

**MINUTES**  
**HISTORIC DISTRICT COMMISSION**  
**Wednesday, April 2, 2008, 7:00 PM**

**MEMBERS PRESENT:** Mark Bell, Joseph Council, Emily Eidener, and Holly Snyder.

**ABSENT:** Jessica Dockery, Mark Rhoades, and Pete Yeganian.

**STAFF:** Planner Stephanie Trueblood.

**WITNESSES:** Chris Wachholz, Dorothy Whitmore, and Bill Whitmore.

**ITEM #1: Call to order, roll call, and confirmation of quorum.**

Mr. Council called the meeting to order at 7:02 p.m., and Mr. King called the roll and confirmed the quorum.

**ITEM #2: Reading of the Commission's Mission Statement.**

Mr. Council read the Commission's Mission Statement and provided information on the Commission's processes.

**ITEM #3: Additions to the agenda and agenda adjustments.**

Information regarding the Town Clock was added as Item #8.5.

**ITEM #4: Application for a Certificate of Appropriateness for Chris Wachholz to reconstruct a 1400 square foot historic house (relocated from Boiling Springs, NC), add a 1400 square foot rear addition to the house, and construct a 10' wide gravel driveway, a 625 square foot gravel parking pad, and two 4' wide sidewalks at the vacant lot at 316 West Tryon Street (TMBL 4.29.B.10A).**

Mr. Council swore in Chris Wachholz and Stephanie Trueblood. Ms. Trueblood provided some information on the lot, which is vacant and the plans the applicant proposes to build a 1400 square foot historic house (relocated from Boiling Springs, NC), add a 1400 square foot rear addition to the house, and construct a 10' wide gravel driveway, a 625 square foot gravel parking pad, and two 4' wide sidewalks.

Mr. Wachholz described the process of finding, deconstructing, and storing the house and explained that it was appropriate to relocate the house in the Hillsborough Historic District. He explained the reasoning for the new addition and showed pictures of a similar addition on a similar house.

Ms. Snyder asked about the design of the windows for the new addition; some look square and she wondered how the proportions were arrived at and how they related to the windows in the original house. Mr. Wachholz responded they had saved all the original windows, which included those from the 1940's addition.

He said what was scrapped was those windows added from the 1940's and forward. Mr. Wachholz stated they had all the original windows as well as the frames; they were badly damaged but would be repaired. He said unfortunately it appeared that his draftsman had drawn in windows which he did not intend, which were the 4/1 windows; what he had intended to build were 4/4.

Ms. Trueblood asked if Mr. Wachholz was asking to change his plans to show his intention for 4/4 windows rather than the 4/1. Mr. Wachholz responded that was correct.

Ms. Snyder asked if the draft elevation for the triple windows was misdrawn as well. Mr. Wachholz stated those were not misdrawn; that was a triple window over a sink. Ms. Trueblood confirmed that they were talking about 4/4 for all the windows. Mr. Wachholz replied yes. He added that the house they had deconstructed had a metal roof, and this one would as well.

Mr. Bell asked why the house was moved. Mr. Wachholz explained the circumstances of why the house had to be moved, noting the owner had wanted it moved because he did not want to pay the yearly garbage taxes, and had given it to Preservation North Carolina. He said he had acquired it from them.

Mr. Bell asked if the foundation would be stucco over masonry. Mr. Wachholz replied that was correct. Mr. Bell said the original house appeared to have red brick. Mr. Wachholz said it did, but stucco over masonry was less expensive. He said a brick foundation would be extraordinarily expensive, and moving the house and reconstructing it somewhere else was already expensive. Mr. Wachholz said he wanted to put money into other aspects of the house besides the foundation, although the foundation would likely be a sealed crawlspace which would provide a lower risk of mold, better insulation, and improved air quality in the house. He said they would try to incorporate other Green features in the house which would not be visible from the exterior.

Mr. Bell asked if any of the original shutters were salvageable. Mr. Wachholz said he believed they had at least half of the original shutters, and would try to find or would make replacements for the others.

Ms. Eidener said in the proposed drawing, the boards along the roofline appear to be flat at the base, but in the original house they looked like they had a scalloped edge at the base. Mr. Wachholz stated he had the gables and the scalloped boards, and they would be reconstructed on the front.

