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**Minutes of the  
New Bern Historic Preservation Commission  
February 21, 2018**

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The New Bern Historic Preservation Commission (HPC) held a regular meeting on Wednesday, February 21, 2018, in the second-floor courtroom of City Hall, 300 Pollock Street.

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**Members Present:** Tripp Eure, Chair Nancy Gray  
Joseph Anderson, Vice Chair Ruth Cox  
Jim Morrison David Griffith  
James Woods James Herring

**Members Excused (E)/Absent (A):** Richard Frye (A)

**Staff Present:** Morgan Potts, AICP, City Planner

The meeting was opened by Chair Eure and roll call was taken. A quorum was present.

**Approval of Minutes:** Commission approved a motion to waive the reading of the minutes of September 2017 through January 2018 meetings. There were no corrections to the minutes presented, and Commissioner Woods moved to approve the minutes of September 20, 2017; October 18, 2017; November 15, 2017; December 20, 2017; and January 31, 2018. Second by Commissioner Cox, motion approved unanimously.

Chair Eure explained the HPC and the quasi-judicial hearing process. Commissioners Woods and Herring arrived and took their seats. Staff swore in witnesses.

**Consideration of Applications:**

New Business:

**A. 207-213 Metcalf Street** - to include a request to install a wooden fence and a pergola in the primary, secondary and tertiary AVC's.

**Staff Comments:** Staff Potts presented the application and gave a brief explanation of the request and introduced the applicant, Mr. Chris Bass.

**Applicant Comment:** Mr. Bass described a fence and pergola proposed for an unimproved lot. The fence would be the same design as the fence at the Commission House on Pollock Street, 4 feet high, 8"x8" treated columns, 1" square pickets, 2"x6" horizontal boards. There would be two pergola entrances, one at the rear near the BTM building and one in the center of the property on Middle Street. The pergolas would be 8 ft tall and 3 ft deep. Drawings were presented. There would be a Class A fire retardant added to the paint.

44 Chair Eure opened the floor for public comment.

45

46 **Public Comment:** Ms. Sabrina Bengel, property owner of 225-227 Middle Street spoke in favor  
47 of the application.

48

49 **Staff Recommendations:** Staff Potts submitted the following Historic District Guidelines as  
50 appropriate to this application:

51

52 **Fences and Garden Walls**

53 2.5.1, 2.5.3, 2.5.5

54

55 **Accessory Structures**

56 2.6.1, 2.6.3

57

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

60 1. The proposed project is within the primary and secondary Areas of Visual Concern;

61

62 2. Accessory structures should be located in the secondary or tertiary AVC's;

63

64 3. The proposed material (wood) is not advised in the #1 Fire District;

65

66 4. All existing fences near the parcel are ornamental metal or wrought iron and meet or exceed 5 feet  
67 in height;

68

69 5. The proposed project is incongruous with guidelines;

70

71 **Staff recommends the Commission disapprove the application for major exterior alterations at  
72 this time citing the aforementioned guidelines.**

73

74 **Board Discussion:** Commissioner Griffith asked Staff if Inspections had reviewed the proposed  
75 fire-resistant paint additive. They had not, but a permit would be required for the project and  
76 would be reviewed at that time. Commissioner Eure reminded Commission that our purview  
77 does not include fire code requirements, although that could become an issue as other agencies  
78 review the project. Commissioner Morrison suggested adding Guideline 2.5.2 regarding height  
79 in the primary AVC, dimensions of 4 feet or less, and the pergola exceeds that height. It is not a  
80 gate but is an accessory structure. Accessory structures are to be placed in secondary or tertiary  
81 areas in the guidelines. Additionally, wood fences are not present in the downtown area, so is the  
82 project incongruous with the character of the historic district? Commissioner Woods agreed that  
83 the height is an issue. Commissioner Cox pointed out that other fences near this facility are  
84 metal. Commissioner Gray is not as concerned about height but is concerned that there is a  
85 pergola in the primary AVC. She has no objection to a fence but felt more discussion is needed.  
86 Even taller gates exist but they are not pergolas. She felt we need a design that meets the  
87 guidelines. Commissioner Morrison asked Commissioners if the materials (wood, metal) are an  
88 issue, Commissioner Gray indicated she is not particularly concerned, and although the fence

