

**HPC Reg Mtg Minutes of the  
New Bern Historic Preservation Commission  
February 15, 2023 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, February 15, 2023, in the Historic Courtroom, Second Floor, City Hall, 303 Pollock St.

**1. OPENING OF MEETING WITH ROLL CALL**

**Meeting called to order by Vice-Chair Eure at 5:30 pm.**

<b>Members Present:</b>	Tripp Eure, Vice-Chair	Gregory Rusch
(5 needed for quorum)	Dr. Ruth Cox	Candace Sullivan (arrived 5:33 pm)
	Jim Morrison	Tim Thompson

**Members Excused:** Jim Bisbee, Chair; Marc Wartner

**Members Absent:** Mollie Bales

**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)**

No meeting minutes were available.

**3. ADJUSTMENTS TO THE AGENDA**

Vice-Chair Eure requested the item for 100 Middle St. be moved to be the last hearing for the evening.

**MOTION** by Commissioner Morrison to adjust the agenda to move item C, 100 Middle St., to come after item D, 301 Hancock St.; second by Commissioner Rusch. **Motion passed** unanimously.

**4. HEARINGS ON CERTIFICATES OF APPROPRIATENESS:**

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

Vice-Chair Eure 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.

Vice-Chair Eure continued with the summary of the hearing process.

**APPLICATIONS**

Vice-Chair Eure called to begin the hearings for the applications for a Certificate of Appropriateness.

44 B. **305 North Ave.** – to include a new infill house. Continued from previous meeting.

45 **Staff Overview of the Application**

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

48 **Applicant Comment**

49 Vice-Chair Eure asked Mr. Freeman, the applicant, if they had any additional comments.  
50 Mr. Freeman indicated the conceptual house design in the application includes an  
51 unconditioned foyer.

52 **Proponents' and Opponents' Comments**

53 Vice-Chair Eure asked if there is anyone present who would like to speak for or against the  
54 application. No one spoke.

55 **Completeness**

56 Vice-Chair Eure asked the Commission if anyone had any issues with the completeness of  
57 the application. Commissioner Morrison stated that according to procedure the applications  
58 were not available for public viewing, there is not enough detail in the drawings for review,  
59 the HPC members did not have all the info four days before the hearing, and there is not  
60 enough information about the materials to be used for the windows, the siding. He has no  
61 issue with the demolition part; it is just the infill part of the application. Commissioner  
62 Cox agreed. Commissioner Thompson explained this is a two-step process – demolition  
63 and infill. He agreed we have enough information to process the demolition part, however,  
64 the infill part we will have some discussions and questions about the infill part. VC Eure  
65 reminded the board that this is a two-step approval process. Speaking to the applicants,  
66 Vice-Chair Eure indicated it seemed that there is enough information to act on the  
67 demolition part, but not for the redevelopment piece. He also informed the applicant that  
68 while approval of the demolition is a first step, they will need the redevelopment approval  
69 before the actual demolition can occur. Vice-Chair Eure asked the board if they were  
70 comfortable with moving forward with the hearing regarding just the demolition portion of  
71 the application. There seemed to be a consensus in agreement.

72 **Staff Recommendation**

73 Vice-Chair Eure asked staff to present their recommendations for the demolition portion  
74 of the application, called Deliberation 1.

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

77 **DELIBERATION 1: DEMOLITION**

78 **Demolition**

79 6.4.2

80 6.4.3

81 6.4.4

82 6.4.5

83 In addition, the Guidelines stipulate: “In rendering a decision on a demolition COA, the  
84 HPC should address the following [three] considerations:”

85 **Consideration 1: Address the historical, cultural and architectural significance of the**  
86 **structure.**

- 87 • Is it a contributing structure?
- 88 ○ Staff: Yes, as indicated in the Inventory in the National Register Registration Form
- 89 for the Riverside Historic District.
- 90 • Is it significant because of its historic use, an event, a person, a builder, or an architect?
- 91 ○ Staff: No. None is indicated in the National Register Registration Form for the
- 92 Riverside Historic District, nor is anything or anyone otherwise known to staff.
- 93 • Is it the last or the oldest example of a certain building type?
- 94 ○ Staff: This is not indicated in the National Register Registration Form for the
- 95 Riverside Historic District, nor is this otherwise known to staff.