Ms. Eidener asked for a better description of the proposed addition, noting that from looking at the proposed left and right elevations and comparing them to the original left and right elevations, it appeared that the new building would be in the middle of the two. She said it appeared that the back of the house as it was would stay and the front of the house as it was would stay, but there would be more

building in between. Mr. Wachholz displayed a picture of the house and explained how the addition would fit, noting they would be taking the right gable and carrying it all the way back to match.

Mr. Council said on the addition, it had been said they would be using vinyl clad wood windows. He asked why use vinyl clad when the rest of the house had wood. Mr. Wachholz said they were lower maintenance and they were not in the part of the house that you would see from the street. Mr. Council said his concern was that although they had approved vinyl clad windows in the past, this house would be relocated beside a contributing house. He wondered if wood windows should be used all the way around to keep the house matching. Mr. Wachholz said they would be agreeable to that, but believed the vinyl clad were somewhat more energy efficient. Mr. Council said it would seem almost appropriate or expected to continue that level of care in the new construction. Mr. Wachholz stated he had no objection to using wood windows.

Mr. Council asked if any member of the public wanted to speak either for against this application.

Dorothy Whitmore, after having been sworn, said she and her husband were the future owners. She said even if that were not so, she would think that having windows there were easier maintenance and provided more energy efficiency would be more advantageous, particularly since you would not see them from the street.

Ms. Trueblood stated that there were differing opinions regarding the energy efficiency of wood versus vinyl. She said most studies showed that it was the insulation that made the biggest difference. Ms. Trueblood noted that many other historic districts did not allow vinyl windows on these types of houses because vinyl could not be painted and came in limited colors. She said wood windows aged, and although they required more maintenance but there was an aesthetic quality to aging wood.

Ms. Eidener asked which windows would be taken from the original house and which ones would be replaced. Mr. Wachholz said all the windows in the original structure would remain, and vinyl clad had been proposed only for the addition.

Bill Whitmore, after having been sworn, said there was a substantial amount of cost involved in relocating and restoring the house. He said from an energy efficiency standpoint, it would seem that storm windows would be required or have single pane windows. He said you would lose everything you had tried to accomplish with the sealed crawlspace and conditioned attic space. Mr. Whitmore said he hoped there was some reasonable balance that was practical that was aesthetically consistent. He stated they had hoped to replicate the appropriate look of the structure but with a modern technology Pella window.

Mr. Council said number 3, Utilities and Energy Retrofits, on pages 26 and 27 of the HDC Guidelines, suggested installing narrow profile storm windows so that they did not obscure or damage the historic window sash and frame.

Ms. Eidener said another benefit of the storm windows was that they would decrease the amount of maintenance needed on the paint of the exterior wood windows, because they helped deflect some of the weather damage.

Ms. Trueblood stated in the past when considering additions, this Board had followed the Additions Guidelines to Existing Buildings, and quoted that number 9 said “select doors and windows for new additions that are compatible in material, proportion, subdivision, pattern, detail, and finish with those in the historic building.”

Mr. Council summarized the changes made to the application with the agreement of the builder and the prospective owners: that all windows would be wood; that a Board member had suggested investigating Pella insulated wood windows; and, that all gable ends would have vertical boards with scalloped edges.

**MOTION:** Mr. Bell moved to find as fact that the Chris Wachholz application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T, and Design Guidelines for Changes to Existing Building Exteriors- Masonry, Wood, Paint and Exterior Color, Exterior walls, Windows and Doors, Roofs, Porches, Entrances and Balconies, New Construction and Additions-New Construction of Primary Buildings, Additions to Existing Buildings, Site Features and Plantings-Walkways, Driveways, and Offstreet Parking, and Relocation and Demolition-Relocation of Existing Buildings

**SECOND:** Ms. Snyder.

**VOTE:** Unanimously approved.

**MOTION:** Mr. Bell moved to approve the application with the following conditions: all windows will be 4/4 pane configuration and solid wood frame; and, all gable ends will have vertical boards with scalloped edges.

**SECOND:** Ms. Eidener.

**VOTE:** Unanimously approved.

**ITEM #5: Debrief March 17 Joint-BOA/HDC meeting.**

Ms. Trueblood stated that both she and Mr. Bell had both attended the March 17 meeting, and thought the Board might appreciate an update.

