

**Minutes of the  
New Bern Historic Preservation Commission  
November 17, 2021 – 5:30 P.M.**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, November 17, 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.**

<b>Members Present:</b>	Dr. Ruth Cox, Chair	Tony Bryant
(5 needed for quorum)	Tripp Eure, Vice-Chair	Ellen Sheridan
	John Blackwelder	Annette Stone
	Peggy Broadway	Candace Sullivan

**Members Excused:** James Bisbee

**Members Absent:** None

**A quorum was present.**

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

**City Attorney Present:** Jaimee Mosley

**Others Present:** Sarah Afflerbach, Tripp Eure, Melissa Kor, Charles Francis, Alexis Cardelli

**2. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

**MOTION to waive reading the minutes:** Commissioner Broadway; Second by Commissioner Bryant.

**Motion passed** unanimously.

There were no minutes for approval.

**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. 302 Broad St.** – to include application of a masonry water repellant in all AVCs.

Staff Schelly indicated that the applicants have requested to have their application continued to the next Regular Meeting on January 19, 2022.

**MOTION** by Commissioner Sheridan to consent to continue the application to the January 19, 2022 meeting, 5:30 pm, City Hall due to the request of the applicant; second Bryant.

**Motion passed** unanimously.

**C. 810 E. Front St.** – to include a new infill house on a vacant parcel.

**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.

**Conflict**

Chair Cox asked the Commission if anyone has a conflict of interest for this project. There was no response.

**Completeness**

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

**Applicant Comment**

Chair Cox asked Sarah Afflerbach, authorized representative for the applicant, if they had any additional comments. Afflerbach indicated that the new flood zone requires special foundation construction with breakaway walls.

**Proponents' and Opponents' Comments**

Chair Cox asked if there is anyone who has received notice, has standing in this application, is a proponent or opponent of the application, and would like to present evidence. Nobody spoke.

**Rebuttals**

Chair Cox noted no rebuttals were needed.

**Others with Evidence**

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

**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:

**Development Pattern**

2.1.1

2.1.2

2.1.3

**Design Principles**

3.1.1

3.1.2

3.1.3

3.1.4

3.1.5

**Infill Construction**

3.4.1

88 3.4.2  
89 3.4.3  
90 3.4.4  
91 **Foundations**  
92 4.1.3  
93 4.1.4  
94 4.1.6  
95 **Walls, Trim and Ornamentation**  
96 4.2.4  
97 **Windows, Doors and Openings**  
98 4.3.2  
99 4.3.3  
100 **Entrances**  
101 4.4.4  
102 **Roofs**  
103 4.5.4  
104 **Decks and Patios**  
105 4.6.2  
106 **Masonry**  
107 5.1.3  
108 5.1.5  
109 5.1.6  
110 **Metals**  
111 5.3.3  
112 5.3.4  
113 **Paint**  
114 5.4.2  
115 5.4.3  
116 5.4.4  
117 5.4.6  
118 **Statements of Reason**, based on the information contained in the application, in Staff's  
119 judgment are:  
120 1. The project is located in the *Narrow Stitch* development pattern;  
121 2. The proposal is an infill project;  
122 3. The proposed design, components, and materials might meet the requirements of the  
123 Guidelines;  
124 4. The Zoning Administrator and the Chief Building Official have reviewed this project  
125 and commented accordingly;  
126 5. The project is not incongruous with the Guidelines.  
127 **Staff recommends** the Commission approve this application to include a new infill house  
128 on a vacant parcel.  
129 **Applicant's Comments**  
130 Chair Cox asked the applicants if they had any additional comments.  
131 Afflerbach indicated they had no additional comments:



132 **Commissioners' Questions and Comments**

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

134 Commissioner Blackwelder asked about the Azek louvers. Afflerbach responded with a  
135 description of the louvers.

136 Commissioner Broadway asked about the lines on the windows. There are no notes about  
137 the response. Commissioner Broadway also asked about the driveway, parking, and patio.  
138 There are no notes about the response.

