

**Minutes of the
New Bern Historic Preservation Commission
July 21, 2021 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, July 21, 2021, 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 | Joseph Klotz |
| (5 needed for quorum) | Tripp Eure, Vice-Chair | Annette Stone (arrived at 5:31) |
| | James Bisbee | |
| | Peggy Broadway | |

Members Excused (E)/Absent (A): Ellen Sheridan (A)

A quorum was present.

Staff Present: Matthew Schelly, AICP, City Planner, HPC Secretary
Other staff: Jeff Ruggieri, Director of Development Services

City Attorney Present: Jaimee Mosley

2. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

Motion to waive reading the 06/16/2021 minutes: Commissioner Bisbee; Commissioner Klotz Second; the motion carried unanimously.

Chair Cox asked for any adjustments to the 06/16/2021 minutes. None were offered.

Motion to approve the 06/16/2021 minutes: Commissioner Klotz; Commissioner Bisbee Second; the motion carried unanimously.

3. PRESENTATION OF CERTIFICATE OF APPRECIATION (Brake)

[This item was not done.]

4. 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 witnesses with the following oath:

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

The following responded in the affirmative:

Sarah Afflerbach, 406 Hancock St., New Bern

Darden J. Eure, III, AIA, NCARB, 317-C Pollock St., New Bern

Joe Klotz, 218 Pollock St., New Bern

APPLICATIONS

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

45 **B. 211 Pollock St.** – to include construction of a terrace lined by 4-foot-high brick garden
46 walls in the Primary AVC.

47 **Conflict**

48 Commissioner Klotz indicated they have received a notification letter for this project and
49 therefore requests to be recused from this case.

50 MOTION: Commissioner Bisbee; Vice Chair Eure Second; the motion carried unani-
51 mously. Commissioner Klotz stepped down.

52
53 Vice Chair Eure indicated he is representing the applicant and therefore requested to be
54 recused from this case.

55 MOTION: Commissioner Bisbee; Commissioner Broadway Second; the motion carried
56 unanimously. Vice Chair Eure stepped down.

57
58 **Staff Overview of the Application**

59 Staff Schelly provided a review of the complete application and the internal review docu-
60 ments. The existence of a staff recommendation was indicated.

61
62 **Applicant Comment**

63 Chair Cox asked Eure, authorized representative for the applicant, if they had any additional
64 comments. Eure introduced himself and indicated the application is the same as what was
65 seen at Design Review, with the addition of the renderings requested at that meeting.

66
67 **Proponents' and Opponents' Comments**

68 Chair Cox asked if there is anyone who has received notice, has standing in this applica-
69 tion, is a proponent of the application, and would like to present evidence. None spoke.

70
71 Chair Cox asked if there is anyone who has received notice, has standing in this applica-
72 tion, and is an opponent of the application, and would like to present evidence. Klotz
73 spoke, referencing Guidelines 2.1.2 for infill construction, 3.1.1 for scale and proportion,
74 and 4.6.2 for decks.

75
76 **Rebuttals**

77 Chair Cox asked if there were any rebuttals by the applicant or anyone who received notice.
78 Eure spoke: the building is non-conforming; the project is a series of stepped garden
79 walls and landscaping enclosing a terrace that is a congruous modification.

80 Chair Cox asked Klotz if he would like to make any other comments.

81 Klotz added: the use of the project is not as a garden, but as an extension to a restaurant.

82
83 **Others with Evidence**

84 Chair Cox asked if there was anyone who has standing in this application, and would like
85 to present evidence. None spoke.

86
87 **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

2.4.3

2.4.4

Fences and Garden Walls

2.5.2

Design Principles

3.1.4

Decks and Patios

4.6.4

Masonry

5.1.2

Metals

5.3.2

5.3.3

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 a garden wall and patio 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 for construction of a terrace lined by 4-foot-high brick garden walls in the Primary AVC.

Government Evidence

Chair Cox if there was any evidence from a City, State, or government person. None replied.

Applicant's Comments

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

Eure declined additional comments.

Commissioners' Questions and Comments

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

Several questions and answers were presented, including regarding softening the appearance of the entry to the terrace. The applicant was agreeable to changing the proposal accordingly.

MOTION by Commissioner Bisbee to find the application **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:

132 **Landscaping**

133 2.4.3

134 2.4.4

135 **Fences and Garden Walls**

136 2.5.2

137 **Design Principles**

138 3.1.4

139 **Decks and Patios**

140 4.6.4

141 **Masonry**

142 5.1.2

143 **Metals**

144 5.3.2

145 5.3.3

146 **Findings of Fact** are:

- 147 1. The project is located in the *Tight Weave* development pattern;
148 2. The proposal is a garden wall and patio project;
149 3. The proposed design, components, and materials meet the requirements of the Guide-
150 lines;
151 4. The Zoning Administrator and the Chief Building Official have reviewed this project
152 and commented accordingly;
153 5. The project is not incongruous with the Guidelines.

