

MINUTES
HISTORIC DISTRICT COMMISSION
April 5, 2006

MEMBERS PRESENT: Paul Kapp, Chairman; Max Preston, Vice Chairman; Stephanie Trueblood, Susanne Vergara, Barbara Church, Jessica Dockery,

STAFF: Margaret Hauth

GUESTS: Jill Heilman, Faith Kiffney, Allen Knight, Holly Snyder, Vicki Wilson

ITEM #1: Call to order and confirmation of quorum.

Mr. Kapp asked Ms. Hauth to call the meeting to order at 7:00 p.m., and asked Ms. Hauth to call the role and confirm the quorum.

ITEM #2: Reading of the Commission's Mission Statement and process introduction.

ITEM #3: Additions to the agenda & agenda adjustments.

No additions or adjustments were suggested

Mr. Kapp introduced a letter he had written on behalf of the Historic District Commission on March 17, 2006 and expressed his concern about three projects being discussed by other boards that had not been subjects of the HDC. One subject was the proposed Orange County Expansion project, which he felt that the HDC should have a say in how this project works in the district.

Ms. Hauth responded to Mr. Kapp's question about whether there had been a response from the county to his request for information by saying that they have received his letter and that within a week or so a response from the county would be forthcoming which will include an invitation for Mr. Kapp to participate in their upcoming committee meetings on the exterior design.

Ms. Hauth mentioned that there had been no submission of applications to the town for the project. She said she requested at the meeting on Monday to bring some draft elevations under consideration to the Commission, and the decision was that since there is still a lot of debate within the Citizens Committee, they would not release those drawings.

In response to Mr. Kapp's question about whether any member(s) of the HDC is a member of the Citizens Committee, Ms. Hauth said no member of the Commission sits, but she said that she and Cathleen Turner sit as well as some other residents of the historic district.

Mr. Kapp asked how long the Citizens Committee has existed, and Ms. Hauth answered it has been about three years with sporadic meetings, like one a year, until now. In response to Mr. Kapp's question about why no one on this commission is involved, Ms. Hauth responded that she believed the county staff thought that Cathleen was on this board but they never asked specifically. Mr. Kapp asked if any other members of other commissions are involved, and Ms. Hauth responded that the only representation from the Town of Hillsborough is a Town Board representative and a Town Board alternate.

Ms. Hauth responded to Mr. Kapp's question that as far as she's aware, the State Historic Preservation office is not aware of this project. Mr. Kapp again expressed his opinion that the Historic District Commission should have a voice in the design.

Mr. Kapp noted his second issue of concern as the 'party house' being proposed on King Street. He understood the entire district has been rezoned to allow such to occur. He expressed his preference that there not be such a commercial enterprise next to his property. He questioned the lack of consideration of this Board on this subject.

Ms. Hawth responded that at this point the project is a request to amend the zoning ordinance, to define a use called "event center," to allow the owner to move a house to the property and operate an event center as a conditional use per the ordinance. The property owner has asked the Planning Board to take it up as a project, and they want to work with the Planning Board to craft the language that will create a viable business but also meet some of the Planning Board's desires before it goes to public hearing.

Mr. Kapp asked if it's the role of the Hillsborough Planning Board to foster and provide solutions for an individual business or to uphold the public good, public benefit, to which Ms. Hawth responded, "Both," and that it's their job to balance those. She said that the Planning Board is not yet ready to send the proposal to public hearing and that they are doing research on similar situations in nearby settings. Ms. Church asked for details about the project in question, such as location and what's to be moved there.

Mr. Kapp summarized the newspaper article regarding the Orange County Office Building expansion being the new courthouse east of the old one on Margaret Lane. Ms. Hawth clarified it's the Justice Facility expansion that was initially talked about six years ago at which time it was put on the back burner. Ms. Hawth reported that she has routinely at every meeting stated that the process that was followed with the Courthouse expansion and the jail addition was much superior to the process followed with the Government Services building, and yet the County continued to follow the path that they followed. She said she can't force them to come and meet with this Commission.