139 Commissioner Eure discussed how the front door is a good response to the issues discussed  
140 at the Design Review meeting and resolves most or all of the issues presented at that  
141 meeting.

142  
143 **MOTION** by Commissioner Stone to find the application for 810 E. Front St. to be **Not**  
144 **Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New  
145 Bern's Historic District Guidelines based on the following specific guidelines and findings  
146 of fact:

147 **Infill Construction**

148 3.4.1

149 3.4.2

150 3.4.3

151 3.4.4

152 **Finds of Fact**, based on the information contained in the application, are:

- 153 1. The project is located in the *Narrow Stitch* development pattern;  
154 2. The proposal is an infill project;  
155 3. The proposed design, components, and materials might meet the requirements of the  
156 Guidelines;  
157 4. The Zoning Administrator and the Chief Building Official have reviewed this project  
158 and commented accordingly;  
159 5. The project is not incongruous with the Guidelines.

160 Commissioner Sullivan seconded the motion.

161 Chair Cox asked if all Commissioners understood the motion.

162 **Motion passed** unanimously.

163  
164 **MOTION** by Commissioner Stone to issue the CoA; Second by Commissioner Blackwelder.

165 **Motion passed** unanimously.

- 166  
167 **D. 300 Pollock St.** (City Hall) – to include a 3-story addition, removal of a portion of an  
168 exterior fire escape stairway, flag poles, historical marker, and memorial sculpture, and  
169 replacing plants, all in the Secondary AVC.

170 **Conflict**

171 Chair Cox asked the Commission if anyone has a conflict of interest for this project.

172 Vice Chair Eure indicated that he has a conflict for this project and therefore requests to be  
173 recused from this case.

174 **MOTION** to recuse Vice Chair Eure: Commissioner Stone; second Commissioner Bryant.

175 **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**

Chair Cox asked Tripp Eure, authorized representative for the applicant, if they had any additional comments. Eure introduced himself and thanked the HPC for listening to them during the multiple Design Review meeting discussions.

### **Proponents' and Opponents' Comments**

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

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

### **Others with Evidence**

Chair Cox asked if there was anyone who has relevant evidence and standing and would like to speak. None spoke.

Chair Cox asked if there was anyone from the State, City, or any government body and would like to speak. None spoke.

### **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:

#### **Public and Open Spaces**

2.2.1

#### **Utilities**

2.3.1

2.3.2

2.3.3

2.3.6

#### **Landscaping**

2.4.3

2.4.7

#### **Design Principles**

3.1.1

3.1.2

3.1.4

3.1.5

#### **Modifications**

3.2.1

3.2.2

#### **Additions**

3.3.1

3.3.2

3.3.3

#### **Foundations**

4.1.1  
4.1.3  
**Walls, Trim and Ornamentation**

4.2.1  
4.2.4  
**Windows, Doors and Openings**

4.3.1  
4.3.2  
4.3.3  
**Entrances**

4.4.2  
4.4.3  
**Accessibility and Life Safety**

4.7.1  
**Masonry**

5.1.1  
5.1.2  
5.1.3  
5.1.5

**Metals**

5.3.1  
5.3.2  
5.3.3  
5.3.4

**Paint**

5.4.2  
5.4.3

**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 an addition to a contributing structure;
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 to include a 3-story addition, removal of a portion of an exterior fire escape stairway, flag poles, historical marker, and memorial sculpture, and replacing plants, all in the Secondary AVC with the following condition:

- the applicant is to indicate to the HPA who will verify compliance of the installation of any new or relocated lighting before the CoA is valid.

**Applicant's Comments**

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

Eure indicated they had no additional comments.

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

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

Commissioner Blackwelder asked staff if the description of the proposal should include the Primary AVC. Staff Schelly indicated that all the work was at least 1 to 2 feet behind the faces of the existing building and is therefore, technically, in the Secondary AVC.

Commissioner Broadway asked where the flags will go. Eure replied that more details will be submitted to staff for exterior lighting, flags, and landscaping.