154 **Approval includes the following condition:**

155 That the front wall be appropriately softened and reviewed by Matt [the HPA].

156 Commissioner Stone seconded the motion.

157 Chair Cox asked if all Commissioners understood the motion. No discussion.

158 **Motion passed:** Commissioner Broadway opposed.

160 **MOTION** by Commissioner Stone to issue the CoA; Second by Commissioner
161 Bisbee.

162 **Motion passed:** Commissioner Broadway opposed.

164 **Reseating Recused Commissioners**

165 Chair Cox acknowledged that Eure will remain recused for the next application.

167 **MOTION** by Commissioner Bisbee to reseat Commissioner Klotz; Second by
168 Commissioner Stone.

169 **Motion passed** unanimously. Commissioner Klotz returned to the dais.

171 **C. 221 S. Front St. (Harvey Mansion)** – to include the restoration of two chimneys, the re-
172 moval of two modern balconies, the addition of 4 new balconies, and the reconfiguration
173 of doors and windows for the balcony changes, all in the Tertiary AVC.

174 **Conflict**

175 Chair Cox asked if there are any conflicts for this case. None were heard.

176
177 **Staff Overview of the Application**

178 Staff Schelly provided a review of the application and internal review documents. The
179 existence of a staff recommendation was indicated.
180

181 **Completeness**

182 Chair Cox asked the Commission if anyone had any issues with the completeness of the
183 application. There was no response.
184

185 **Applicant Comment**

186 Chair Cox asked Eure, authorized representative for the applicant, if they had any addi-
187 tional comments. Eure indicated the application is the same as what was seen at Design
188 Review and had no further comments at this time.
189

190 **Proponents' and Opponents' Comments**

191 Chair Cox asked if there is anyone who has received notice, has standing in this applica-
192 tion, is a proponent of the application, and would like to present evidence. None spoke.
193

194 Chair Cox asked if there is anyone who has received notice, has standing in this application,
195 and is an opponent of the application, and would like to present evidence. None spoke.
196

197 **Rebuttals**

198 Chair Cox indicated therefore there would be no rebuttals.
199

200 **Others with Evidence**

201 Chair Cox asked if there was anyone who has standing in this application and would like
202 to present evidence. None spoke.
203

204 **Staff Recommendation**

205 Staff Schelly submitted the description of the project and the following Historic District
206 Guidelines, Statements of Reason, and Recommendation as appropriate to this applica-
207 tion:

208 **Modifications**

209 3.2.1

210 3.2.4

211 **Windows, Doors and Openings**

212 4.3.1

213 4.3.2

214 4.3.3

215 **Masonry**

216 5.1.1

217 5.1.2

218 5.1.3

219 5.1.4

220 **Metals**

221 5.3.3

222 **Wood**

223 5.2.1

224 5.2.2

225 **Paint**

226 5.4.1

227 5.4.2

228 5.4.3

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

- 230
- 231 1. The project is located in the *Dense Fabric* development pattern;
 - 232 2. The proposal is a renovation and restoration project;
 - 233 3. The proposed design, components, and materials meet the requirements of the Guidelines;
 - 234 4. The Zoning Administrator and the Chief Building Official have reviewed this project and commented accordingly;
 - 235 5. The project is not incongruous with the Guidelines.

236 **Staff recommends** the Commission approve this application for the restoration of two chimneys, the removal of two modern balconies, the addition of 4 new balconies, and the reconfiguration of doors and windows for the balcony changes, all in the Tertiary AVC.

241

242 **Government Evidence**

243 Chair Cox if there was any evidence from a City, State, or government person. None replied.

244

245 **Applicant's Comments**

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

247 Eure declined to make any additional comments.

248

249 **Commissioners' Questions and Comments**

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

251 Several questions and answers were presented, including regarding the muntin configuration shown on the drawings for the windows proposed to replace the existing balcony doors. The applicant was agreeable to changing the proposal accordingly.

252

253 Chair Cox clarified that the motion for the application should include that the muntin configuration in the new windows on the back of the building should match the muntin configuration of the windows on the front of the building.

