

**Minutes of the
New Bern Historic Preservation Commission
April 21, 2010**

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, April 21, 2010, in the Planning and Inspection Conference Room, 3rd Floor, 248 Craven St.

Members Present: Jack Morton, Jr., Chair Peter Adolph, Vice-chair
Bradley Cummins Karen Britton
Richard Parsons Jay Heck
Johnny Harrison Peggy Broadway

Members Excused/Absent: Rich Frye (E)

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

The meeting was opened and roll call was taken. A quorum was present. The March minutes were approved upon unanimous vote for a motion by Commissioner Parsons, seconded by Commissioner Heck. Chairman Morton discussed the function and qualifications of the Historic Preservation Commission and its members. Witnesses were sworn in.

Witnesses Sworn: Mary Peterkin, Jimmy Dillahunt, Sr., Nancy Hollows, Russ Conner, Marty Ingianni, and Stevie Bennett.

Old Business

1. Consider COA for 519 Queen Street owned by Mary Peterkin to elevate the structure approximately 2 ½ feet on new foundation.

Staff Comments: Staff Annette Stone gave a description of the project proposal. She recounted that at the last meeting the Commission tabled this application because it did not receive the requested drawings of the raised structure that document the proposed height. Now this information is in the packet. This project will involve turning the house and elevating it off the ground to better preserve it.

Applicant's Comments: Contractor, Mr. Jimmy Dillahunt, Sr. stated that the house will be refurbished as is and raised. The proposed brick foundation will match that of the Ingianni's property next door. Original, six-over-six single-pane windows of the house will be used to replace the front windows, and otherwise keep the existing one-over-one windows.

Public Comments: *Nancy Hollows*, 4438 Rivershore Drive, inquired about the height of the structure once raised. She also noted that the Preservation Foundation has a salvage yard with wooden windows for sale that may help with the project. *Marty Ingianni*, 515 Queen Street, owns the property next door. Says it's a great project and hopes they can save the Dogwood tree.

Discussion by the Commission: The Commissioners discussed the possibility of adjusting the setback to save the existing Dogwood, and the alignment scheme of the neighboring houses once the proposed setback is reached.

Finding(s) of Fact: Commissioner Parsons moved to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing all guidelines of “Relocation”, p 94. Commissioner Cummins seconded. During the discussion the Commissioners noted that no further setback does not allow for saving the Dogwood tree. Upon a call for a vote, all Commissioners voted in favor of the motion. Motion passed.

Statement(s) of Reason:

- The structure is to be relocated on the existing site.
- All repairs will be replacement in-kind.

Condition(s): NONE

Motion: Commissioner Cummins moved to issue the COA, seconded by Commissioner Parsons. The motion passed unanimously.

New Business

1. Consider COA for 1015 N. Craven Street to consider an after-the-fact application for replacement windows throughout structure.

Staff Comments: Staff Ms. Stone gave some background on this application. She said that in 2008 Phoenix House began renovations on this house and replaced a front two-over-two top window with a smaller, one-over-one window, without the benefit of a Certificate of Appropriateness (COA). Ms. Stone showed the Commission a picture of the house as it was taken into the District in 2004. She notified Mr. Conner of this unauthorized change, and that this window or any other changes to the structure would need a COA before the project began. At some point since that notification, all the remaining windows have been replaced with smaller, one-over-one windows. The task of the Commission is to determine the appropriateness of these replacement windows.

Applicant Comments: Mr. Conner is the Chairman of the Board for the local Phoenix House, and General Contractor for this project. He stated that he changed out the remaining windows after receiving a local grant. They had wanted to go with vinyl siding on the house, but were told they could not, so they scraped and painted instead. The custom-sized Lowes’ windows that would have been required to replace-in-kind were too expensive, so they chose the smaller ones.

Public Comments: *Stevie Bennett*, 1312 National Avenue, asked that the Commission find these windows inappropriate for the District. She noted that several other after-the-fact applications for inappropriate windows have been denied and she hopes the Commission continues the trend with this application. She and other volunteers worked hard with the City to get a local Historic District designation for Riverside and doesn't want to see this type of erosion of historic fabric in the area. She submitted "Exhibit A: Picture of 1015 N. Craven, pre-paint" which shows the size of the windows that were replaced. She emphasized the important fact is what's appropriate, not what is affordable. *Nancy Hollows*, 4438 Rivershore Drive, reiterated that the Preservation Foundation has a salvage yard with wooden windows for sale. She also commended Mr. Conner for the effort on the house, but noted the importance of doing such work sensitively enough to retain the historic fabric of the structure. She asked the Commission to consider allowing Mr. Conner to phase in the wooden windows over time.

Discussion by the Commission: Commissioners discussed issues such as the clear inappropriateness of the windows and the resulting difficulty of doing the right thing in denying the change, as well as the Commission's purview to determine appropriateness in the interest of the public, not any one organization or individual.

Finding of Fact: Commissioner Parsons moved to find the application incongruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing "Windows and Doors" page 28 guidelines #1-5. Commissioner Heck seconded. During a discussion on the motion, Commissioners asked Mr. Conner why he didn't come before the Commission to request a COA when he had been previously informed of the procedure. The also stated they would have Staff look into the complaints again neighboring properties. Upon a call for a vote, the motion passed unanimously.

Statement(s) of Reason:

- The replacement windows do not match the original windows in terms of size and style.

Condition(s): NONE

Other Business

Nancy Hollows, in her role as president of the Preservation Legal Action Trust (PLAT), requested time to clarify the role of PLAT as it relates to the role of the HPC. She said that PLAT's role is to partner with the City and HPC to safeguard the historic character of the locally designated historic districts. They endeavor to supplement the work of the HPC by developing methods to better disclose the ordinance requirements and District Guidelines to potential buyers in the Districts. She noted that a recent quote from a PLAT email, discussing the seeming lack of transparency in a City Board, did not refer to the HPC, despite the fact that it came in the paragraph after one which did discuss the HPC. She was sorry for any confusion on the matter. *Stevie Bennett*, asked what the HPC could do to better enforce projects occurring in the Districts without the benefit of a COA. The Commission agreed to talk further with Staff about how best to address this issue.

There being no further business the meeting was adjourned.

Jack Morton, Chair

Annette Stone, AICP
Commission Administrator