Chair Cox asked for any other questions from the Commissioners. There were none.

**MOTION** by Commissioner Blackwelder to find the application for 300 Pollock St. **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 for the project located within the Secondary AVC:

### **Public and Open Spaces**

2.2.1

### **Utilities**

2.3.1

2.3.2

2.3.3

2.3.6

### **Landscaping**

2.4.3

2.4.7

### **Design Principles**

3.1.1

3.1.2

3.1.4

3.1.5

### **Modifications**

3.2.1

3.2.2

### **Additions**

3.3.1

3.3.2

3.3.3

### **Foundations**

4.1.1

4.1.3

### **Walls, Trim and Ornamentation**

4.2.1

4.2.4

### **Windows, Doors and Openings**

4.3.1



4.3.2

4.3.3

**Entrances**

4.4.2

4.4.3

**Accessibility and Life Safety**

4.7.1

**Masonry**

5.1.1

5.1.2

5.1.3

5.1.5

**Metals**

5.3.1

5.3.2

5.3.3

5.3.4

**Paint**

5.4.2

5.4.3

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

1. The project is located in the *Dense Fabric* development pattern;
2. The proposal is an addition to a contributing structure;
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 condition:**

The applicant will submit a plan with flags, flagpoles, historic marker, memorial sculpture, and replacements of plants to the HPA who will also certify compliance of the installation of any new or relocated lighting before the CoA is valid.

Commissioner Bryant seconded the motion.

**Motion passed** unanimously.

**MOTION** by Commissioner Sheridan to issue the CoA; Second by Commissioner Sullivan.

**Motion passed** unanimously.

**Reseating Recused Commissioner**

**MOTION** by Commissioner Sheridan to reseat Vice Chair Eure; Second by Commissioner Bryant.

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



- 350 E. **111 Pollock St.** – to include a concrete and brick masonry porch addition with concrete  
351 slab floor; painted wood columns, stairs, and rails; and standing seam metal roofing in the  
352 Secondary AVC.

353 **Staff Overview of the Application**

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

356 **Conflict**

357 Chair Cox asked the Commission if anyone has a conflict of interest for this project. There  
358 was no response.

359 **Completeness**

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

362 **Applicant Comment**

363 Chair Cox asked Sarah Afflerbach, authorized representative for the applicant, if they had  
364 any additional comments. Afflerbach indicated they had no additional comments.

365 **Proponents' and Opponents' Comments**

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

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

370 **Others with Evidence**

371 Chair Cox asked if there was anyone who has relevant evidence and standing and would  
372 like to speak. None spoke.

373 Chair Cox asked if there was anyone from the State, City, or any government body and  
374 would like to speak. None spoke.

375 **Staff Recommendation**

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

378 **Design Principles**

379 3.1.1

380 3.1.4

381 3.1.5

382 **Modifications**

383 3.2.1

384 3.2.2

385 **Additions**

386 3.3.1

387 3.3.2

388 3.3.3

389 **Foundations**

390 4.1.1

391 4.1.3

392 **Walls, Trim and Ornamentation**

393 4.2.1

4.2.4

**Entrances**

4.4.1

4.4.2

4.4.4

**Roofs**

4.5.1

4.5.4

**Masonry**

5.1.1

5.1.2

5.1.3

5.1.5

**Wood**

5.2.1

5.2.2

**Paint**

5.4.1

5.4.2

5.4.3

5.4.6

5.4.7

**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 permanent replacement of an incongruous previous entry stairway;
3. Except for painting the new brick, 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 to include a concrete and brick masonry porch addition with concrete slab floor; painted wood columns, stairs, and rails; and standing seam metal roofing in the Secondary AVC with the following conditions, which are to be verified for compliance by the HPA:

- the existing pediment above the entryway needs to be retained through construction that respects its historic fabric.
- the construction must comply with the requirements of the Chief Building Inspector.
- the applicant is to revise the drawings to show the brick as white colored brick.
- the applicant is to indicate the installation of any new or relocated lighting.

