

**Minutes of the  
New Bern Historic Preservation Commission  
March 5, 2008**

The New Bern Historic Preservation Commission (HPC) held a special called meeting on Wednesday, March 5, 2008, in the City Hall Courtroom, 2<sup>nd</sup> Floor, 300 Pollock Street.

**Members Present:** Sarah Afflerbach, Chair  
Peter Adolph, Vice-chair  
Diane Filipowicz  
Jack Morton, Jr.  
Jay Heck  
Rich Frye  
Sadaf Hassan

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** Annette Stone, AICP, City Planner  
Leigh Anne Friesen, AICP, Planner

The meeting was opened and roll call was taken. A quorum was reached. Chair Afflerbach briefly discussed the function and qualifications of the Historic Preservation Commission and its members. Witnesses were sworn in.

**Witnesses Sworn:** Brian Smith, Sarah Afflerbach, Jerry Hobbins, Josh Willey, Wes Collins, Mel Bayse, and others.

As a courtesy to the other applicants and the public, agenda item #2 was moved to the end of the agenda. The Commission had no minutes to review.

**New Business**

- 1. Consider COA for 207 Broad Street, owned by Bryan and Cheryl Smith, for extension of an existing rear screened porch.**

**Staff Comments:** Staff Annette Stone described the application briefly. Applicant would like more rear covered area, and is proposing to extend existing screened porch to cover existing deck. Building is contributing to the District, c. 1891-1893.

**Applicant's Comments:** Owner Brian Smith had no additional comments

**Public Comments:** NONE

**Discussion by the Commission:** The Commission discussed the construction date of the screened porch, the date of house purchase, clarification of the drawing, confirmation of same screened door as existing, existing materials, and method of balcony support.

**Findings of Fact:** Motion by Commissioner Filipowicz, with second by Commissioner Hassan, to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: “Building Components: Exterior Entrances and Porches”, pages 27-29, guideline(s)#3, 5, 6, 8, 9, 14.

Motion carried unanimously.

**Statements of Reason:** (1) Project is in a tertiary area of visual concern; (2) Proposed materials include wood and metal, common to existing addition; and (3) Proposed roof of extension will match existing shed roof on porch.

**Condition(s):** Work will be made reversible.

**Motion:** Commissioner Morton moved to issue the COA, with a second by Commissioner Adolph. The motion passed unanimously.

**2. Consider COA for 213 New Street, owned by Bob and Karen Whitmore, for replacement of rear synthetic siding and a request to use synthetic decking.**

**Staff Comments:** Staff Annette Stone described the application. At the February HPC meeting, the applicant mentioned bringing this request back to the Commission as a separate request. Additionally, a request is being submitted to incorporate synthetic decking material. The building is contributing to the District, c. 1939.

**Applicant’s Comments:** Architect Sarah Afflerbach discussed the removal of asbestos siding, and stated that the existing wood corner boards and trim would remain.

**Public Comments:** *Mel Bayse*, 211 New Street, has no objections as asks that the Commission approve the request. *Jerry Hobbins*, 229 New Street, stated his desire that the corner boards stay, given their history and past uses on houses.

**Discussion by the Commission:** Commissioner Afflerbach recused herself from the discussion and voting. Discussion occurred regarding previous approvals of synthetic decking, gauge and profile of proposed cement boards, proposal for existing original corner boards, ventilation grates for new porch, inappropriateness of synthetic decking, guidelines comments regarding appropriateness of wood porch floors, and how “interior” should the inside of the screened porch be considered.

**Findings of Fact:** Motion by Commissioner Morton, with second by Commissioner Hassan, to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: “Building Components: Exterior Walls, Trim, & Ornamentation”, pages 16-19, guideline(s)#7-9; “Building Components: Exterior Entrances and Porches”, pages 27-29, guideline(s)#5; “Decks on Historic Buildings”, page 52, guideline(s)#3; and “Additions to Historic Buildings”, pages 50-51, guideline(s)#5.

Motion carried unanimously.

**Statements of Reason:** (1) Project impacts a tertiary area of visual concern, (2) Existing siding is asbestos. Proposed siding is cement board, (3) Synthetic decking is being requested for porch floor and porch will essentially be enclosed with a screened porch making decking not visible.