Mr. Bell stated the meeting had been very informative and was time well spent. He said that both parties had learned from one another, and believed they had already seen some positive outcomes of that meeting, referring to the new checklist that would be used at each meeting to assure that all procedures had been followed. Mr. Bell said he believed that checklist would prove invaluable to the Board in that following it could eliminate many grounds for appeals.

Mr. Bell said they had thoroughly discussed what constituted bias and how to avoid the appearance of bias. Ms. Trueblood stated that what in regards to the Hopper appeal, Town Attorney Bob Hornik had thought that written comments needed to be prefaced with a statement by the presenter that those written comments did not constitute a decision and that they continued to have an open mind and were willing to hear all evidence. She said Mr. Hornik had suggested that written questions and notes were acceptable but not necessarily written statements that made it appear that the person's mind was already made up. Ms. Trueblood said that was the first time written comments had been read at an HDC meeting, and it was a huge learning lesson for them all that such comments were grounds that the BOA would use to overturn an HDC decision. She said in most cases the BOA had said they would send such appeals back to the HDC, but in the Hopper case it appeared that a percentage of the HDC had showed bias, and therefore the BOA had decided to hear the appeal instead of sending it back to the HDC. Ms. Trueblood said it had been very difficult for the BOA to do that because they were not use to the HDC's guidelines or standards. She said the BOA had reiterated over and over again at the March 17 meeting that they had felt very uncomfortable in that situation and did not want to be in that situation again.

Mr. Bell said the BOA had wanted to remand it back to the HDC. He said the distinction between notes versus written comments was that notes were for your personal reference during deliberation, but if you read them into the record then they became evidence. Mr. Bell said to reiterate what Ms. Trueblood had said, it was okay to make notes to yourself, but when reading a statement it had to be prefaced that you continued to have an open mind and were willing to consider any evidence brought before the Board. Ms. Trueblood said it was a technicality, but it eliminated the appearance of a bias and would prevent the case from going before the BOA on appeal on the appearance of a bias. She said that no one had said there was a bias with the Hopper case, but there was the appearance of a bias due to the written statements read into the record and therefore considered evidence.

Ms. Eidener asked why the BOA had not remanded it back to the HDC. Ms. Trueblood responded because the BOA had found the appearance of bias, and if it were remanded back to the HDC the BOA believed the same outcome would occur.

Mr. Bell said it was worth noting that he came away from the meeting with the feeling that the BOA had not gotten the full written transcript of the HDC meeting, in that about 15 minutes of the HDC meeting had not been transcribed. He said as well, two of the BOA members had said that had they known then what they knew now, things may have gone differently. Ms. Trueblood said the BOA had indicated it was a very hard decision for them.

Mr. Bell said he had taken extensive notes and would share those. Ms. Trueblood stated minutes had been taken of that two-hour meeting and she would provide those as soon as they were prepared. She said it was important to note that the minutes of a meeting were the approved record for that meeting, but the audio tapes were public record as well. So, she said, any applicant or member of the public could request copies of those audio tapes, and if there was something that was in the recording but not shown in the written record, that recording could be used in an appeal situation.

Mr. Council said he believed one problem was that the HDC had not been represented by independent council at the BOA meeting. Ms. Trueblood said that no HDC member had attended that BOA meeting, and the BOA had indicated that was an issue. She said the BOA had said they would have rather heard from a member of the HDC, and asked if in future it could be required that a member of the HDC attend such appeal hearings. She said Mr. Hornik had indicated that an appeal could possibly be delayed if an HDC member was not available, but you could not hold up the appeal case indefinitely because of that.

Mr. Council said he believed that the BOA had heard things excerpted out of context from the HDC meeting that proved positive for Mr. Hopper's case, where if there had been someone from the HDC at the meeting or independent council they could have insisted that the evidence not be played out of context but that the entire recording be heard. Ms. Trueblood agreed, noting that the BOA had realized that as well.

Mr. Bell said another question was if an HDC member had attended the meeting could they have been heard, and the answer was yes. He said he supposed that if someone representing the HDC had attended that appeal, they could have requested that the entire recording be heard. Ms. Trueblood agreed, noting that at that point the meeting could have been recessed until the next month to allow the BOA to receive copies of the audio tape and listen to the entire meeting.