Ms. Hawth responded to a question from Ms. Church that the architect is Ken Redfoot, the same one who did the Government Services building on Cameron. Ms. Hawth indicated it's the same architect and the same staff with the county and reiterated that she can't make them meet with this Commission.

Ms. Trueblood asked if at some point their plans will have to come before this Board, and Ms. Hawth answered that they would and that once the final text was prepared and sent for public hearing, she intended to bring it before this Board so this Board could offer a formal opinion on it since the most likely location for an event center is the historic district.

Mr. Kapp expressed his opinion that this Board should be involved in the wording of the amendment to the text or that this Board voice their support as a Commission that the Comprehensive Plan stay as is. Ms. Hawth clarified that it's the zoning ordinance language being changed and not the Comprehensive Plan.

In response to the question of who the applicant is, Ms. Hawth answered it's the Bevanses, and Ms. Vergara indicated that she has a petition from Margaret Lane if anyone would like to see her about it later. Mr. Preston suggested the Board deal with the agenda items before further discussion on this issue.

Mr. Kapp mentioned that the third item of his concern is that the Methodist Church wants to encroach on a setback. He has written a letter objecting to it.

ITEM #4: Adoption of the minutes of the March 1 meeting:

Mr. Kapp first pointed out that it is the National Register of Historic Places, not the National Registry, on Page 2 of 7, second paragraph of the minutes. On Page 3, “Mr. Holden Richards” should be corrected to “Mr. Holden.” He also suggested we should capitalize in the motion Hillsborough National Historic District. Page 3 of 7, on Item 5, in the discussion, it should be 326 West Margaret Lane, the house is a contributing resource.

Also as a question of procedures, Mr. Kapp requested to receive a transmittal next time of who got the minutes and who got the agenda.

MOTION: Ms. Vergara moved to accept the minutes as amended.

SECOND: Ms. Trueblood.

VOTE: Unanimously approved.

ITEM #5: Application for Certificate of Appropriateness for Stephen Gardner to replace existing roof with black architectural shingles at 200 West Tryon Street (TMBL 4.29.C.5).

Jill Heilman was present as the property owner and was placed under oath by Mr. Kapp. Ms. Hauth indicated she did not hear from any of the neighbors on this application. She outlined that this is a fairly simple request to replace the roof materials, standard three-tab shingle, brown, with a charcoal black three-tab shingle. Ms. Hauth reported that the house is noncontributing but it’s surrounded by contributing resources, so that basically this item is dealing with roofing guidelines and the standards of evaluation would be materials and texture. She passed around samples.

There were no questions from the Board for the guest.

MOTION: Mr. Preston made a motion to find as a fact that the Gardner application is in keeping with the overall characteristics and complies with all relevant standards of evaluation based on the discussion of the application. Standards of evaluation Section 21.6.3 of the zoning ordinance. Mr. Kapp called for a second, and then invited Mr. Preston to continue.

MOTION: Mr. Preston also moved to approve the application as submitted.

SECOND: Ms. Trueblood.

VOTE: Unanimously approved.

Ms. Hauth suggested since Ms. Kiffney was not present at this time that the Board move on to Item #7.

ITEM #7: Application for Certificate of Appropriateness for Allen Knight to install “Sinclair Oil Company” sign on north wall of Sinclair Station and add lighting to existing signs at 105 West Corbin Street (TMBL 4.19.A.11).

Ms. Hauth indicated she had not heard any concerns from any members or had any letters one way or the other. Mr. Kapp placed Allen Knight under oath.

Ms. Hauth described the proposal for a new sign on the Sinclair building. The surrounding properties are a mixture of contributing and noncontributing. The main contributing ones are immediately to the west, and this property is on the edge of the district, and it’s new construction. The historic part of the building is still considered contributing.

