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**HPC Reg Mtg Minutes of the  
New Bern Historic Preservation Commission  
May 17, 2023 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, May 17, 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 5:30 pm.**

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

**Members Excused:** None

**Members Absent:** None

**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. ADJUSTMENTS TO THE AGENDA**

Chair Bisbee asked if there were any adjustments to the agenda.

Chair Bisbee indicated that the applications for items 4.B. and 4.C., 100 Middle St. and 710 New St. have been withdrawn.

**MOTION** was made by Commissioner Rusch to approve the agenda with the exception of items 4.B. and 4.C. Second by Commissioner Cox.

**Motion passed** unanimously.

**3. CONSENT AGENDA**

Chair Bisbee asked if there were any questions about the items on the Consent Agenda.

**MOTION** was made by Commissioner Cox to approve the Consent Agenda. Seconded by Commissioner Rusch.

**Motion passed** unanimously.

**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 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**

46 **B. 305 North Ave.** – to include a new infill house. Continued from previous meeting.  
47 **MOTION** by Commissioner Thompson to CONTINUE the application for 305 North  
48 Avenue until the June 21, 2023 Regular Meeting, 5:30 pm, in the City Hall Historic  
49 Courtroom because we do yet have the redevelopment plan for this application since this  
50 is a demolition and redevelopment project. Second by Commissioner Cox.  
51 **Motion passed** unanimously.  
52

53 **E. 521 Hancock St.** – to include fully enclosing lower and upper rear screened porches in the  
54 Primary and Secondary AVCs.  
55 The owner’s authorized representative, Lucien Vaughn of Tarheel Associates, was present  
56 and sworn for the hearing.  
57 After a summary by HPC staff, opportunities for applicant, proponent, opponent, and  
58 government agency comments and rebuttals, recommendations by HPC staff, and board  
59 and applicant discussion, there was a:  
60 **MOTION** by Commissioner Morrison to find the application for a Certificate of  
61 Appropriateness for 521 Hancock St. to be Not Incongruous with New Bern’s Code of  
62 Ordinance sections 15.411 – 15.429 and New Bern’s Historic District Guidelines based on  
63 the following specific guidelines and findings of fact:

64 **Utilities**

65 2.3.1

66 **Design Principles**

67 3.1.1

68 3.1.2

69 **Modifications**

70 3.2.1

71 3.2.2

72 **Walls, Trim, and Ornamentation**

73 4.2.1

74 4.2.2

75 4.2.3

76 4.2.4

77 **Windows, Doors and Openings**

78 4.3.1

79 4.3.2

80 4.3.3

81 4.3.4

82 4.3.5

83 4.3.6

84 **Entrances**

85 4.4.4

86 **Roofs**

87 4.5.1

88 4.5.4

89 **Wood**

90 5.2.1

91 5.2.2  
92 **Paint**  
93 5.4.2  
94 5.4.3  
95 5.4.4

96 **Findings of Fact** are:

- 97 1. The structure is a contributing structure in the *Tight Weave* development pattern;  
98 2. The project is a modification to a contributing structure within the Primary and  
99 Secondary AVCs;  
100 3. The proposed design, components, and materials meet the requirements of the  
101 Guidelines;  
102 4. The Zoning Administrator and the Chief Building Official have reviewed this project  
103 and commented accordingly;  
104 5. The project is not incongruous with the Guidelines.

105 Seconded by Vice Chair Eure.

106 **Motion passed** unanimously.

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

108 **Motion passed** unanimously.  
109

110 **F. 302 Avenue A** – to include removal of a metal shed and construction of a new garage in  
111 the Secondary and Tertiary AVCs.

112 Matthew Halton, the owner, was present and sworn for the hearing.

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

116 **MOTION** by Commissioner Thompson to find the application for a Certificate of  
117 Appropriateness for 302 Avenue A to be **Not Incongruous** with New Bern’s Code of  
118 Ordinance sections 15.411 – 15.429 and New Bern’s Historic District Guidelines based  
119 on the following guidelines and findings of fact:

120 **Utilities**

121 2.3.1

122 2.3.2

123 2.3.3

124 **Fences and Garden Walls**

125 2.5.6

126 **Accessory Structures**

127 2.6.1

128 2.6.2

129 **Parking**

130 2.7.1

131 2.7.2

132 **Design Principles**

133 3.1.1

134 3.1.2

135 3.1.4  
136 3.1.5

137 **Walls, Trim and Ornamentation**

138 4.2.4  
139 4.2.5

140 **Windows, Doors and Openings**

141 4.3.2

142 **Paint**

143 5.4.2  
144 5.4.3  
145 5.4.4

146 **Contemporary Materials**

147 5.5.6

148 **Findings of Fact:**

- 149 1. The structure is a contributing structure in the *Tight Weave* development pattern;  
150 2. The project is an accessory structure within the Tertiary AVC;  
151 3. The proposed design, components, and materials meet the requirements of the  
152 Guidelines;  
153 4. The Zoning Administrator and the Chief Building Official have reviewed this project  
154 and commented;  
155 5. The project is not incongruous with the Guidelines.  
156 Commissioner Morrison seconded the motion.  
157 **Motion passed** unanimously.  
158 **MOTION** by Commissioner Cox to issue the CoA; Second by Commissioner Rusch.  
159 **Motion passed** unanimously.