**Applicant's Comments**

Chair Cox asked the applicants if they had any additional comments. Afflerbach indicated they had none.

438 **Commissioners' Questions and Comments**

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

440 Commissioner **Sheridan** recalled that this application was reviewed very thoroughly the  
441 first time it was approved. Afflerbach agreed that the painted brick will be changed to  
442 white colored brick.

443 Commissioner **Broadway** asked if the existing house also has a standing seam roof.  
444 Afflerbach replied that the existing house has asphalt shingle roofing, but the new porch  
445 roof is so shallow that it needs to have metal roofing.

446 Chair Cox asked for any other questions from the Commissioners. There were none.  
447

448 **MOTION** by Commissioner Sheridan to find the application for 111 Pollock St. to be **Not**  
449 **Incongruous** with New Bern's Code of Ordinance sections 15.411 – 15.429 and New  
450 Bern's Historic District Guidelines based on the following specific guidelines and findings  
451 of fact:

452 **Design Principles**

453 3.1.1

454 3.1.4

455 3.1.5

456 **Modifications**

457 3.2.1

458 3.2.2

459 **Additions**

460 3.3.1

461 3.3.2

462 3.3.3

463 **Foundations**

464 4.1.1

465 4.1.3

466 **Walls, Trim and Ornamentation**

467 4.2.1

468 4.2.4

469 **Entrances**

470 4.4.1

471 4.4.2

472 4.4.4

473 **Roofs**

474 4.5.1

475 4.5.4

476 **Masonry**

477 5.1.1

478 5.1.2

479 5.1.3

480 5.1.5

481 **Wood**



5.2.1

5.2.2

**Paint**

5.4.1

5.4.2

5.4.3

5.4.6

5.4.7

**Findings of Fact:**

1. The project is located in the *Tight Weave* development pattern;
2. The proposal is a permanent replacement of an incongruous previous entry stairway;
3. Except for painting the new brick, 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.

**Conditions:**

- the existing pediment above the entryway needs to be retained through construction that respects its historic fabric.
- the construction must comply with the requirements of the Chief Building Inspector, specifically flood.
- the applicant is to revise the drawings to show the brick as white colored brick.
- the applicant is to indicate the installation of new or any relocated lighting.

Commissioner Sullivan seconded the motion.

**Motion passed** unanimously.

**MOTION** by Commissioner Sheridan to issue the CoA; Second by Commissioner Sullivan.

**Motion passed** unanimously.

- F. **404 Avenue C** – to include: demolition of the rear 1-story addition, garage, front porch, and side porch; and construction of a new 2-story addition, front and side porch replacements, new workshop, reroofing the entire house with standing seam metal, new driveway, new patio, replacement walkways, and new plantings, in all AVCs.

**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.

**Conflict**

Chair Cox asked the Commission if anyone has a conflict of interest for this project. There was no response.

**Completeness**

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

**Applicant Comment**



Chair Cox asked Charles Francis, authorized representative for the applicant, if they had any additional comments. Francis indicated they brought samples of the proposed oriented strand board siding. Chair Cox allowed the sample to be passed around the HPC. The owner, Alexis Cardelli, was sworn in. Cardelli passed around a sample of the vinyl siding that is currently on the house. Cardelli stated that, in his experience, the best wood siding, which is cedar, with the proper priming and painting lasts about 10 years before needing to be replaced, especially if it is a moist area that doesn't get a lot of sun. Cardelli also stated the cedar siding estimate is \$26,000 while the proposed siding is estimated to be \$6,200 and has a 50-year warranty and if maintained properly can last a lifetime.

Staff Schelly added that Cardelli is a professional contractor and can be considered an expert witness.

Cardelli also pointed out that he could choose to leave the vinyl on the house, but if the HPC wants to improve that situation for this house, the HPC should consider allowing the use of the proposed siding. It is installed overlapping which creates the shadow lines of historic siding. Plus, he said, this is a non-contributing structure.

#### **Proponents' and Opponents' Comments**

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

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

#### **Others with Evidence**

Chair Cox asked if there was anyone who has relevant evidence and standing and would like to speak. None spoke.