The sign being proposed is an old Sinclair gas sign of approximately 35 square feet, to be placed on the Corbin Street elevation near the address. The size of the sign complies with the ordinance. Mr. Knight was invited to speak about the lighting requested.

Mr. Knight first clarified he has no plans to light the proposed Sinclair gas sign. He indicated the ‘ sign was purchased at an estate auction, and that it is a sign that hung in the county and a sign like it would have hung at this location in Hillsborough. He wishes to place it on the wall on the elevation shown to the Board. Ms. Hauth acknowledged there was a misunderstanding in the proposal about lighting of this sign.

Regarding the lighting of the monument sign, Mr. Knight indicated that he had gotten complaints from his tenants that the sign is not visible at night and that the existing street lighting throws the front of the building into a shadow. So the tenants are asking for the sign and the front of the building to be lighted at night. He indicated that his plan is to do ground lighting with shielded direction of the lighting from the ground in front of the sign directly to the sign. On the back side of the monument, his plan is to have a light directed towards the sign and one toward the building.

Ms. Dockery asked if the lighting proposed complies with the lighting ordinance, and Ms. Hauth responded that it does because these businesses are likely to be open after dark, and that the Board can direct Mr. Knight to have the lighting timed to go off at midnight. Mr. Knight added that the building lighting is on a timer, and it comes on at dusk and goes off later at night. He said the sign lighting could be coordinated with the timer settings in place already.

Ms. Trueblood inquired about landscaping plans around the base of the monument sign. Mr. Knight responded that he is planning some landscaping, and that with the town participation, he’s also getting ready to extend the sidewalk from the area where it stops all the way around to the Corbin Street side. He said he’s waiting for DOT to do that, and once that’s done, he’s going to re-seed and also do the landscaping around the sign.

MOTION: Ms. Dockery made a motion to find as a fact that the Knight application is in keeping with the overall character of the district, height limits, and evaluation based on the discussion of the application and standards of evaluation Section 21.6.3 of the zoning ordinance.

SECOND: Mr. Preston.

DISCUSSION: Ms. Dockery asked that landscaping be included to hide the lights.

VOTE: Unanimously approved.

Mr. Kapp called for a motion to issue a COA.

MOTION: Ms. Dockery moved to approve the application with the condition of the landscaping to hide the lights.

SECOND: Ms. Trueblood.

VOTE: Unanimously approved.

ITEM #6: Application for Certificate of Appropriateness for Faith Kiffney to relocate driveway and do backyard grading at 326 West Margaret Lane (TMBL 4.35.C.15).

Ms. Hauth reported that the application is for a grading plan to relocate the old driveway that somewhat bisects the property and move it closer to the property line which will run along the hedge and provide service to the cottage that’s in the backyard. Any dirt left over from the grading

will be used to level other areas of the yard. Also behind the house is a steep slope that's very close to the back door, and that is to be moved back 15 feet to create a larger patio area.

Ms. Trueblood asked about composition of the driveway, and Ms. Kiffney indicated it will be the same type of gravel that's on it now, pea gravel, blended gravel.

MOTION: Ms. Dockery moved to find as fact that the Kiffney application is in keeping with the overall character of the district and complies with the relevant standards and based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

SECOND: Ms. Trueblood.

DISCUSSION: Ms. Trueblood asked if any trees would be removed, and Ms. Kiffney answered no; that she's going to add some trees.

VOTE: Unanimously approved.

MOTION: Ms. Dockery moved to approve the application with the condition that the same pea gravel is reused.

SECOND: Mr. Preston.

DISCUSSION: None.

VOTE: Unanimously approved.

ITEM #8: Application for Certificate of Appropriateness for Sun Trust Bank to paint the copper awning on the front of the building light yellow to match existing trim at 120 North Churton Street (TMBL 4.30/B.15).

Mr. Kapp pointed out that this painting has already been done, and Ms. Hauth stated that this is a code enforcement activity; that they chose to proceed with painting without requesting permission. They were notified that they couldn't do that and asked that they submit an application.

