

MINUTES
HISTORIC DISTRICT COMMISSION

Wednesday, August 6, 2008

7:00 pm, Town Barn

MEMBERS PRESENT: Vice Chair Mark Rhodes, Mark Bell, Joseph Council, David McCullough, and Holly Snyder.

MEMBERS ABSENT: Chair Jessica Dockery, absence excused.

STAFF: Planner Stephanie Trueblood.

WITNESSES: Elizabeth Read, Rick Brewer, Jeff Stacey, Kelly Clements, Judith Hauser, Jay Mangal, and Dorothy McCoy.

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

Mr. Rhoades called the meeting to order at 7:00 p.m., and Ms. Trueblood called the roll and confirmed the quorum.

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

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

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

There were no additions or adjustments to the agenda.

ITEM # 4: Approval of minutes from the July 2, 2008 meeting.

MOTION: Mr. Rhoades moved to approve the minutes of July 2, 2008 as presented.

SECOND: Mr. Council.

VOTE: Unanimously approved.

ITEM # 5: Application for a Certificate of Appropriateness for Heather Read to screen in the existing rear deck and add a new set of steps and add dark green lattice around the base of the rear porch at 331 West King St. (4.35.C.2)

Mr. Rhoades swore in Jeff Stacey and Stephanie Trueblood. Ms. Trueblood provided some brief information regarding the application, stating that the proposal was to screen in the existing rear deck, add a new set of steps, and add dark green lattice around the base of the rear porch. She noted that the house was a contributing structure and then described some of its architectural features. Ms. Trueblood said that the screen was typical mesh, the steps were wood, and the lattice was vinyl. She said that work was completed prior to applying for the Certificate of Appropriateness, and the applicant was requesting a COA after the fact.

Ms. Trueblood said the Standards that applied were C for materials, D for texture, F for architectural details, and K for general form and proportion, and the Design Guidelines that applied were Wood, Porches, Entrances, and Balconies.

Mr. Rhoades determined that none of the HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak for or against the application.

Ms. Snyder stated she was concerned about the vinyl lattice, noting it was not something the HDC would normally approve. Mr. Stacey stated he had not been aware of that when it was installed, and had chosen vinyl because it would last for some time and continue to look nice. Ms. Snyder stated she would have preferred to have column caps added. Mr. Stacey said there were copper tips on the columns. Ms. Snyder stated she did believe the work had been done tastefully.

Mr. McCullough said he, too, questioned the use of vinyl for the lattice and agreed it was not preferred, but did agree with Ms. Snyder that the work was tastefully done. He said he believed the screening of the porch was within the guidelines for the district.

Mr. Rhoades asked if Mr. Stacey would have any strong objections to removing the vinyl lattice and replacing it with a wooden lattice. Mr. Stacey said he would not strongly object, but would rather not do that.

Mr. Rhoades asked if they planned to paint the porch. Mr. Stacey stated the wood was stained, so it would not be painted.

Mr. Bell asked what the original configuration was of the steps. Mr. Stacey stated they were in the middle and were about 5½ feet wide with five or six steps coming down to ground level. Mr. Bell said in situations when the work was performed before coming to the HDC, it would have been helpful to have a visual of the “before” steps and deck. Mr. Stacey apologized for not having any pictures.

Mr. Rhoades asked if the screening and lattice could have been approved as a Minor Work. Ms. Trueblood replied no. Mr. Bell asked when the Building Permit was issued, were they asked if they had a COA. Mr. Stacey replied the work performed did not require a Building Permit because they were not doing any structural work. Mr. Rhoades concurred that the vinyl was not a preferred material in the historic district, but given the fact that the steps were contained behind the width of the house was a “saving grace.” Mr. Stacey stated they had purposefully not allowed them to extend out beyond the house.

Mr. Council objected to the use of vinyl as well, and agreed with Mr. Rhoades that perhaps the vinyl should be removed and replaced with wood. He stated that

given the height of the porch on two of the three sides, that was a lot of square footage of vinyl in a very visible area.