Chair Cox asked if there was anyone from the State, City, or any government body and would like to speak. None spoke.

#### **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:

#### **Utilities**

2.3.1

2.3.2

2.3.3

2.3.6

#### **Landscaping**

2.4.3

2.4.4

2.4.7

#### **Fences and Garden Walls**

2.5.1

2.5.3

#### **Accessory Structures**

2.6.1

2.6.2

#### **Parking**

569	2.7.1
570	2.7.2
571	<b><u>Design Principles</u></b>
572	3.1.1
573	3.1.2
574	3.1.4
575	3.1.5
576	<b><u>Modifications</u></b>
577	3.2.1
578	3.2.2
579	<b><u>Additions</u></b>
580	3.3.1
581	3.3.2
582	3.3.3
583	<b><u>Foundations</u></b>
584	4.1.1
585	4.1.3
586	4.1.4
587	<b><u>Walls, Trim and Ornamentation</u></b>
588	4.2.1
589	4.2.2
590	4.2.3
591	4.2.4
592	4.2.5
593	<b><u>Windows, Doors and Openings</u></b>
594	4.3.1
595	4.3.2
596	4.3.3
597	<b><u>Entrances</u></b>
598	4.4.1
599	4.4.4
600	<b><u>Roofs</u></b>
601	4.5.1
602	4.5.4
603	<b><u>Decks and Patios</u></b>
604	4.6.4
605	<b><u>Masonry</u></b>
606	5.1.1
607	5.1.2
608	5.1.3
609	5.1.5
610	<b><u>Wood</u></b>
611	5.2.1
612	5.2.2

613 **Metals**

614 5.3.1

615 **Paint**

616 5.4.1

617 5.4.2

618 5.4.3

619 5.4.4

620 If the accessory building is to be built with modern materials:

621 **Contemporary Materials**

622 5.5.1

623 5.5.2

624 5.5.3

625 5.5.4

626 5.5.5

627 5.5.6

628 **Demolition**

629 6.4.4

630 6.4.5

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

- 633 1. The project is located in the *Tight Weave* development pattern;
- 634 2. The proposal includes: demolition of an addition to the primary structure, an accessory  
635 structure, and two porches; removal of an incongruous material; an addition to a  
636 potentially contributing structure; new construction of an accessory structure and two  
637 replacement porches;
- 638 3. The proposed design, components, and materials meet the requirements of the  
639 Guidelines;
- 640 4. The Zoning Administrator and the Chief Building Official have reviewed this project  
641 and commented accordingly;
- 642 5. The project is not incongruous with the Guidelines.

643 **Approval includes the following conditions:**

- 644 • The applicant is to indicate the installation of any new or relocated lighting and utility  
645 equipment to the HPA who will verify compliance before the CoA is valid.
- 646 • The applicant is to provide the required drawings and photographs of the existing  
647 addition and the garage to the HPA and provide the HPA with a copy of the  
648 communication with preservation organizations before the CoA is valid.
- 649 • The application be revised to not include the oriented strand board siding but rather  
650 natural wood.

651 **Applicant's Comments**

652 Chair Cox asked the applicants if they had any additional comments. Cardelli stated that  
653 the proposed siding has wood in it.

654 Commissioner Blackwelder asked if the siding is pressure treated or produced under  
655 pressure. Cardelli replied that he has even had issues with pressure treated wood. Same  
656 with kiln-dried-after-treatment, KDAT, wood, which will eventually start deteriorating,



too. Another alternative is ground contact wood, he said, but it is not a stable wood. It is ok for framing and some applications, but you can't use it for siding. It has knots and is a Number 2 material. So, anyone is limited to available good options, he said. Cardelli would not use this product for small areas, like for repairs, although John Wood has said synthetic materials can be used for repairs. Francis clarified that it is made under pressure, but it is not pressure treated. Cardelli also clarified that the proposed siding is not a cementous or pvc material.