They had no representative present. And Ms. Hauth indicated she received no letters, but she did receive a few phone calls and some e-mails expressing surprised and dismayed at the work.

Ms. Hauth pointed out that the bank is a noncontributing building surrounded by a mixture of contributing and noncontributing buildings. The building was an 1888 building but the façade was renovated to be more colonial in appearance. The copper awning had been naturally aged.

Ms. Hauth responded to a question from Mr. Kapp that the colors had been there before, the yellow and the light blue. The relevant guidelines are architectural metals and paint, and one of the guidelines in the paint section says that unpainted metal surfaces should not receive paint. The relevant standards of evaluation would be F, architectural detail and I, exterior color.

Ms. Trueblood asked, since it's a noncontributing building, if they had come before the commission and asked to remove that awning, it would have made the building more historically appropriate. She suggested this might be a good choice to put on the list for updated inventory.

Mr. Kapp questioned whether the Commission is looking at denying a COA, and Ms. Hauth specified that the Commission will order the removal of the paint. Ms. Hauth asked that it be specifically in the motion to deny the application and that staff is directed to proceed with enforcement to remove the paint expeditiously.

MOTION: Ms. Dockery moved that it be found as a fact the Sun Trust application is not in keeping with the overall character of the district and does not comply with all relevant standards of evaluations based on the Commission's discussion of the application of the standards of evaluation in Section 21.6.3 of the zoning ordinance because of architectural details and I, exterior color, prominent in the vicinity, as well as guidelines for painting.

SECOND: Ms. Trueblood.

DISCUSSION: None.

VOTE: Unanimously approved.

MOTION: Ms. Dockery moved to deny the application as submitted and request that staff proceed with enforcement of the ordinance.

SECOND: Ms. Vergara.

DISCUSSION: None.

VOTE: Unanimously approved.

ITEM #9: Application for Certificate of appropriateness for Holly Snyder to build garden shed in the rear yard of 112 North Hassel Street (TMBL 4.29.F.2).

Mr. Kapp administered the oath to Holly Snyder and Vicki Wilson. Ms. Hauth summarized the application as the house at 112 North Hassel Street, a contributing structure, surrounded by a combination of contributing and noncontributing structures. Nearly all of the standards of evaluation will apply, and it's within construction of new outbuildings on Pages 36 and 37.

The site plan is for a garden building in the back yard well within the required setbacks. Ms. Hauth presented a drawing of the proposed building and stated that details of other elevations are available. Mr. Kapp asked for questions from the commissioners. Mr. Preston asked if the building is all wood siding, and the answer was yes. And yes was the response to Ms. Trueblood's question about the materials of the window and doors being wood also. Ms. Vergara offered some old doors that are in her shed to the applicants, and Ms. Church offered some doors with glass in them. Ms. Trueblood inquiry about the roofing material, and Ms. Snyder responded that it is charcoal gray asbestos shingle.

MOTION: Ms. Vergara moved that the Commission find as fact that the Holly Snyder application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussion of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance.

SECOND: Mr. Preston.

DISCUSSION: None.

VOTE: Unanimously approved.

MOTION: Ms. Vergara moved to approve the application as submitted.

SECOND: Mr. Preston.

VOTE: Unanimously approved.

ITEM #10: Application for Certificate of Appropriateness for Michael Humphreys to install PVC/aluminum replacement windows on the second floor to match replacements on the first floor at 405 North Churton Street (TMBL 4.19.C.5).

Ms. Hauth stated that the applicant was not present, and that no letters or comments have been received about the application. Ms. Hauth said that the house and outbuilding were present in 1924. It's surrounded on its side of Churton Street with noncontributing structures, but facing two contributing structures on the opposite side of Churton Street.

Ms. Hauth indicated that this is a case where work was done without previous approval, not by this owner, to replace the windows on the first floor. She indicated it's her belief that there wasn't a file for the property when Mr. Humphreys came in about it. The request is to replace the second floor windows to match those on the first floor.