89 design mimics the Commission House, that is a house not a business. Commissioner Griffith  
90 noted that the Commission House has a large setback while this is proposed on the front property  
91 line. He also felt a wood fence at that location is less congruous than other fences nearby. Chair  
92 Eure suggests that both wood and metal are congruous, and views the pergola as a nice feature  
93 and he could consider it an Entrance (4.4.1) although it does not meet accessory structure  
94 guidelines. Commissioner Cox noted that pergolas are mentioned as rear yard accessories.  
95 Commissioner Morrison noted we do have a guideline for pergolas and one for accessory  
96 structures. Chair Eure agreed they are in the guidelines. Commissioner Griffith indicated that  
97 4.4.1 refers to recessed entrances on structures, and includes other building specific details. Mr.  
98 Bass indicated that Staff discussion and Design Review should have given him more guidance  
99 and no new items should be brought up. Commissioner Morrison pointed out we may not give  
100 opinions at Design Review, Commissioner Woods noted that the project does not follow the  
101 guidelines and that he brought up the issue of the pergola/accessory structure at that meeting.  
102 Mr. Bass thought there was a consensus for approval and that it meets guidelines. Staff Potts  
103 presented a series of photos of metal fences or ornamentation near the proposed project.  
104 Commissioners had no objection to that new material presented. Vice Chair Anderson asked if  
105 other designs were considered? Would the applicant have considered a metal fence? Would it  
106 change the plan? Yes, per Mr. Bass.

107

108 **Motion:** Commissioner Morrison moved to find the application for a Certificate of  
109 Appropriateness for 207-213 Middle Street to be incongruous with New Bern's Code of  
110 Ordinance sections 15.411-15.429 and New Bern's Historic District Guidelines based on the  
111 following specific guidelines and findings of fact:

112

113 **Fences and Garden Walls**

114 2.5.1, 2.5.2, 2.5.3, 2.5.5

115

116 **Accessory Structures**

117 2.6.1, 2.6.3

118

119 **Findings of Fact:**

120

121 1. The proposed project is within the primary and secondary Areas of Visual Concern;

122

123 2. Accessory structures should be located in the secondary or tertiary AVC's;

124

125 3. The proposed project is incongruous with guidelines;

126

127 The motion was seconded by Commissioner Woods; the motion passed 7-1. Application denied.

128

129 Commissioner Morrison advised the applicant while he was still present that the motion only  
130 cited findings on the pergola and the height of the pergola.

131

132

133

134 **B. 215 Middle St.** – to include the addition of a door in the primary AVC.  
135

136 **Staff Comments:** Staff Potts presented the application and gave a brief explanation of the  
137 request and introduced the applicant’s representative, Ms. Sarah Afflerbach.  
138

139 **Applicant Comment:** Ms. Afflerbach presented drawings, photos, and materials in order to add  
140 a door to the front façade. The door will not face the street but will be within the recessed  
141 entrance way currently existing. The application also proposed several wood windows on the  
142 exposed left side of the building, matching current windows on the structure.  
143

144 Chair Eure opened the floor for public comment.  
145

146 **Public Comment:** None  
147

148 **Staff Recommendations:** Staff Potts submitted the following Historic District Guidelines as  
149 appropriate to this application:  
150

151 **Windows, Doors & Openings**

152 4.3.1, 4.3.2  
153

154 **Entrances**

155 4.4.1, 4.4.3  
156

157 **Statements of Reason,** based on the information contained in the application, in Staff’s judgment  
158 are:

- 159 1. The proposed project is within the primary Area of Visual Concern;  
160  
161 2. There is no other practical alternative to provide access to the upper stories of the structure;  
162  
163 3. The proposed project is not incongruous with guidelines;  
164

165 **Staff recommends the Commission approve the application for major exterior alterations at**  
166 **this time citing the aforementioned guidelines.**  
167

168 **Board Discussion:** Commissioner Gray asked if this was an amendment; it is not.

169 Commissioner Cox asked if the new windows were 1/1, matching the front? Yes.  
170

171 **Motion:** Commissioner Anderson moved to find the application for a Certificate of  
172 Appropriateness for 215 Middle Street to be not incongruous with New Bern’s Code of  
173 Ordinance sections 15.411-15.429 and New Bern’s Historic District Guidelines based on the  
174 following specific guidelines and findings of fact:  
175

176 **Windows, Doors & Openings**

177 4.3.1, 4.3.2  
178

179 **Entrances**  
180 4.4.1, 4.4.3

181  
182 **Findings of Fact:**

- 183  
184 1. The proposed project is within the primary Area of Visual Concern;  
185  
186 2. There is no other practical alternative to provide access to the upper stories of the structure;  
187  
188 3. The proposed project is not incongruous with guidelines;

189  
190 The motion was seconded by Commissioner Morrison; the motion passed unanimously. A  
191 motion to issue a COA was made by Commissioner Cox and seconded by Commissioner Woods.  
192 The motion passed unanimously.