254

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

256

257 **MOTION** by Commissioner Bisbee to find the application **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:

264 **Modifications**

265 3.2.1

266 3.2.4

267 **Windows, Doors and Openings**

268 4.3.1

269 4.3.2

270 4.3.3

271 **Masonry**

272 5.1.1

273 5.1.2

274 5.1.3

275 5.1.4

276 **Metals**

277 5.3.3

278 **Wood**

279 5.2.1

280 5.2.2

281 **Paint**

282 5.4.1

283 5.4.2

284 5.4.3

285 **Findings of Fact are:**

- 286 1. The project is located in the *Dense Fabric* development pattern;
- 287 2. The proposal is a renovation and restoration project;
- 288 3. The proposed design, components, and materials meet the requirements of the Guide-
- 289 lines;
- 290 4. The Zoning Administrator and the Chief Building Official have reviewed this project
- 291 and commented accordingly;
- 292 5. The project is not incongruous with the Guidelines.

293 **Approval includes the following condition:**

294 That the doors to be reinstalled as windows on the rear of the building will be four over

295 four instead of as shown.

296 Chair Cox asked if all Commissioners understood the motion. No discussion.

297 Commissioner Klotz seconded the motion.

298 **Motion passed** unanimously.

299

300 **MOTION** by Commissioner Klotz to issue the CoA; Second by Commissioner Bisbee.

301 **Motion passed** unanimously.

302

303 **Reseating Recused Commissioners**

304 **MOTION** by Commissioner Bisbee to reseat Vice Chair Eure; Second by

305 Commissioner Broadway.

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

307

308 **D. 809 E. Front St.** – to include the construction of a new infill house on a vacant parcel.

309 **Staff Overview of the Application**

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

312
313 **Conflict**

314 Chair Cox asked if there are any conflicts for this case. None were heard.

315
316 **Completeness**

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

319
320 **Applicant Comment**

321 Chair Cox asked Afflerbach, the authorized representative for the applicant, if they had
322 any additional comments. Afflerbach indicated they had no additional comments.

323
324 **Proponents' and Opponents' Comments**

325 Chair Cox noted there is nobody in the audience, so there are no proponents, opponents,
326 rebuttals, others with standing, or comments from the government.

327
328 **Staff Recommendation**

329 Staff Schelly submitted the description of the project and the following Historic District
330 Guidelines, Statements of Reason, and Recommendation as appropriate to this applica-
331 tion:

332 **Development Pattern**

333 2.1.1

334 2.1.2

335 2.1.3

336 **Design Principles**

337 3.1.1

338 3.1.2

339 3.1.3

340 3.1.4

341 3.1.5

342 **Infill Construction**

343 3.4.1

344 3.4.2

345 3.4.3

346 3.4.4

347 **Foundations**

348 4.1.3

349 4.1.4

350 **Walls, Trim and Ornamentation**

351 4.2.4

352 **Windows, Doors and Openings**

353 4.3.3

354 **Entrances**

355 4.4.4

356 **Roofs**

357 4.5.4

358 **Decks and Patios**

359 4.6.2

360 **Masonry**

361 5.1.3

362 5.1.5

363 5.1.6

364 **Metals**

365 5.3.3

366 5.3.4

367 **Paint**

368 5.4.2

369 5.4.3

370 5.4.4

371 5.4.6

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

- 373
- 374 1. The project is located in the *Narrow Stitch* development pattern;
 - 375 2. The proposal is an infill project;
 - 376 3. The proposed design, components, and materials meet the requirements of the Guidelines;
 - 377
 - 378 4. The Zoning Administrator and the Chief Building Official have reviewed this project
 - 379 and commented accordingly;
 - 380 5. The project is not incongruous with the Guidelines.

381 **Staff recommends** the Commission approve this application for construction of a new infill house on a vacant parcel.

382

383

384 **Applicant's Comments**

385 Chair Cox asked Afflerbach, the authorized representative for the applicant, if they had

386 any additional comments. Afflerbach indicated they had no additional comments.

387

388 **Commissioners' Questions and Comments**

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

390 None were heard.

391

392 **MOTION** by Commissioner Bisbee to find the application **Not Incongruous** with New