Ms. Trueblood reported that as far as she could tell, there was only one house in the vicinity that has vinyl windows. Even though the first floor has been replaced with vinyl windows doesn't mean it's appropriate to continue with vinyl on the second floor. Ms. Dockery suggested the lack of previous approval for the first floor windows may work in favor of the Commission enforcing the ordinance at this point.

Ms. Dockery questioned the windows themselves; the two examples shown were two over two, and the ones in the picture looked like two over one or one over one. Ms. Hauth clarified that the windows on the first floor are one over one, and there's two over one upstairs, and they will not match. Ms. Dockery noted that as an issue with the application.

MOTION: Ms. Vergara moved to find as a fact that the Michael Humphreys application is not in keeping with the overall character of the district and does not comply with all relevant standards of evaluations based on the discussion of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance because exterior construction of a material used predominantly in the immediate vicinity, architectural details predominant in the vicinity such as lintels, cornices, brick * , and foundation materials.

SECOND: Ms. Trueblood.

DISCUSSION: None.

VOTE: Unanimously approved.

MOTION: Ms. Vergara moved to deny the application as submitted.

SECOND: Ms. Dockery.

VOTE: Unanimously approved.

ITEM #11: Application for Certificate of Appropriateness for James Tippens to convert porch to enclosed sunroom at 302 West Queen Street (TMBL 4.18.G.9).

Ms. Hauth announced that Mr. Tippens was not present but was available by phone. Mr. Kapp said he doesn't think that is a good practice to continue and asked if there was anybody present to voice a preference on the application, and no one responded. Ms. Hauth said she didn't have any communication with any of the adjoining properties. The house is contributing, and it's across the street from two contributing structures.

Ms. Hauth had the floor plan of the house, and the Commission was apprised of the layout of the house and several elevations. Ms. Dockery asked if this project hadn't already started. Ms. Hauth said it had. The process of working on this property was noticed by the Orange County Building Inspections Office, and the owner was directed to the Town.

Ms. Vergara pointed out that this change of a porch to heated space is on the back of the house, and Mr. Preston stated that his concern is with the windows. Ms. Hauth pointed out that the windows are fixed pane, one piece of glass, 36 by 30. Mr. Preston said these windows are not consistent with the rest of the house.

Ms. Hauth also clarified that this house is listed on the inventory with an incorrect address, Hassel Street. Mr. Kapp added that the house has been very altered over time. Mr. Kapp suggested that the middle portion was at one time a mill house, then a porch was added and it was enclosed, then a kitchen area was added, and then more rafters were added to go even farther.

Ms. Hauth and Mr. Preston agreed that this house should be targeted for re-evaluation.

MOTION: Ms. Dockery moved that the Commission find as a fact that the Tippen application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussion of the application and standards of evaluation at Section 21.6.1 (sic) of the zoning ordinance.

SECOND: Ms. Vergara.

DISCUSSION: None.

VOTE: Unanimously approved.

MOTION: Ms. Dockery moved to approve the application as submitted.

SECOND: Mr. Preston.

DISCUSSION: None.

VOTE: Unanimously approved.

Ms. Dockery asked if the issue of beginning the building before getting approval could be addressed. Ms. Hauth said that she could write a letter and added that collecting fines is time consuming and that the applicant has brought the property into compliance by submitting the application.

Mr. Kapp returned to his earlier concerns, the last mentioned being the Hillsborough United Methodist Church issue, about which he had written a letter to Bill Crowther, which involves encroaching into the Wake Street setback and adding nine paved parking spaces. Mr. Kapp read his letter to the Commission.

In response to a question, Mr. Kapp explained he was notified about this issue through a notification for a public hearing as a property owner in the area. Ms. Church asked whether the Commission should be on the mailing list of any notification of any issue anywhere in the historic district. Ms. Hauth answered that the Commission could be, and stated that the Board of Adjustment doesn't have the final say on this particular issue; that it will come before this Commission. The BOA has the authority of deciding whether the encroachment is allowable, and the HDC has the final say on whether the additional pavement is in keeping with the character of the district.