193  
194 **C. 219 Middle St Amendment.**—to include a request to utilize out swinging metal casement  
195 windows in the primary AVC.

196  
197 **Staff Comments:** Staff Potts presented the application and gave a brief explanation of the  
198 request and introduced the applicant’s representative, Ms. Sarah Afflerbach.

199  
200 **Applicant Comment:** Ms. Afflerbach explained a change in the proposed windows to an  
201 awning-type which tilt up to the top of the opening. Materials and configuration do not change,  
202 just the opening configuration.

203  
204 Chair Eure opened the floor for public comment.

205  
206 **Public Comment:** Ms. Sabrina Bengel, owner of 225-227 Middle Street indicated she is not in  
207 favor of the proposal indicating it is not in keeping with character of other nearby structures,  
208 specifically the tilt opening style.

209  
210 **Staff Recommendations:** Staff submits the following Historic District Guidelines as appropriate  
211 to this application:

212  
213 **Windows, Doors & Openings**  
214 4.3.1, 4.3.3,

215  
216 **Entrances**  
217 4.4.1, 4.4.3

218  
219 **Statements of Reason,** based on the information contained in the application, in Staff’s judgment  
220 are:

- 221 1. The proposed project is within the primary Area of Visual Concern;  
222  
223 2. The proposed project is not incongruous with guidelines;

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**Staff recommends the Commission approve the application for major exterior alterations at this time citing the aforementioned guidelines.**

**Board Discussion:** Commissioner Morrison asked for clarification that the entire window pivots, not just a portion. Ms. Afflerbach confirmed the entire window pivots to the top of the opening, and that the window style has changed multiple times in the building’s history. Vice Chair Anderson also asked for confirmation there is no awning. True. Commissioner Cox asked for confirmation that it is one window, not three and how far out will it be extending when raised? It is one window extending out about 4 feet, not dissimilar to a previous awning that extended over the sidewalk. Vice Chair Anderson believes the opening changes the character of the street, but does not find a guideline that describes window function. Commissioner Morrison agreed. Commissioner Gray felt that awnings were not historic, and modifications like awnings have not been prohibited in the past. Commissioner Cox asked for comparison to the recently installed overhead-type doors installed at 415 South Front. Commissioner Anderson was concerned additional applicants may be prompted to install similar arrangements, but he does not see guidelines which would prohibit different opening styles. Commissioner Cox asked about awnings on other structures nearby, and Ms. Afflerbach indicated there are many on Middle St. and that these changes adapt to modern technology and lifestyles. Commissioner Cox concluded that when closed it meets guidelines. Commissioner Griffith said awnings are not equivalent to this window’s function, Commissioner Cox indicated her comparison was to the extension over the street. Commissioner Griffith noted the introductory section to the Windows guidelines, which gives guidance where guidelines are not specific. Ms. Afflerbach confirmed there are no others on Middle St. with this function. Commissioner Herring compared the closed versus open appearance, and the nature of the window function. Commissioner Woods asked what was approved initially. Ms. Afflerbach indicated those windows opened side-to-side, but still could fully open. He saw them as basically equivalent, and previously approved.

**Motion:** Commissioner Morrison moved to find an amendment to a Certificate of Appropriateness for 219 Middle Street 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:

**Windows, Doors & Openings**

4.3.1, 4.3.3,

**Entrances**

4.4.1, 4.4.3

**Findings of Fact:**

1. The proposed project is within the primary Area of Visual Concern;
2. The proposed project is not incongruous with guidelines

269 The motion was seconded by Commissioner Woods. The motion was approved unanimously.

270

271 **D. 508 Metcalf St.** – to include changing window configuration in the tertiary AVC and  
272 removal of a chimney in the secondary AVC.

273

274 **Staff Comments:** Staff Potts presented the application and gave a brief explanation of the  
275 request. She introduced the applicant’s representative, Ms. Sarah Afflerbach.

276

277 **Applicant Comment:** Ms. Afflerbach indicated that the applicant is withdrawing the request for  
278 chimney removal, but is requesting alteration of the window configuration and removing an  
279 existing wood cover of a basement stair and replacing with a metal cover. The windows will  
280 match the existing historic home and replace windows that were installed on an addition.