393 Bern's Code of Ordinance sections 15.411 – 15.429 and New Bern's Historic District

394 Guidelines based on the following specific guidelines and findings of fact:

395 **Development Pattern**

| | |
|-----|---|
| 396 | 2.1.1 |
| 397 | 2.1.2 |
| 398 | 2.1.3 |
| 399 | <u>Design Principles</u> |
| 400 | 3.1.1 |
| 401 | 3.1.2 |
| 402 | 3.1.3 |
| 403 | 3.1.4 |
| 404 | 3.1.5 |
| 405 | <u>Infill Construction</u> |
| 406 | 3.4.1 |
| 407 | 3.4.2 |
| 408 | 3.4.3 |
| 409 | 3.4.4 |
| 410 | <u>Foundations</u> |
| 411 | 4.1.3 |
| 412 | 4.1.4 |
| 413 | <u>Walls, Trim and Ornamentation</u> |
| 414 | 4.2.4 |
| 415 | <u>Windows, Doors and Openings</u> |
| 416 | 4.3.3 |
| 417 | <u>Entrances</u> |
| 418 | 4.4.4 |
| 419 | <u>Roofs</u> |
| 420 | 4.5.4 |
| 421 | <u>Decks and Patios</u> |
| 422 | 4.6.2 |
| 423 | <u>Masonry</u> |
| 424 | 5.1.3 |
| 425 | 5.1.5 |
| 426 | 5.1.6 |
| 427 | <u>Metals</u> |
| 428 | 5.3.3 |
| 429 | 5.3.4 |
| 430 | <u>Paint</u> |
| 431 | 5.4.2 |
| 432 | 5.4.3 |
| 433 | 5.4.4 |
| 434 | 5.4.6 |
| 435 | Findings of Fact are: |
| 436 | 1. The project is located in the <i>Narrow Stitch</i> development pattern; |
| 437 | 2. The proposal is an infill project; |
| 438 | 3. The proposed design, components, and materials meet the requirements of the Guide- |
| 439 | lines; |

- 440 4. The Zoning Administrator and the Chief Building Official have reviewed this project
441 and commented accordingly;
442 5. The project is not incongruous with the Guidelines.
443

444 Commissioner Eure seconded the motion. 809 E. Front St. was confirmed as the address
445 for the proposal.

446 Chair Cox asked if all Commissioners understood the motion.

447 **Motion passed** unanimously.
448

449 **MOTION** by Commissioner Eure to issue the CoA; Second by Commissioner Bisbee;

450 **Motion passed** unanimously.
451

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

453 None
454

455 **6. GENERAL PUBLIC COMMENTS**

456 None
457

458 **7. NEW BUSINESS**

459 None
460

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

462 **A. Report on CoAs Issued 6/8/2021 – 7/12/2021**

463 Chair Cox introduced the list in the agenda (below). Chair Cox asked if there were any
464 Comments staff would like to make about these. Staff Schelly replied, no.
465

466 **MAJORS and AMENDMENTS:**

- 467 1. 211 Johnson St. – amendment to elevate historic kitchen in Tertiary AVC
468 2. 304 Queen St – amendment for bracket detail and open side to carport in all AVCs
469 3. 808 E. Front St. – amendment for building height, rear columns, bracket details in all
470 AVCs

471 **MINORS:**

- 472 1. 203 S. front St. – amendment for sign revision
473 2. 206 Craven St. – new sign
474 3. 310 Hancock St ROW – tree replacement
475 4. 320 Pollock St – tree replacement
476 5. 400 Johnson St ROW – tree replacement
477 6. 509 Broad St. – front doors restoration
478 7. 514 Metcalf St. – new mechanical unit
479 8. 524 E. Front St. – new driveway gate
480 9. 531 Queen St. – new shed
481 10. 531 Queen St. – tree replacement
482 11. 610 Metcalf St. – CoA amended
483 12. 711 E. Front St. – new metal fencing

- 484 13. 901 Broad St. – new mechanical unit
485 14. 1206 National Ave. – reroofing metal to asphalt shingles
486 15. 711 E. Front St. – new fencing
487

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

489 None
490

491 **C. Other Items and Updates**

- 492 1. **Awards project update** – Chair Cox talked to Alderman Bengel, and Bengel
493 had some suggestions.
494 2. **309 New St. (Centenary Church)** – the Minor CoA application for a replace-
495 ment playground was presented to the HPC for their information since it was a
496 highly visible location.
497 3. **211 Johnson St.** – Commission Broadway initiated a discussion about the eleva-
498 tion of the historic chimney.
499 4. **509 Broad St.** – the applicants, at the request of the SHPO, want to amend the
500 handrail of the ramp to remove the vertical spindles from the design. The discus-
501 sion pointed out there may be requirements by the Building Inspector that will
502 affect the final design. We should have them come to us with a new design at a
503 Design Review meeting.
504 5. **HPC member vacancies and expired terms** – Commissioner Klotz initiated a
505 discussion. Staff Schelly reported that Alderman Odham has appointed John
506 Blackwelder, owner of the Aerie B&B, to fill the seat vacated by George Brake.
507 More discussion about the vacant and the expired seats ensued.
508

509 **9. COMMISSIONERS' COMMENTS:**

510 None
511

512 **10. ADJOURN:**


513 **Motion to adjourn the meeting:** Commissioner Bisbee; Second by Commissioner Broadway

514 **Motion passed unanimously**

515 The meeting was adjourned at 7:14 pm.
516
517

518 Minutes approved: August 18, 2021
519

520 
521 _____
522 Dr. Ruth Cox, Chair
523

520 
521 _____
522 Matthew Schelly, City Planner, HPC Secretary
523