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

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

Commissioner **Sullivan** asked for clarification of the window with the panel. Francis responded that the panel is a solid wood panel that was added to make the window a vertical proportion and to match the other windows.

Commissioner **Stone** asked what is under the vinyl siding. Francis replied that there is existing wood siding. He added that one of the problems they found is the felt dampproofing that is under the wood siding is ripped, so some of the wood siding will need to be removed in order to repair that.

Commissioner **Broadway** asked when the rear portion that is to be demolished was built. Francis replied that it is not known.

Commissioner **Broadway** asked Staff Schelly if the house is historic because she understands that vinyl siding is not allowed to be put on historic structures. Chair Cox explained that the applicants are proposing to remove the vinyl siding, not put it on. So, Commissioner Broadway asked what they are putting back on. Francis said they are proposing to put the oriented strandboard siding on the house. The sample was handed back to Commissioner Broadway. Chair Cox repeated that the oriented strand board is what they are proposing, but the recommendation from staff is to use wood.

Chair **Cox** asked how high the fence will be. Francis replied that the tallest pickets will be 6 feet high and the posts will be 8 inches higher than that. Francis asked to display the drawings and after confirming the height of the posts, Chair Cox informed Francis that the posts are required to be no higher than 6 feet and that can be added as a condition of the approval.

Chair **Cox** asked about the types of plantings, including the trees in the front yard. Francis listed the various species that are shown on the site plan, including that the existing trees are to remain.

Chair **Cox** indicated the HVAC units behind the house will need a screening of some sort. Staff Schelly clarified that the requirement is that they be screened from view from the street and in that location the building would do that. Chair Cox then agreed that condition was then fine.

Commissioner **Stone** asked if the new addition is the same footprint as the portion to be removed. Francis responded that it is the same width, but it is deeper. Commissioner Stine then asked what the square-footage of the new addition is, compared to the main house. Cardelli stated the main house is 24 feet by 32 feet and the addition is 30 feet by 26 feet, so about the same.

Cardelli then added the comment that he would be allowed to remove the vinyl siding and put vinyl siding back on, but he would rather use the proposed siding.



Commissioner **Broadway** asked for an answer to when the rear portion of the house was built. Cardelli estimates, based on the type of wood and construction, it was probably built in the 1940s/early 1950s.

Commissioner **Stone** asked for clarification of the requirements for replacement-in-kind. Vice Chair Eure replied that the guidelines regarding replacement-in-kind that had been in the guidelines years ago were removed. Vice Chair Eure reminded the commission that the applicants are not proposing replacement-in-kind and suggested the discussion stick to the application.

Chair Cox asked for any other questions from the Commissioners. There were none.

**MOTION** by Commissioner Sheridan to find the application for 404 Avenue C 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**

2.3.1

2.3.2

2.3.3

2.3.6

**Landscaping**

2.4.3

2.4.4

2.4.7

**Fences and Garden Walls**

2.5.1

2.5.3

**Accessory Structures**

2.6.1

2.6.2

**Parking**

2.7.1

2.7.2

**Design Principles**

3.1.1

3.1.2

3.1.4

3.1.5

**Modifications**

3.2.1

3.2.2

**Additions**

3.3.1

3.3.2

3.3.3

745	<b><u>Foundations</u></b>
746	4.1.1
747	4.1.3
748	4.1.4
749	<b><u>Walls, Trim and Ornamentation</u></b>
750	4.2.1
751	4.2.2
752	4.2.3
753	4.2.4
754	4.2.5
755	<b><u>Windows, Doors and Openings</u></b>
756	4.3.1
757	4.3.2
758	4.3.3
759	<b><u>Entrances</u></b>
760	4.4.1
761	4.4.4
762	<b><u>Roofs</u></b>
763	4.5.1
764	4.5.4
765	<b><u>Decks and Patios</u></b>
766	4.6.4
767	<b><u>Masonry</u></b>
768	5.1.1
769	5.1.2
770	5.1.3
771	5.1.5
772	<b><u>Wood</u></b>
773	5.2.1
774	5.2.2
775	<b><u>Metals</u></b>
776	5.3.1
777	<b><u>Paint</u></b>
778	5.4.1
779	5.4.2
780	5.4.3
781	5.4.4
782	Pertinent to the accessory building:
783	<b><u>Contemporary Materials</u></b>
784	5.5.1
785	5.5.2
786	5.5.3
787	5.5.4
788	5.5.5