281

282 Chair Eure opened the floor for public comment.

283

284 **Public Comment:** None

285

286 **Staff Recommendations:** Staff Potts submitted the following Historic District Guidelines as  
287 appropriate to this application:

288

289 **Windows, Doors & Openings**

290 4.3.1, 4.3.2, 4.3.3

291

292 **Design Principles**

293 3.1.1, 3.1.2

294

295 **Statements of Reason,** based on the information contained in the application, in Staff’s  
296 judgment are:

297

298 1. The proposed project is within the tertiary Area of Visual Concern;

299

300 2. The window reconfiguration matches the form and rhythm of the fenestration;

301

302 3. Metal doors were available at the time of construction;

303

304 4. The proposed project is not incongruous with guidelines;

305

306 **Staff recommends the Commission approve the application for major exterior alterations**  
307 **at this time citing the aforementioned guidelines.**

308

309 **Board Discussion:** Commissioner Cox appreciated the deletion of the chimney demolition  
310 request. Commissioner Morrison felt the windows, materials, and design are appropriate.

311

312 **Motion:** Commissioner Anderson moved to find the application for a Certificate of  
313 Appropriateness for 508 Metcalf Street to be not incongruous with New Bern’s Code of

314 Ordinance sections 15.411-15.429 and New Bern's Historic District Guidelines based on the  
315 following specific guidelines and findings of fact:

316

317 **Windows, Doors & Openings**

318 4.3.1, 4.3.2, 4.3.3

319

320 **Design Principles**

321 3.1.1, 3.1.2

322

323 **Findings of Fact:**

324

325 1. The proposed project is within the tertiary Area of Visual Concern;

326

327 2. The window reconfiguration matches the form and rhythm of the fenestration;

328

329 3. Metal doors were available at the time of construction;

330

331 4. The proposed project is not incongruous with guidelines

332

333 Second by Commissioner Griffith. Commissioner Gray suggested the correct cite is 3.1.2 and  
334 that the chimney finding is not necessary. Guideline 4.5.3 was also deleted. Motion was  
335 amended and seconded. Approved unanimously.

336

337 A motion to issue a Certificate of Appropriateness was made by Commissioner Gray, second by  
338 Commissioner Woods, motion approved unanimously.

339

340 **E. 706 Craven Street- Amendment.** – to include the addition of a foundation and steps to an  
341 accessory structure in the tertiary AVC.

342

343 **Staff Comments:** Staff Potts presented the application and gave a brief explanation of the  
344 request. She introduced the applicant's representative, Ms. Sarah Afflerbach.

345

346 **Applicant Comment:** Ms. Afflerbach explained they had not known the proposed accessory  
347 structure was in a flood zone, so the amended application proposes an elevated foundation with  
348 open weave bricks, similar to the house. Pickets, balustrades, and stairs are also added.

349

350 Chair Eure opened the floor for public comment.

351

352 **Public Comment:** None

353

354 **Staff Recommendations:** Staff Potts submitted the following Historic District Guidelines as  
355 appropriate to this application:

356

357 **Foundations**

358 4.1.1, 4.1.3, 4.1.4



359 **Entrances**

360 4.4.4

361

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

364

365 1. The proposed project is within the tertiary Area of Visual Concern;

366

367 2. The proposed project is not incongruous with guidelines.;

368

369 **Staff recommends the Commission approve the application for major exterior alterations**  
370 **at this time citing the aforementioned guidelines.**

371

372 **Board Discussion:** Commissioner Morrison noted the brick foundation is appropriate and the  
373 materials remain appropriate, and siding is smooth Hard-Board.

374

375 **Motion:** Commissioner Morrison moved to find the amendment to a Certificate of  
376 Appropriateness for 706 Craven Street to be not incongruous with New Bern's Code of  
377 Ordinance sections 15.411-15.429 and New Bern's Historic District Guidelines based on the  
378 following specific guidelines and findings of fact:

379

380 **Foundations**

381 4.1.1, 4.1.3, 4.1.4

382

383 **Entrances**

384 4.4.4

385

386 **Findings of Fact:**

387

388 1. The proposed project is within the tertiary Area of Visual Concern;

389

390 2. The proposed project is not incongruous with guidelines.;

391

392 Second by Commissioner Woods. Approved unanimously.

393

394 **F. 722 Pollock-** to include a request to install a 6/6 window in the secondary AVC

395

396 **Staff Comments:** Staff Potts presented the application and gave a brief explanation of the  
397 request. She introduced the applicant's representative, Mr. John Bender.

398

399 **Applicant Comment:** Mr. Bender reviewed the request to install a 6/6 awning window for the  
400 bathroom on the side of the building. It will require the removal of a plastic vent now existing.