**Condition(s):** Decking shall be wood

**Motion:** Commissioner Frye moved to issue the COA, with a second by Commissioner Heck. The motion passed unanimously.

### **Miscellaneous Business**

#### **1. Clarification of decision to issue COA for 612 Craven Street, owned by Bill and Susan Hughes, for new construction.**

**Staff Comments:** Staff Annette Stone directed the Commission’s attention to the memo in their packets, along with pertinent information about the project. At the June 2007 HPC meeting, the Commission issued a COA to the Hughes for new construction of a garage. As a result of adjacent property owner’s complaints about a second story on the structure, staff and adjacent property owners looked further into the project file. It appeared that two owners were not notified. The City Attorney began to explore the implications of a failure to notify. Based on his input, and input from local government law experts at the School of Government, it appeared that the appeal time—that began with the complainants’ first notice that project construction was underway—had expired.

However, during this process of looking deeper into the record, it became apparent that testimony given at the June 2007 regarding the height of the structure did not agree with the scaled height of the structure as approved. Examination of the structure as it is being built has confirmed it to be the height as it was scaled in approved drawings. Further, the addition of 1’ – 2’ of fill dirt has raised the full height to just equal to the main house.

Staff is now asking the Commission to clarify which material facts they relied upon to approve the structure, and how much the testimony was a factor when approving the COA.

Staff Annette Stone then laid out the ground rules for this agenda item. Each Commission

member will state their position, refrain from debating amongst themselves, and restrict interaction to that of questioning Staff for clarification. As this is not a public hearing, no public comment will be taken. Commissioner Hassan is recused from this item because she was not present at the June 2007 meeting.

**Discussion by the Commission:**

Commissioner Morton: Stated plan had no height measurements listed, so he asked project Architect Jack Daft what was “grade level” and was told “seven”; “garage height” and was told “27 feet”; “house height” and was told “30-something”. Mr. Daft stated grade would not be raised, and discussed measures to prevent stormwater runoff. Based on Mr. Daft’s testimony Commissioner Morton felt garage was sufficiently lower than the house for an accessory structure. He feels the height of what is being built is not what was discussed or approved.

Commissioner Frye: Relied on testimony regarding height, because no measurements were listed on the drawing, nor were adjacent structures shown in scaled comparison. Lack of opposition from the public further influenced his vote.

Commissioner Adolph: Concurs with above comments. He based his decision on testimony regarding the height, because there was nothing else to go on.

Commissioner Heck: Relied on testimony for the height because there was no other information.

Commissioner Afflerbach: Relied on testimony of 27 feet, and felt the height appropriate as it was shorter than the house and very tertiary. Had the garage been presented as taller than or similar to the house, she would not have deemed it appropriate.

Commissioner Filipowicz: Based approval on belief that the garage was to be shorter than the house, appropriate for a secondary structure. Feels a sketch or photograph and dimension labels would have better communicated the proposed scale of the structure.

Based on these comments, Staff Annette Stone said she would report back to Planning and Inspections Staff to determine what the next step would be.

**7. Presentation by Downtown residents regarding notification rules and procedures.**

**Staff Comments:** Staff Annette Stone referred the Commission to the presenters for further explanation of this item.

**Presenter Comments:** Josh Willey, 208 Johnson Street, made the presentation. He addressed concerns regarding the notification procedure for the 612 Craven Street project. These included the need for certified mail notification to adjacent property owners, the suggestion to pass this extra cost along to the applicant, a recommendation to add more detail to project descriptions (including height as with Conditional Use Permit notifications), and the need to make the Commission’s Rules of Procedure accessible via the City’s website.

Attorney Wes Collins suggested the Commission look at the NC Division of Marine Fisheries Coastal Area Management Act (CAMA) notification processes as an example. This may include

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posting in the newspaper, or other options.

**Discussion by the Commission:** Topics discussed included appreciation for suggestions and the need to always work to improve the process, the appeal period, and the process for changing the Rules of Procedure. The Commission brainstormed possible changes, including the requirement to submit a vicinity map and written dimensions for all projects, the need for Commission members to visit all project sites,

Staff Annette Stone suggested that the Planning Staff come back to the Commission with any recommended changes to the Rules of Procedure, and proceed from there.

With no more business, Commissioner Adolph moved, and Commissioner Afflerbach seconded that the meeting be adjourned.

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Sarah Afflerbach, Chair

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Annette D. Stone, AICP  
Commission Administrator