**ITEM #6: Discuss selection of recipients for Preservation Awards (Preservation Month is May).**

Ms. Trueblood said awards had not been given for 18 months, due to the change from a yearly award in the fall to a Preservation Month in the spring. She said the last awards had been given to Panchetto for a new construction, Patrick and Mildred Long on the corner of Wake and Queen for an addition, and to Tom Campanella for a restoration.

Ms. Trueblood stated she had prepared a draft list of potential candidates for the Board's use, noting that the awards were usually given for projects completed but some of the ones on her list had not yet been completed. She said in the past two or three awards were given, so she was not suggesting that awards be given to all on the list.

Ms. Trueblood replied it was technical and depended on the work. She said that Mr. Campanella had been given an award because it was an existing historic house that had been completely covered in additions and materials that hid the historic integrity of the house, and Mr. Campanella had restored the architectural integrity of a contributing structure. She said a renovation would likely be something like a new coat of paint or repair.

Mr. Bell stated that he had feedback from Alliance members regarding the nominations. He said there was fairly strong opposition against the Gateway Center, particularly the parking deck, and the Webb House in that too much of the original house was lost to careless restoration.

Ms. Eidener stated it was being used as a Bed and Breakfast, and there was an advantage in that it enabled visitors to historic Hillsborough to experience living in historic Hillsborough, even though a lot of the features were lost with that house.

Mr. Bell agreed, noting he enjoyed sharing the history of the Town with visitors. He said some type of recognition for the Garrison's efforts and great expense may be warranted. Ms. Trueblood asked were there any items on the list or others they wanted to add that stood out as worthy of an award.

Mr. Council said he had received two somewhat scathing comments about the Gateway Center parking deck. Ms. Trueblood said the parking deck was not included on her list, noting that it was part of the Orange County Complex and not attached to the Gateway Center.

Ms. Trueblood suggested they communicate via email once the HDC could make some site visits or identify others that might be worthy of an award.

**MOTION:** Mr. Council moved that the Preservation Awards be tabled until some consensus could be reached via email after drive by or walk bys of potential award sites.

**SECOND:** Ms. Eidener.

**VOTE:** Unanimous.

**ITEM #7: Review the HDC-Work Plan Update and assign priority to remaining tasks.**

Ms. Trueblood said that about two years ago a list had been compiled and added to over time regarding work beyond reviews at monthly meetings. She said a lot

of the items had in fact been completed, some were in process, and others had not yet been assigned. Ms. Trueblood said those items not yet started needed priorities assigned to them and a timeline established for each. She said in the past at the end of each meeting prior to staff reports; an item would be discussed and over the course of the next month more information could be gathered so that they could move ahead with it.

Mr. Trueblood said when she had left for maternity leave that process had stopped, and she wanted to get that started again. She said the most important issues needing a priority assigned were the Mill Village nomination, the Mature Tree Removal guideline, the Non-Contributing Structures guideline, the Outlawing Vinyl guideline, and developing a system to determine appropriate infill. She said some of those issues were placed on the list by HDC members no longer on the Board, so she needed to know if they were still important.

Mr. Council stated that number 14 was very important to him, and he believed the discussion this evening about vinyl clad wood windows would make that a higher priority. Ms. Snyder agreed, noting it appeared they had to keep having that discussion again and again. Ms. Trueblood asked if the Board wanted to make that a priority. There was no objection from the Board.

Mr. Council suggested that number 17 be the second priority. Ms. Trueblood said they had started that with the development of the Character Statement, but nothing else had been heard back from the Town Board on that.

Mr. Council stated that he was concerned about infill development in Raleigh and that it would move in their direction, and believed that should be a top priority. Ms. Trueblood said she believed that would include issues of mass, form, and scale. She asked what that really meant in terms of compatible massing in Town, where they had every possible variation in size for a house. Mr. Council said it had been brought up that you may have a 4,500 square foot house next door to a similar house, yet one would sit lower than the other. Therefore, he said, you could not say that the 4,500 square feet on top of a hill was still compatible with 4,500 square feet sitting further down. He said he believed they needed to say something about the shape and configuration of the land.