401

402 Chair Eure opened the floor for public comment.

403

404 **Public Comment:** None

405

406 **Staff Recommendations:** Staff Potts submitted the following Historic District Guidelines as  
407 appropriate to this application:

408

409 **Windows Doors & Openings**

410 4.3.2, 4.3.3

411

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

414

415 1. The proposed project is within the secondary Area of Visual Concern;

416

417 2. The proposed project is not incongruous with guidelines.;

418

419 **Staff recommends the Commission approve the application for major exterior alterations**  
420 **at this time citing the aforementioned guidelines.**

421

422 **Board Discussion:** Commissioner Herring asked if the fan would be eliminated? Mr. Bender  
423 indicated it will, requiring an operable window in the bathroom. Chair Eure asked if the window  
424 will have a thickened, non-conventional sill? Mr. Bender indicated he intends to provide a 2-  
425 inch sill. Commissioner Cox asked if any other windows crank open? The rest do not, and Mr.  
426 Bender has seen awning windows on older structures, but not with the same mechanism. Chair  
427 Eure and Commissioner Gray indicated they were not uncommon. Commissioner Griffith noted  
428 that when closed it will look as though a fixed pane.

429

430 **Motion:** Commissioner Morrison moved to find the amendment to a Certificate of  
431 Appropriateness for 722 Pollock Street to be not incongruous with New Bern's Code of  
432 Ordinance sections 15.411-15.429 and New Bern's Historic District Guidelines based on the  
433 following specific guidelines and findings of fact:

434

435 **Windows Doors & Openings**

436 4.3.2, 4.3.3

437

438 **Findings of Fact:**

439

440 1. The proposed project is within the secondary Area of Visual Concern;

441

442 2. The proposed project is not incongruous with guidelines.;

443

444 Second by Commissioner Gray. Approved unanimously.

445

446 A motion to issue a Certificate of Appropriateness was made by Commissioner Cox, second by  
447 Commissioner Woods, motion approved unanimously.

448

449 **G. Prevention of Demolition by Neglect Additions and Removals**

450

451 Chair Eure noted we have a Demolition by Neglect Committee, and departing Commissioner  
452 Morrison is replaced by Commissioner Woods on the Committee.

453

454 Staff Potts then reviewed a series of photos depicting findings of the Committee after surveying  
455 a number of properties in both Local Historic Districts. Specific photographic evidence was  
456 depicted, and recommendations were made for each property presented: to remove from list, add  
457 to list, or keep on watch for further deterioration. Commissioners asked questions for  
458 clarification. Commissioner Woods asked how property owners were notified, and  
459 Commissioner Morrison noted the specific requirements in the Rules of Procedure which detail  
460 the process and timelines for each activity after the Commission adds a property to the  
461 Demolition by Neglect list, thereby becoming the complainant to the Chief Building Inspector.

462

463 Commissioner Morrison moved that the Historic Preservation Commission, in accordance with  
464 New Bern's Code of Ordinance 15-429, petition the Chief Building Inspector to inspect the  
465 following properties under our Demolition By Neglect Ordinance: 302 Avenue A, 726 Pollock  
466 Street, 314 Avenue C, 709 Broad Street, 618 East Front Street, 301 Hancock Street; and  
467 Commission suggests he remove the following properties: 221 Craven Street, 312 Avenue C,  
468 217 Hancock Street, 817 North Craven Street, and 1118 North Craven Street, from the  
469 Demolition By Neglect process.

470

471 Second by Commissioner Anderson. Commissioner Griffith asked if 301 Hancock was  
472 included? Commissioner Morrison amended his motion to add 301 Hancock to the petition,  
473 Commissioner Anderson accepted the amendment. Motion approved unanimously.

474

475 Chair Eure noted change in ownership on some properties, and if the property owners seek to  
476 make improvements after discussion with the Chief Building Inspector the Commission will  
477 attempt to work with them for resolution.

478

479 **Administrative Updates:**

480

481 No minor works permits were issued.

482

483 **Public Comment:** Ms. Bengel, Alderman, thanked the Commission for their service and noted  
484 Aldermen must sometimes explain Commission actions. She would have preferred to see we  
485 offer more help to the citizens to resolve issues. Chair Eure indicated we would be calling Mr.  
486 Bass at the earliest opportunity.

487

488 Chair Eure thanked Commissioner Gray for her nearly six years of service and insight as she  
489 leaves Commission and moves to another community.

490

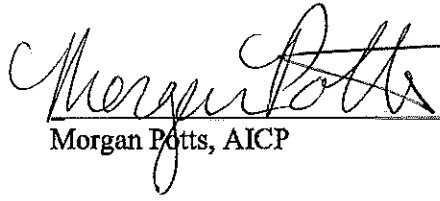
491 There being no further business the meeting was adjourned on a motion made by Commissioner  
492 Cox and seconded by Commissioner Woods.

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Tripp Eure, Chairman



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Morgan Potts, AICP