Mr. Kapp was contemplating a formal motion or statement from the HDC, and Ms. Hauth suggested the Commission could endorse the letter he's already written or craft their own letter.

Mr. Kapp pointed out that all three issues, the Methodist Church project, the "party palace," and potentially the Orange County expansion have overlap issue with all the Boards, and he sees the need for more cooperative and coherent efforts.

Ms. Trueblood questioned the frequency of variance requests, and Ms. Hawth answered that the majority are not approved. Ms. Trueblood pointed out that four findings of fact must be met in the zoning ordinance for granting a variance and suggested that the Commission become aware of these four facts and voice its educated opinions at the public hearing.

Ms. Church brought up the fact of original stone sidewalks exist on Wake Street beside the Methodist Church, and she wants these sidewalks preserved.

Mr. Preston suggested the parking spaces be located in another area and added his support of the concerns expressed. Ms. Dockery suggested a letter be drafted since the HDC is in support of Mr. Kapp's concerns. Ms. Trueblood suggested that if Mr. Kapp is present at the BOA meeting as a property owner of the district, there needs to be another representative of the HDC at the meeting to comment on a letter that the Commission has endorsed. Ms. Trueblood offered to go but acknowledged she needs to be well informed of the issue. Ms. Hawth offered to draft a letter and disseminate it by e-mail for review. Mr. Preston suggested Barbara Church make the motion.

MOTION: Ms. Church moved that the commission ask staff to draft a letter or a statement of position supporting the chairman's objections and adding concerns about the archeological potential of that area and proposing the possibility that they may have areas for these parking spaces internally.

Ms. Hawth responded to Ms. Trueblood by indicating that this Commission will eventually see this a full application in May with their plans at that point in time, and she informed that Commission that the church has also acquired the Lee House on the corner of Queen and Wake.

Ms. Hawth wanted to ensure that the motion stay within the confines of what the Commission reviews, the streetscape, the archeology, landscaping.

SECOND: Ms. Dockery.

VOTE: Unanimously approved.

Mr. Kapp expressed his appreciation for the Commission's support.

ITEM #12: Updates

Mr. Preston addressed the possibility of a vacancy on the Commission and mentioned Mac MacCauley as a possible member and indicated he's an engineer, has an interest in historic district, and lives in the historic district. Mr. Preston indicated that Mr. MacAuley has expressed an interest in being on the HDC. Ms. Hawth confirmed there is a position available and that she will contact him with an application. She also stated a couple of other interested candidates for the position, Holly Snyder and Speed Hallman, have expressed some interest.

Ms. Hawth introduced another couple of items. The trellis on Hassel Street will be repaired by the end of the month. The porch on the Brewer house has been painted. She has also sent a letter to the folks across the street about getting their pressure treated wood painted, and on the Moylan house there has been some concern about the siding, and that she confirmed it is wood siding that is being primed on both sides.

Ms. Church inquired about activity around the David Anderson house on the corner of King and Hillsborough Avenue. Ms. Vergara stated that 409 West King has been purchased by Greg Pachiani, and his construction company is going to restore/renovate it. Ms. Hawth responded to a

question about them coming before HDC by saying that Mr. Pakchiani has come before this Commission a number of times in the past, and that would tend to indicate his awareness of the necessity.

Mr. Preston brought to the attention of the Commission that the place on Churton Street that used to have baby furniture has a deteriorating sign, and Ms. Hauth indicated the Commission can request it be taken down or repainted; it being the Kids on the Grove sign.

Ms. Hauth responded to a question, that Toby Vandemark's son is opening a new Italian restaurant in a few weeks.

ITEM #13:

Adjourn

Mr. Kapp adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Margaret Hauth, Secretary