Ms. Snyder stated that the open space around such a house would play a part. Ms. Eidenier agreed. Ms. Snyder said she did not know how to put such concepts into concrete language. Ms. Trueblood said they may not be able to take it to that level, but there may be some way to make it a little easier to discuss them. She said what they had now was "immediate vicinity," but that did not work well in Hillsborough and it should likely be removed from the Standards. Ms. Trueblood said she believed the issue was when looking at compatibility issues for new construction or additions, what should you really be looking at as a comparison. She said her thought had always been for additions that you should be looking at the original house, and that additions should never be larger than the original

house. And, she added, that architectural styles should be compatible with the existing house. Ms. Trueblood said then what they were left with was what to do with new constructions.

Mr. Council said if he were an applicant, he would like to have specific information that he could do this and this, but could not do this or this because it was inappropriate. He said then the applicant would understand it completely and would not be left with any doubts. Mr. Council said especially with large projects, he sometimes felt that they stated a guideline or a design specification or standard that was so nebulous that the applicant was left feeling unsatisfied.

Ms. Trueblood stated they did not really have a guideline for massing and scale, but had a standard for massing and scale. So, she said, perhaps they needed to develop a guideline for massing and scale for new construction. Ms. Trueblood suggested making that the second priority.

Ms. Trueblood stated she needed feedback on the Mill Village nomination. She said that Ellen Turco, when redoing the 75 properties for the inventory, had written a letter to her which said that Ms. Turco felt that the Mill Village off of Nash Street was potentially eligible for a National Register nomination, which was not the same thing as a local district designation where the local regulations and the HDC review came into play. She said the National Register nomination was that the property was listed on the National Register and had the availability of tax credits but no regulations were involved. Ms. Trueblood said it would protect the area from such things as federal projects that threaten the neighborhood. She said in order to do a National Register nominations the Town would have to raise the money to write the nomination, and then there was no way to know if it would actually get accepted.

Ms. Trueblood said what had happened about a year ago was that this Board had said they wanted to pursue that nomination, so she had developed a survey and mailed it to Mill Village residents to gauge their interest in the Town seeking grant funds to explore a National Register nomination for their neighborhood, and the response had been exactly fifty-fifty. She said they needed at least 50% of the residents' support in order to apply, and the response had been exactly 13 to 13, and the ones against it were much more vocal in expressing their opposition. Ms. Trueblood said the general feeling of those opposed to the nomination was that they did not want regulations placed on them and did not want the HDC involved in their neighborhood.

Ms. Trueblood said where they were now was they had a lot of people upset over this and a lot of people who wanted to pursue it in order to get the tax credits. She said if the Board wanted to move forward with that, the first thing they would have to do was to hold a neighborhood meeting where she would explain the difference between the National Register designation and the local district and answer other questions. Then, she said, if they got more than 50% of the residents

who agreed to go forward, then the Town could potentially seek CLG money in November for the January grant cycle. If they got that grant, she said, they could perhaps hire a consultant to begin looking at the nomination. Ms. Trueblood said they were looking at a five-year process, which also needed to be explained to the neighborhood.

Mr. Bell said if this was only for national listing and not local, then why would the HDC need to say yes or no. Ms. Trueblood said because the HDC was the preservation board, and the request for funds from the CLG would have to come from the HDC. She said that if the National Register nomination was forthcoming, the next logical step would be to make it a local historic district. But, she said, the Mill Village would have to have its own set of design standards and guidelines, since the current ones would not fit in that neighborhood. Ms. Trueblood said the use of particular materials was the issue for many of the opponents to the nomination, since many of the houses already had replacement materials on them.

Ms. Snyder stated she believed the neighborhood should be the ones coming to the Board to ask for that. Ms. Trueblood agreed. She added that the some people involved in the survey had moved out of the Mill Village, so she did not know what the support or opposition would be now.

Ms. Eidener suggested reassessing the stance of the neighborhood following some sort of educational campaign. Ms. Trueblood said she believed it would be important to hold a neighborhood meeting to explain the difference between the National Register nomination and a local historic district, so that they would understand the Town was not trying to place a lot of regulations on their property.

Ms. Eidener stated she would feel more comfortable commenting on this if she knew more about what the neighborhood's perspective might be. Mr. Council agreed. Ms. Trueblood said if acceptable, she would schedule a neighborhood meeting sometime this spring.