160  
161 5. **OLD BUSINESS** (non-hearing items tabled or continued from a previous meeting)  
162 None

163  
164 6. **GENERAL PUBLIC COMMENTS**  
165 None

166  
167 7. **NEW BUSINESS:**  
168 **Setbacks in the Flood Hazard Area**, in particular relative to the application for 719  
169 E. Front St.

170 Chair Bisbee indicated the HPC will not be taking any position on the topic, but allow  
171 members to state their opinions on the topic.

172 Chair Bisbee's opinion is that the HPC will obey the rules for land use as set out by the  
173 Aldermen and other governmental bodies in the City. The HPC should not knowingly  
174 enact anything in opposition with the rules. He recognized that over time the rules may or  
175 may not change. Those who build will need to adapt to those changes or lack of changes.  
176 Commissioner Morrison reminded that it was discussed at the Design Review Meeting that  
177 there is an appeal process and Ms. Afflerbach confirmed that they have applied to the Board  
178 of Adjustment for a variance.

179 Ms. Afflerbach, the owner's authorized representative, asked to confirm that the HPC is  
180 unwilling to talk about supporting the variance because of the Land Use Ordinance.  
181 Chair Bisbee said that he has stated his opinion on this subject.  
182 Commissioner Rusch said he supports trying to match the setbacks of the other structures  
183 on the block.  
184 Assistant City Attorney Mosley clarified that she did not find any authority in the GS or  
185 the Code of Ordinances for the HPC to make a recommendation or offer support to another  
186 citizen board or commission.  
187 Chair Bisbee restated that the HPC will not be taking a position. There might be individual  
188 opinions, but the board will not take a position.  
189 Commissioner Wartner stated that was his understanding, too.  
190 Commissioner Sullivan offered advice to Ms. Afflerbach to make their case based on  
191 context.  
192 Commissioner Morrison stated that the HPC approved the design of the house and the  
193 setback is out of the HPC's hands.  
194 Ms. Afflerbach asked how the ordinances can be changed.  
195 ACA Mosley indicated that there are some rules for changing the ordinances, who may  
196 initiate the changes, and pointed out where to find the rules.  
197

198 **8. HPC ADMINISTRATOR'S REPORT**

199 **A. Report on CoAs Issued 04/07/2023 – 05/03/2023**

200 There were no additional comments from staff nor questions or comments from the  
201 Commissioners.

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

203 Staff indicated there were none in this period.

204 **C. Other Items and Updates**

205 Staff had no other items nor updates.  
206

207 **9. COMMISSIONERS' COMMENTS:**

208 **710 New St.** - Vice Chair Eure indicated that the New Bern Preservation Foundation has  
209 indicated some interest in 710 New St. and would like staff to share that info with the owners.

210 **305 North Ave.** - Vice Chair Eure also suggested for the application for 305 North Ave. that  
211 if they are not ready they should withdraw their application and come back when they are  
212 ready. Staff Schelly stated there is also the option for the applicants to offer to extend the  
213 deadline for an HPC decision.

214 **710 New St.** - Commissioner Thompson asked about 710 New St. and whether staff knows  
215 what their plans are and reminded that we do have a Prevention of Demolition by Neglect issue  
216 and does not want this house to fall off our radar and if there is anything to encourage them  
217 and provide support for them. The house is in danger of being lost forever and yet it is a post-  
218 [1922]Fire house.

219 Commissioner Wartner agreed.

220 Staff Schelly stated he does not know what they have in mind for the house, except they are  
221 pursuing something other than demolition at this point.

222 Commissioner Wartner said we should keep an eye on the process with that house.

223 Commissioner Rusch expressed his concern that someone may be living there and it is not safe.

224 Chair Bisbee reminded that a repair estimate has been done, but we don't know what it  
225 contains.  
226 Commissioner Morrison reminded that the HPC previously requested that staff contact  
227 minimum housing about the house.  
228 Staff Schelly said he would like to have a discussion with the family first before beginning any  
229 formal processes. That discussion would include working with the Preservation Foundation.  
230 Commissioner Thompson suggested the discussion include information about tax credits.  
231

232 **10. ADJOURN:**

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

234 **Motion passed** unanimously

235 The meeting was adjourned at 6:30 pm.  
236  
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238 Minutes approved: June 21, 2023

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241  
242  
243 James Bisbee, Chair



Matthew Schelly, City Planner, HPC Secretary