96 **Consideration 2: Address the integrity of the structure.**

- 97 • What are the conditions of foundations, floors, walls, windows, doors and roofs?
- 98 ○ Staff: the applicant has provided substantial evidence that the conditions of these
- 99 elements are beyond the state whereby repairs would be possible or reasonable.
- 100 • Is it a hazard to public health, safety and welfare?
- 101 ○ Staff: In 2012 the Chief Building Officer has issued an Order that the dwelling was
- 102 “unfit for human habitation due to deterioration and defects, increasing the hazard
- 103 of fire, accidents, or other calamities.” In addition, the applicant has stated that the
- 104 structure is at least occasionally used by trespassers.

105 **Consideration 3: Address attempted preservation efforts.**

- 106 • Have options for rehabilitation been explored with preservation organizations?
- 107 ○ Staff: no explorations of options for rehabilitation with preservation organizations
- 108 are known to the staff.
- 109 • Has the applicant been unsuccessful in seeking alternatives to demolition?
- 110 ○ Staff: the applicant has not indicated such to the staff.
- 111 • Have alternatives for structure relocation and sale of the property been pursued?
- 112 ○ Staff: the applicant has not indicated such to the staff.

113 **Statements of Reason**, based on the information contained in the application, in Staff’s

114 judgment are:

- 115 1. The project is a proposal to demolish a contributing resource.
- 116 2. The applicant is proposing a new house for the property, however the design of which
- 117 will need to be approved by the HPC.
- 118 3. The Zoning Administrator and the Chief Building Official have reviewed this project
- 119 and commented accordingly.
- 120 4. The project is not incongruous with the Guidelines.

121 **MOTION FOR DELIBERATION 1**

122 **Staff recommends the Commission approve this application to include demolition of**

123 **a contributing structure, however the CoA should not be issued at this time and the**

124 **demolition may not proceed until the design of the replacement structure is approved**

125 **by the HPC and a CoA issued for the replacement. Then, the CoA for the demolition**

126 **can be approved by the HPC to be issued.**

127 **Applicant’s Comments**

128 Vice-Chair Eure asked the applicants if they had any additional comments.

The applicants indicated they did not.

### **Commissioners' Questions and Comments**

Vice-Chair Eure asked the Commissioners if they had any questions or comments.

Commissioner Morrison stated that they have been provided with significant photographic evidence of the deterioration of the structure and is not a subject for rehabilitation.

Commissioner Cox agreed and added more information about the deterioration of the structure including reference to conditions of the walls, floors, and ceilings.

Commissioner Thompson reminded that the structure is a contributing structure to the district. Thompson also stated that it does not seem to be practical to rehab or move the structure.

Vice-Chair Eure proceeded by reviewing what has been presented and discussed regarding the considerations. Consideration 1: the house is not the last of its building type and not associated with a historic person or builder; the condition of the house was discussed and addresses consideration 2; and regarding the preservation of materials in consideration 3, there is not enough historical material remaining with integrity to allow for the alternatives indicated.

**MOTION** by Commissioner Morrison **to find the demolition application** for 305 North Avenue **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:

### **Demolition**

6.4.2

6.4.3

6.4.4

6.4.5

Discussed Considerations 1, 2, and 3, finding no reasonable path to preserve the property.

The project is a proposal to demolish a contributing resource.

The applicant is proposing a new house for the property, however the design of which will need to be approved by the HPC.

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

The project is not incongruous with the Guidelines to demolish the existing structure.

Commissioner Thompson seconded the motion.

Vice-Chair Eure asked if there was any discussion.

Commissioner Cox requested the motion be **AMENDED to add the condition** that the CoA shall not be issued at this time and the demolition may not proceed until the design of the replacement structure is approved by the HPC and a CoA issued for the replacement. Then, the CoA for the demolition can be approved by the HPC to be issued.

Commissioner Morrison accepted the amendment.

Commissioner Thompson discussed the possibility of making an exception to the procedures, which is allowed in the procedures, to allow the demolition before the approval of the redevelopment. However, with some uneasiness from other commissioners and discussion by Vice-Chair Eure, Commissioner Thompson accepted the amendment.



172 **Motion passed** unanimously.

173 Vice-Chair Eure reminded all that no CoA is being issued at this time.

174 Assistant City Attorney Moseley asked Vice-Chair Eure if he would like to ask the board  
175 for a motion to table the remainder of the application.

176 **MOTION** by Commissioner Thompson **to continue** the application for 305 North Avenue  
177 to the regular meeting on March 15, 2023, in City Hall at 5:30 with the understanding that  
178 the applicant will come back to the HPC Design Review meeting with the necessary  
179 information related to redevelopment of the structure or structures.

180 Commissioner Cox seconded the motion.

181 Vice-Chair Eure asked if there was any discussion.

182 **Motion passed** unanimously.

