404 Avenue B – fencing
2. 507 George St. – addition, porches, fencing
3. 5 pending

MINORS:

1. 221 E. Front St. – repointing, removal of unused utilities
2. 303 Pollock St. – signs
3. 415 Broad St. – tree replacement
4. 616 Broad St. – hvac units
5. 609 New St. – landscaping, gravel driveway

6. 711 Queen St. - fencing
7. 11 pending

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

None

C. Other Items and Updates

- i. Commissioner resignations and replacements.
Chair Bisbee reported on the two recent resignations and two new appointments.
- ii. Annual Report to the SHPO
Staff Schelly reported that the annual report was filed to the SHPO on time. Some follow-up reports are needed. Schelly also indicated that the new commissioners will need to provide him with their resumes by November 2023.

9. COMMISSIONERS' COMMENTS:

None

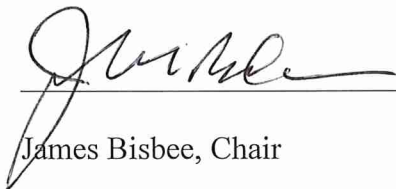
10. ADJOURN:

Motion to adjourn the meeting: Commissioner Cox; Second by Commissioner Morrison

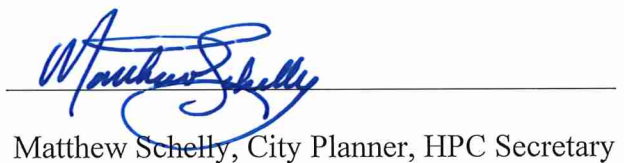
Motion passed: Unanimously

The meeting was adjourned at 7:16 pm.

Minutes approved: May 17, 2023



James Bisbee, Chair



Matthew Schelly, City Planner, HPC Secretary



NEW BERN

CITY OF NEW BERN

HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, January 18, 2023, 5:30 PM

SWORN SIGN-IN SHEET

Name (printed legibly)

Address

Sarah Attlerbach 406 Hancock St. NB, NC

Kelly + Jeremy Tyndall 12⁰⁶ N Pasteur St NB, NC

DALLAS BLACKSTON 1507 N. Pasteur NB NC
1512 NATION AVE

MR & MRS GREGORY & Linn Chamberlain

DAVID GRIFFIN 302 BROWN ST., NEW BERN NC

MARIC ULREY 305 BERN ST, NB.