MOTION: **Mr. Council** moved to find as fact that the Heather Read 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 C, D, F, and K, and the Design Guideline for Wood, Porches, Entrances and Balconies.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

MOTION: **Mr. Council** moved to approve the application as submitted with the condition that the vinyl lattice be removed and that a wood lattice be installed in its place.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

ITEM # 6: Application for a Certificate of Appropriateness for Travis Clements of Clements Funeral Service to remove a mature tree from the rear of the property that is compromising the asphalt parking area due to root growth and repair the paved area with asphalt at 148 N. Churton St. (4.31.E.2)

Mr. Rhoades swore in Kelly Clements. Ms. Trueblood provided some brief information regarding the application and stated that the applicant was proposing to remove a mature tree from the rear of the property that was compromising the asphalt parking area due to root growth and repair the paved area with asphalt. She said that the tree was more than 12” in diameter measured four feet above ground, hence was not considered a Minor Work.

Ms. Trueblood stated that the Standards that applied were E for landscaping and R for ground cover, and the Design Guidelines that applied were Site Features and Plantings and Walkways, Driveways, and Off-Street Parking.

Mr. Rhoades determined that none of the HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak for or against the application.

Mr. Council stated he found nothing in the Standards or Guidelines that would prevent removal of the tree, and given that this was a company opened to the public he believed the tree in its current condition could pose a public safety issue. He stated he believed it was entirely appropriate to remove the tree.

Mr. Bell asked if there was only one tree proposed for removal. Ms. Clements replied yes, noting the other trees were not an issue.

Mr. McCullough asked if the tree was diseased. Ms. Clements stated she did not believe so, but the roots were a nuisance and were compromising any repair to the parking lot. Mr. McCullough asked had they explored the possibility of leaving the tree and perhaps extending a base around the tree and still provide the necessary parking area. Ms. Clements stated that was possible, but it would limit the parking.

Mr. McCullough asked was the pavement damage definitely caused by the tree roots. Ms. Clements responded yes. Mr. McCullough said he believed the other trees would eventually cause the same problem. Ms. Clements said most likely, but for now the other trees were not an issue.

Ms. Snyder asked if the tree was on the property line. Ms. Clements said the tree was on their property. Ms. Snyder stated removal of the tree would remove a lot of shade, and many people looked for shade when parking. She also mentioned the value of trees in urban areas. Ms. Snyder said from looking at the photos, it appeared that some of the damage to the parking lot was not a result of the tree roots, including a pothole and a crack that appeared to follow the sewer line. Ms. Clements stated they had attempted to repair the pothole several times but it continued to come back. Ms. Snyder agreed that the tree roots were causing problems, but said from her perspective the pavement was the issue because it ran right up to the trunk of the tree. She said the tree was only doing what trees do, and if the lot were gravel there would be no issues. Ms. Snyder stated that the HDC Guidelines preferred gravel over asphalt or concrete, adding it would be a loss to remove the tree.

Mr. Rhoades asked if gravel had been explored as an alternative. Ms. Clements stated they believed it would wash out because of the downward slope towards the alley. Mr. Rhoades asked how long ago the lot was paved. Ms. Clements said she did not know, but had been paved for as long as she could remember.

Mr. Bell stated that the tree was deceptively close to the corner of the building, and that tree was considerably smaller than the others and had fewer branches. He wondered if the foundation of the building would be affected by the roots of that tree at some point, and said that if that tree were removed it would allow the other trees to branch out into that space.

Mr. Rhoades stated they did have the option of having a professional Arborist come in and provide an assessment. Ms. Trueblood said that type of requirement had generally been used in the past for trees that were along the street façade or were over a street right-of-way as opposed to those behind a property.

MOTION: **Mr. Council** moved to find as fact that the Clements Funeral Service 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 E and R, and the Design Guideline for Walkways, Driveways, and Off-Street Parking.

SECOND:

Mr. Bell.

VOTE:

The vote was 4-1, with Ms. Snyder voting Nay.

MOTION:

Mr. Council moved to approve the application as submitted with no conditions.

SECOND:

Mr. Bell.

VOTE:

The vote was 4-1, with Ms. Snyder voting Nay.