Mr. Council said he would support that, and would like to see that listed as the third priority behind outlawing vinyl and development infill. Ms. Eidener agreed.

Mr. Council said regarding the issue of infill, he had noted two orange markers on the Bonnie Schaefer property, and asked was her going to be selling off a part of that now. Ms. Trueblood said it was possible but she could not say for sure.

Mr. Council said could they possibly talk about item 10 before item 13, again going back to the Jeff Hopper issues. Ms. Trueblood said she believed they were in tricky territory with the Mature Tree Removal guidelines, because she did not know that the General Statutes intended historic district commissions to regulate tree removal. However, she said, some did. But, she said she did not know how solid that was legally. Mr. Council said he was concerned because tree removal

had been the part of so many applications in the recent past. Ms. Trueblood said technically the HDC could not deny a development application because of tree removal on a site, because that would be government “taking.” She said but when it came to denying a project because it did not save as many trees as it potentially could, then that was where it became even trickier.

Mr. Council said with that being said, he would withdraw that point.

Ms. Trueblood said the last issue was the non-contributing structures guidelines, but it may be that they would not need that if the use of vinyl was outlawed. She said she would study that in more detail and get back to the Board with more information.

Ms. Trueblood said when it came to rewriting the Standards of Evaluation, she would need a subcommittee of the HDC that was willing to meet with her occasional as that work progressed.

**ITEM #8: Reports/Updates.**

- Alliance for Historic Hillsborough – Mr. Bell said he had chaired the Human Resources Committee and today the Executive Director was suppose to hear if they had hired a new Program Coordinator. He said they were looking to secure a facilitator to help with developing a new strategic plan. Mr. Bell said there was some talk about doing a joint website development with other Alliance members, but was not sure what the impact of that might be if any.

**ITEM 8.5 Town Clock**

Mr. Bell stated he had attended the last meeting of the Town Clock Committee, which consisted of Commissioner Mike Gering and Duke Professor Crawford Goodwin among others. He said the idea put before the Committee was to illuminate the clock, which would also mean illuminating the entire clock tower. Mr. Bell said they had not heard any opposition to that from anyone.

Ms. Trueblood stated they were talking about two different kinds of illumination, one of which was uplighting of the clock faces and the other was putting light inside the tower that would shine down.

Ms. Eidener asked if the light was coming down, where it would be mounted. Ms. Trueblood used a photo to respond. Ms. Eidener said then both types of illumination would be used. Ms. Trueblood said that was correct, that it was not an “either/or.”

Mr. Bell said there was some discussion about placing lights on the two chimneys on either side of the tower, but that would mean placing lights on the south and north faces that might disrupt the silhouette of the roof line, and that concerned him. He said he had heard a few downtown merchants comment that the lights should be turned off at a certain time. Mr. Bell said he had also heard a comment

from the family that lived just beyond Panchiutto, who would be the only family affected by the lights. He said that family had said that illuminating the clock was fine with them since their bedrooms were on the opposite side.

Ms. Eidenier wondered if they could light the tower using solar panels. Ms. Trueblood said she did not know if that had been discussed, although there was talk about using LCD lights. Ms. Eidener said she did not see the fundamental purpose in this, or that there was a real need for it. She said if they were going to do it for reasons of promoting the image of the Town, then she would prefer that they did it in a way that was not totally wasteful.

Ms. Trueblood stated that any fixture would have to be reviewed by the HDC, and she had emphasized that at the meeting. Mr. Bell said the Committee wanted to apply for a grant to do this, since it would cost thousands of dollars. He said the ballpark figures were \$5,000 for design and \$5,000 to implement. Mr. Bell said what everyone had agreed to was that they would try out temporary lighting sources to figure out the best method to use.

Ms. Trueblood said a COA application would have to come before the HDC before anything was installed.

Mr. Bell said there was sufficient power inside the tower to accommodate any future interior lighting, so no new wiring would need to be installed.

**ITEM # 9: Adjourn**

Mr. Council moved to adjourn the meeting at 8:50 p.m., seconded by Mr. Bell. The vote was unanimous.

Respectfully submitted,

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Stephanie Trueblood, Secretary