5.5.6

**Demolition**

6.4.4

6.4.5

**Findings of Fact**, 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 includes: demolition of an addition to the primary structure, an accessory structure, and two porches; removal of an incongruous material; an addition to a potentially contributing structure; new construction of an accessory structure and two replacement porches;
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:**

- The applicant is to agree that the house will be sided in solid wood.
- The applicant is to indicate the installation of any new or relocated lighting and utility equipment to the HPA who will verify compliance before the CoA is valid.
- The applicant is to provide the required drawings and photographs of the existing addition and the garage to the HPA and provide the HPA with a copy of the communication with preservation organizations before the CoA is valid.
- Fences can be no more than 6 feet, so the design needs to be corrected accordingly.

Commissioner Sullivan seconded the motion. Commissioner Blackwelder opposed.

**Motion passed.**

**MOTION** by Commissioner Sheridan to issue the CoA; Second by Commissioner Sullivan.

**Motion passed** unanimously.

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

None

5. **GENERAL PUBLIC COMMENTS**

None

6. **NEW BUSINESS:**

A. **CoA Extension:** 720 E. Front St. – extension of the CoA for a new infill house on a vacant lot to November 20, 2022.

**Staff Overview of the Request**

Staff Schelly provided a review of the request and indicated the date of the extension needs to be included in the motion. November 20, 2022 would be a one-year extension.

Commissioner **Sullivan** asked if the applicants have to be in process or done with construction by the expiration date. Staff Schelly answered that the applicants only need to pull a building permit by the expiration date.

Commissioner **Sheridan** asked if the applicants had told staff if they are ready to begin construction. Staff Schelly could not recall.

Commissioner **Sheridan** recalled this was a great design. Commissioner Broadway agreed but did not recall it being so tall in front. Commissioner Sheridan added that the front of the building steps backward as it gets taller.

Chair **Cox** asked about the foundation design in light of our new guidelines. Staff Schelly answered that the foundation is piers with louvered infill panels.

Commissioner **Sheridan** asked about whether the project is in the LiMWA flood area. Staff Schelly replied that it is not in the severe wave action area which ends at the edge of the river here. Schelly also added that the proposed finished first floor elevation is 6 inches higher than the required flood ordinance freeboard height plus two feet to allow for ductwork and floor structure.

Chair **Cox** asked if the applicants have not begun their project by the deadline, does the application terminate. Staff Schelly replied that the applicants can continue to request extensions for as long as the HPC is willing to grant them.

Commissioner **Sullivan** mentioned she is concerned about the design styles for the structures on the 700 block of E. Front St. and is not sure if that question is appropriate for this item at this time. Assistant City Attorney Mosley clarified that the determination of the congruity of the design with the neighborhood was settled at the time the original CoA was issued. Mosley continued that the issue before the commission is whether to extend the approval for another year. Commissioner Sullivan asked if she would be allowed to vote against the extension. Mosley confirmed she would be allowed to vote against the extension, however, adding elements or conditions to the CoA is not appropriate at this time. Chair Cox added that since the foundation guidelines have changed since the approval of the CoA, this is why she asked the questions about the foundation. Mosley also added that if other requirements such as zoning have changed and the design would need to change in a way that is an HPC decision, the applicants can come back to the HPC for an amendment to a valid CoA.

Staff Schelly informed the commission that they are free to extend the CoA for any amount of time they choose. One year is only the usual time period.

**MOTION** by Commissioner Sheridan to extend the expiration date of the approved CoA to 11/20/2022. Second by Commissioner Stone. Commissioner Broadway opposed.