- 183  
184 C. **301 Hancock St.** – to include modifications to the two-level porch in the Secondary AVC.  
185 Vice-Chair Eure opened this item and indicated he has had ex parte communication with  
186 Anne Hiller, the applicant's representative, discussing how she could formulate an  
187 approach to coming to the hearing. He also had ex parte discussions with Richard Parsons,  
188 the President of the New Bern Preservation Foundation, regarding the handling of some  
189 historic material. Vice-Chair Eure believes neither of these ex parte communications have  
190 biased his opinion on how to handle this application.

191 Tim Thompson indicated that he was the President of the New Bern Preservation  
192 Foundation at the time the current owner, Ms. Hiller, and the Foundation were both trying  
193 to buy the property. He also contacted Richard Parsons, the current President of the New  
194 Bern Preservation Foundation, to let him know that the Foundation might want to try to  
195 sort out the current situation at this property. Commissioner Thompson stated he believes  
196 that these communications will not bias his opinion or ability to deliberate this evening.

197 **Conflict**

198 Vice-Chair Eure asked the Commission if anyone has a conflict of interest for this project.  
199 No one responded.

200 **Completeness**

201 Vice-Chair Eure asked the Commission if anyone had any issues with the completeness of  
202 the application.

203 No one responded.

204 **Staff Overview of the Application**

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

207 **Applicant Comment**

208 Vice-Chair Eure asked Anne Hiller, authorized representative for the applicant, if they had  
209 any additional comments. Ms. Hiller indicated they will do whatever the HPC wants her  
210 to do.

211 **Proponents' and Opponents' Comments**

212 Vice-Chair Eure asked if there is anyone who would like to speak for or against the  
213 application. No one spoke.

214 **Staff Recommendation**

Staff Schelly submitted the description of the project, including a relevant excerpt from *The Historic Architecture of New Bern and Craven County, North Carolina*, by Peter B. Sandbeck, 1988, for the subject property, including:

“Of the very few brick outbuildings and dependencies still surviving in New Bern, this two-story combined office and quarters is the most charming and well preserved. ... The attractive two-story side porch appears to date from the 1870s; its picturesque sawnwork brackets and railings add much to the character of the building. Sheltered under the porch is a surprisingly elaborate Victorian stair with a heavy turned newel and turned balusters. This replaced or supplemented the original but now-removed interior stairway, ...”

Schelly also cited the following Historic District Guidelines, Statements of Reason, and Recommendation as appropriate to this application:

**Modifications**

3.2.2

3.2.3

3.2.4

**Wood**

5.2.1

5.2.2

**Paint**

5.4.1

5.4.2

5.4.3

5.4.4

**Section 6.1**

**Wood Maintenance**

6.1.5

6.1.6

6.1.7

**Paint Maintenance**

6.1.11

6.1.12

**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 removal of a Victorian exterior stairway, banister, and second floor stairway opening railings, plus modifications to close in the stairway opening, and to repair and replace deteriorated materials for the first floor porch flooring, the second floor porch flooring, a few second floor sawnwork porch railing balusters, and second floor siding;
3. The Victorian exterior stairway is noted and described in *The Historic Architecture of New Bern and Craven County, North Carolina*, by Peter Sandbeck;

- 256 4. Due to failure to meet the requirements of Guidelines 3.2.2, 3.2.3, 5.2.1, section  
257 6.1, and Guideline 6.1.5, the proposal to remove the Victorian exterior stairway,  
258 baluster, and railings does not meet the requirements of the Guidelines;  
259 5. The proposed design, components, and materials of the replacement porch decking  
260 and the house siding portion of the application do meet the requirements of the  
261 Guidelines.  
262 6. The Zoning Administrator and the Chief Building Official have reviewed this  
263 project and commented accordingly;  
264 7. The stairway removal portion of the application is incongruous with the Guidelines  
265 and the porch decking portion of the application is not incongruous with the  
266 Guidelines.

267 **Staff recommends** the Commission approve the portion of this application for the  
268 proposed modifications to repair and replace deteriorated materials for the first floor porch  
269 flooring, the second floor porch flooring, a few second floor sawnwork porch railing  
270 balusters, and second floor siding in the Secondary AVC, and to deny the portion regarding  
271 removal of the Victorian exterior stairway, banister, and second floor stairway opening  
272 railings, plus modifications to close in the stairway opening, in the Secondary AVC.

273 **Applicant's Comments**

274 Vice-Chair Eure asked the applicants if they had any additional comments.

275 Anne Hiller indicated they found the stairway, have most of the tread that were not  
276 disposable, saved the newel posts, so they can replace the stairway.