ITEM # 7: Application for a Certificate of Appropriateness for Judith Hauser to remove an existing secondary chimney and to replace the existing brick stoop and steps on the east side of the house with a covered porch and steps similar to the main entrance in style and made of concrete and brick at 127 West King St. (4.36.A.12A)

Mr. Rhoades swore in Judith Hauser. Ms. Trueblood provided a brief description of the application, stating that the proposal was to remove an existing secondary chimney on the east side of the structure and to replace the existing brick stoop and steps on the east side of the house with a covered porch and steps similar to the main entrance in style and made of concrete and brick. She said brick from the chimney would be reused for the new entrance.

Ms. Trueblood stated that the Standards that applied were A for height, C for materials, D for texture, F for architectural details, G for roof shape and proportions, H for roofing material, K for general form and proportion, and N for proportion of façade. She said the Design Guidelines that applied were Masonry, Additions to Existing Buildings, Roofs, Porches, Entrances, and Balconies.

Ms. Trueblood stated that this property had a Conditional Use Permit for a non residential use in a historic structure in the residential district. She said that the CUP required that the owners enter into a contract with the Preservation Fund of Hillsborough and to meet all the requirements of the Preservation Fund. She added that the Town of Hillsborough did not enforce those standards and guidelines. Ms. Trueblood stated that Ms. Hauser had contacted the Preservation Fund and had received comments back, but the comments had been received too late to be included with the packets. She said that Ms. Hauser would discuss those comments with the Commission, adding that the interests of the Preservation Fund were the same as the HDC, in that they wanted to protect the historic integrity of the house, but noted that the Preservation Fund does not use the same standards and guidelines as the HDC.

Ms. Hauser displayed photos of the house and provided a more detailed description of the work proposed. She said that Bill Crowther of the Preservation Fund had provided written comments, which she distributed to the Commission. Ms. Hauser said the Preservation Fund was objecting to the configuration of the roof where it hooked into the two roofs, and wanted the pitch of the porch roof to

be even with the line of the roof of the east elevation, and that the pitch be even with the back porch line and to connect at that point. She said she had no objection to that change, noting that that was the only change suggested by the Preservation Fund.

Mr. Rhoades determined that none of the HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak for or against the application.

Ms. Snyder thanked Ms. Hauser for the detailed drawings, which were very helpful. She said she believed the changes proposed in the drawings would be an asset to the house and to the neighborhood.

Mr. McCullough asked was the chimney historic. Ms. Hauser replied no, but she had wanted to reuse the brick to reface the concrete blocks. Mr. McCullough said when the secondary chimney was removed the new roof would actually cover the void created by removal of the chimney. Ms. Hauser said that was correct. Mr. McCullough asked if all the materials would match with the existing roof. Ms. Hauser replied yes. Mr. McCullough stated he believed the work would enhance the property.

Mr. Bell stated it would be helpful to see the renderings with the suggestions from the Preservation Fund. He asked would the roof peak in the same location as it was now, or would it be moved over to be more centered over the door. Ms. Hauser said she would be talking with the architect tomorrow to determine exactly how that would be done. Mr. Bell said one benefit of the original plan as drawn was that the roof over the porch closely mirrored the one on the front, which was the historic configuration. He said the Preservation Fund suggestions made the entryways dissimilar. Mr. Bell said the Preservation Fund wanted to tie it in more to what was on the back of the structure, which was a rear non-contributing addition. Ms. Hauser said she had talked with the Preservation Fund about that, and they were aware it would make for a flatter roof.

Ms. Trueblood stated the pitch, if the Preservation Fund comments were followed, would be the pitch of the existing rear-most 1950's kitchen addition. Mr. Bell said it could still be centered, but would just be a lower pitched roof than the existing roof.

Ms. Snyder said lining up the pitch of the roof made it appear shallower, less attractive and less compatible with the historic structure. But, she believed the Preservation Fund was trying to make it look as if it were added at the same time the shed addition was added, which was not consistent with the Guidelines.