**Motion passed.**

#### B. **Trent Court Task Team**

Chair Cox introduced the item and asked Staff Schelly about the size and makeup of this task team. Schelly deferred to Assistant City Attorney Mosley for basic information about this task team.

Mosley reminded the commission that they need to be very careful about ex parte communications, meaning discussing projects with applicants outside the regular HPC



876 meetings. To avoid this, Mosley suggested instead of the future applicants discussing their  
877 project with a team of HPC members, the HPC should suggest they avail themselves of the  
878 services of the City staff. Schelly added that, similar to what was done with the City Hall  
879 addition project, the applicants could also avail themselves of a series of HPC Design  
880 Review meetings to work out many of the design aspects of their project with the entire  
881 HPC.

882 A representative of the Housing Authority spoke, saying they only came to the previous  
883 Design Review meeting to make us aware of their upcoming project. They are willing to  
884 work with Schelly.

885 Chair Cox suggested no action was necessary this evening other than ask them to come to  
886 Design Review. Mosley clarified that we can ask them to come to Design Review or they  
887 can request to come to Design Review.  
888

889 **C. Establish deadline for Design Review Meeting application items**

890 Chair Cox introduced the item which is to address making sure the applicants at the Design  
891 Review (DR) meeting are informed and prepared before coming to the meeting. After  
892 some discussion, the main problem was identified as the applicants who show up without  
893 an understanding of the requirements of the guidelines and ending up educating them or  
894 arguing with them at the meeting.

895 The Chair requested Schelly and Mosley to discuss the options and come back with a  
896 proposal at the January DR meeting.  
897

898 **7. HPC ADMINISTRATOR'S REPORT**

899 **A. Report on CoAs Issued 9/8/2021 – 10/11/2021**

900 Chair Cox introduced the list in the agenda (below).  
901

902 **MAJORS and AMENDMENTS:**

- 903 1. 407 Avenue D – to include a new shed in the Tertiary AVC.

904 **MINORS:**

- 905 1. 207 Hancock St. – portion paved driveway  
906 2. 311 Hancock – chiller, fencing, shrubs  
907 3. 403 Avenue C – driveway  
908 4. 405 Avenue A – repointing, trim, lintels  
909 5. 504 S. Front St. – walkway, hvac  
910 6. 711 E. Front St. – driveway  
911 7. 750 E. Front St. – bulkhead railing  
912

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

914 None  
915

916 **C. Other Items and Updates**

917 Chair Cox reported that a representative for the New Bern Preservation Foundation has  
918 been found for the Awards Work Group. Tomorrow Chair Cox is to get the name of the

representative for the Historical Society for the Awards Work Group. Then the work group will have a meeting.

8. **COMMISSIONERS' COMMENTS:**

Commissioner Sheridan thanked everyone for welcoming her back.

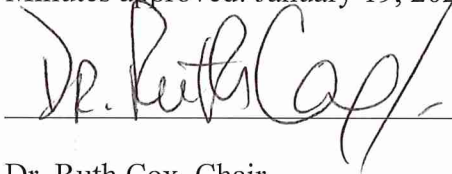
9. **ADJOURN:**

**Motion to adjourn the meeting:** Commissioner Bryant; Second by Commissioner Broadway.

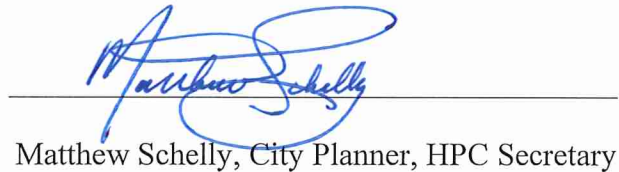
**Motion passed** unanimously

The meeting was adjourned at 8:30 pm.

Minutes approved: January 19, 2022

A handwritten signature in black ink, appearing to read "Dr. Ruth Cox", written over a horizontal line.

Dr. Ruth Cox, Chair

A handwritten signature in blue ink, appearing to read "Matthew Schelly", written over a horizontal line.

Matthew Schelly, City Planner, HPC Secretary