277 **Chair's Clarifications**

278 Vice-Chair Eure reminded the board at this time that some work had taken place before the  
279 issuance of a CoA.

280 Vice-Chair Eure and Anne Hiller recapped the proposal of the application to include:  
281 replace stair and balustrade, including the opening in the second floor; remove storage area  
282 under stairs, slight modification of the porch structure and decking, replace in-kind some  
283 second story balusters, replace second floor siding.

284 **Commissioners' Questions and Comments**

285 Vice-Chair Eure asked the Commissioners if they had any questions or comments.

286 Commissioner Sullivan asked why the HPC would make an exception to the Guidelines to  
287 allow removal of the stairway.

288 Commissioner Morrison stated it is hard to get around the stairway being a significant  
289 feature of the architecture of the house, not an interior feature.

290 Commissioner Sullivan asked Vice-Chair Eure if the proposal had been to remove the  
291 stairway prior to having removed the stairway, if it might not have been approved. Vice-  
292 Chair Eure agreed that that it might not have.

293 Vice-Chair Eure stressed that the motion maker needs to be clear about whether to replace  
294 the stairway or not.

295 Commissioner Rusch asked if the stairway had already been moved from the interior to the  
296 exterior location.

297 Vice-Chair Eure clarified that the move to the exterior was about 100 years ago and had  
298 probably achieved historical significance in that location in its own right.



Commissioner Thompson stated that the HPC puts a lot of weight on the descriptions in the Peter Sandbeck book. The stairway is mentioned in his book and therefore significant because of that.

Commission Morrison asked if the HPC allowed it to be moved inside, where does that stop.

Commissioner Thompson reminded the board that removal of the stairway is not part of the application.

**MOTION** by Commissioner Thompson to find the application for 301 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:

**Modifications**

3.2.2

3.2.3

3.2.4

**Wood**

5.2.1

5.2.2

**Paint**

5.4.1

5.4.2

5.4.3

5.4.4

**Section 6.1**

**Wood Maintenance**

6.1.5

6.1.6

6.1.7

**Paint Maintenance**

6.1.11

6.1.12

**Findings of Fact, are:**

1. The project is located in the Downtown Historic District;
2. The items we are asked to consider, the stairway, the porch decking that has been replaced without a CoA, the wood siding where the Tyvek is exposed, and whether the stairway needs to be functional or not;
3. The stairway needs to be reconstructed with any original, existing materials, the handrails, balustrades and so forth; the decking needs to be replaced as it was before being removed;
4. The following Guidelines under consideration, the application does not meet the guidelines of 3.2.2, 3.2.3, 5.2.1, and 6.1.5. That has to do with 3.2.2 has not been met – modifications to a structure should not conceal, damage, or remove significant design components or architectural features; 3.2.3 - Replace historic



design components only if they are damaged beyond repair. Replacement for convenience is not appropriate. Use materials and details that match the original; 5.2.1 - Adhere to Preservation Guidelines for retention of historic fabric when altering wood materials; and then 6.1.5 – Retain and preserve siding, fenestration, trim and ornamentation. Maintain wood features such as beaded and shaped edges, lathe turned profiles and decorative surfaces that have been milled, joined and routed. Failure to meet guidelines 3.2.2, 3.2.3, 5.2.1, and 6.1.5 mainly have to do with the exterior stairway that was removed.

The porch decking that is in place does not meet the guidelines in the sense of replacing decking in scale, proportion and so forth with decking that matches what was there before.

To summarize, the stairway needs to be put back, it needs to be a functional stairway, the wood siding meets the guidelines, the porch decking needs to be put back in its pre-existing configuration.

Commissioner Cox seconded the motion.

Vice-Chair Eure asked Commissioner Thompson if he meant to include the second floor porch balusters are to be replaced in-kind. Commissioner Thompson agreed to add the replacement of the upper floor balusters in-kind to his motion.

Vice-Chair Eure asked Commissioner Thompson if he meant to include the little storage room under the stairs. Commissioner Thompson agreed to add the replacement of the little storage room under the stairs to his motion.

Commissioner Cox agreed to the amendments to the motion.

Vice-Chair Eure clarified that the new porch flooring that was installed appears to be 2x6 lumber, whereas the previous porch flooring was probably 4-inch tongue and groove with ¾ to 1 inch in thickness.

Commissioner Morrison added that the current motion reflects what the HPC would have decided if the application had come to the Commission prior to beginning work.

Commissioner Rusch suggested amending the motion to allow the upper porch flooring to remain with the current material.

Commissioner Thompson did not accept the amendment to the motion.

**Motion passed** unanimously.

**MOTION** by Commissioner Cox to issue the CoA; Second by Commissioner Morrison.

**Motion passed** unanimously.

**D. 100 Middle St. (Doubletree Hotel)** – to include reconstruction of the deck in the Tertiary AVC.

**Conflict**

Vice-Chair Eure indicated to the Commission that he has a conflict of interest for this project since an architect in his office is working with the Doubletree Hotel client on another project. He then indicated a Temporary Chair would need to be appointed.

**MOTION** by Commissioner Morrison for Commissioner Cox to be the Temporary Chair for the 100 Middle St. hearing. Second by Commissioner Thompson.

**Motion passed** unanimously.

Temporary Chair Cox requested a motion to recuse Vice Chair Eure for the 100 Middle St. hearing.

**MOTION** to recuse Vice-Chair Eure by Commissioner Thompson since he is working on a part of the project for the hotel. Second by Commissioner Morrison.

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

**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**

Temporary Chair Cox asked Mr. Dean Quadir, authorized representative for the applicant, if they had any additional comments. Mr. Quadir indicated they are still working with the City for a new encroachment agreement.

Assistant City Attorney Moseley clarified that the existing license agreement was put in place and approved by the Aldermen many years ago and the applicant has indicated that a new license agreement would be needed for this project. She further advised that the HPC not approve a project that does not have the legal right for the project on the property. Commissioner Thompson suggested the HPC might handle this as a condition of the CoA. Assistant City Attorney Moseley indicated that an approval by the HPC can lead an applicant to believe they have approval to proceed with a project. ACA Moseley then suggested continuing the application to allow the applicant to achieve the necessary entitlements.

The applicant's representative stated they have no issue to a continuation of the application.

**MOTION** by Commissioner Morrison **to continue the hearing** on the application for 100 Middle St. to the March 15, 2023, HPC meeting, 5:30 pm in the City Hall, second floor. Second by Commissioner Thompson.

**Motion passed** unanimously.

**Reseating Recused Commissioner**

**MOTION** by Commissioner Rusch to reseat Vice-Chair Eure. Second by Commissioner Sullivan.

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

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

Vice-Chair Eure indicated there is no old business.

6. **GENERAL PUBLIC COMMENTS**

No one spoke.

7. **NEW BUSINESS:**

Vice-Chair Eure indicated there is no new business.

8. **HPC ADMINISTRATOR'S REPORT**

A. **Report on CoAs Issued 01/12/2023 – 02/03/2023**

Vice-Chair Eure introduced the list in the agenda (below). Vice-Chair Eure asked if Staff Schelly had anything to highlight here.

Staff Schelly pointed out that all five of the CoAs approved at the last Regular meeting have been issued and the number of Minor Work CoAs has been reduced from the number shown in the agenda.

MAJORS:

302 Broad St. (Courthouse) – addition and modifications

305 Bern St. – shed

720 E. Front St. – infill house and rear garage

1206 N. Pasteur St. – driveway

1512, 1516 National Ave. and 407 North Ave. - fencing

MINORS:

211 Johnson St. – tree replacement

222 Middle St. – rear windows, repointing

300 Pollock St. – repointing

312 Avenue A – trees replacement

709-711 Pollock – tree replacement

15 pending

**B. Other Items and Updates**

Staff Schelly added to remind the board about the upcoming Resiliency Listening Session the next day. He also asked someone from the board to attend in order to meet an employee of the state agency that provided some of the funding for the Resiliency Plan and who is personally interested in historic preservation commissions.

Staff Schelly also reminded the board that a training session will be held prior to the upcoming HPC Design Review Meeting.

**9. COMMISSIONERS' COMMENTS:**

No one spoke.

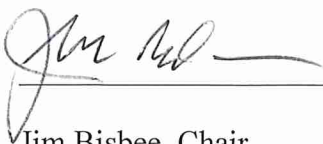
**10. ADJOURN:**

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

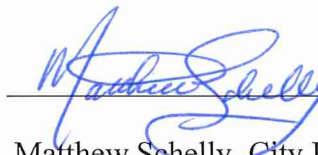
**Motion passed** unanimously.

The meeting was adjourned at 7:33 pm.

Minutes approved: April 19, 2023



Jim Bisbee, Chair



Matthew Schelly, City Planner, HPC Secretary







HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, February 15, 2023, 5:30 PM

SWORN SIGN-IN SHEET

Sworn Sign-in Sheet is missing

Name (as identified in the video recording)

Address

Dean Quadir

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Anne Hiller

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Paul Freeman

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