Ms. Trueblood reminded the Commission that their decision must be based on the Standards and Design Guidelines, and not the Preservation Fund comments. Ms. Hauser offered to meet with the architect and redraw it the way the Preservation

Fund wanted it, and then meet with Mr. Crowther to ask them to reconsider. Ms. Trueblood stated that the HDC could go ahead and vote on the application as submitted, either with or without any modifications. Or, she said, Ms. Hauser could withdraw the application and bring revised plans back to the next meeting in September.

Mr. Council stated he had no problem with either the original plan or the modification as proposed by the Preservation Fund. He said if he were to make the motion, he would add a second part that would be to approve the application as submitted with the condition that she would have either the choice of going with her original plans or to modifying those plans keeping in mind the letter submitted by the Preservation Fund, and keeping in mind the requirements of the CUP, with the HDC having no preference.

Mr. Rhoades stated that was an option, but believed there was also some opinion on the Commission that the proposed porch should have the pitch as presented in the original application and that the modification would not be compatible. Ms. Hauser said on the other hand, if the HDC did not accept what the Preservation Fund asked, then she would not be able to proceed.

Ms. Trueblood said in this unique situation where they were dealing with another preservation organization, and assuming that the majority of the HDC wanted to approve the original plans, she suggested that the motion be to approve the plans, but with the condition that if that was not acceptable to the Preservation Fund in that the only alternative would be to change the roof pitch, then the HDC could give staff the ability to make that modification as a Minor Work.

Mr. Council said he was concerned that if the Preservation Fund knew that there was potentially a conflict between their view and the HDC's view, then they should have tried "desperately" hard to have a representative at this meeting.

Mr. Bell said he believed the HDC's guidelines suggested that if a porch, entrance or balcony was completely missing, then it should be replaced with a new feature that was based upon accurate documentation, and if documentation not available then the new design should be compatible in scale, material and detail with the historic character of the building and the district. He said he believed they could certainly say that the proposed pitch was more in keeping with the historic character of the building than the flatter suggestion made by the Preservation Fund.

Ms. Trueblood said the HDC could approve the application as submitted. She said Ms. Hauser could then take that information to the Preservation Fund and say that was what the HDC had approved and ask them to reconsider. If the Preservation Fund refused, she said, Ms. Hauser could come back to the HDC at a later time.

MOTION: **Mr. Council** moved to find as fact that the Judith Hauser 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, C, D, F, G, H, K and N, Design Guidelines for Masonry, Wood, Roofs, Porches, Entrances, and Balconies, and Additions to Existing Buildings.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

MOTION: **Mr. Council** moved to approve the application as submitted with no conditions.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

ITEM # 8: Application for a Certificate of Appropriateness for Jay Mangal to demolish the existing building - Freeland's Garage - at 212 N. Churton St. (4.31.B.1)

Mr. Rhoades swore in Jay Mangal. Ms. Trueblood provided a brief description of the application, stating that the proposal was to demolish the existing building, Freeland's Garage. She said that the applicant had indicated he would present information this evening regarding plans for the site.

Ms. Trueblood stated the Guidelines that applied were Demolition for Existing Buildings. She reminded the Commission that this application was somewhat different in that a request for demolition could not be denied according to the Zoning Ordinance regulations. Ms. Trueblood said it could be approved, approved with conditions, or approved with a delay of up to 365 days.

Mr. Mangal provided photos of the existing building, stating he planned to erect a new building on the site. He said because of its condition, it was not safe and it would be very difficult to make it so. Mr. Mangal stated he was attempting to discover if the materials in the building could be recycled. He indicated he planned to operate a family-oriented restaurant in the new building. Mr. Mangal stated his plan was to purchase the property based on the feedback received from the HDC. He stated he had not wanted to spend the funds necessary to have an architect draw up the plans until he had gotten that feedback.

In response to a question regarding the age of the existing building, Ms. Trueblood replied it was constructed in the 1940's. She reminded the Commission that their Period of Significance went through 1939, and because there were only a few 1940's buildings they had been added to the inventory. She said that it was considered a contributing building.

Mr. Rhoades determined that none of the HDC members had a conflict of interest with the application. He asked if there were members of the public present to speak for or against the application.

Elizabeth Reed, the Executive Director of the Alliance for Historic Hillsborough, was sworn in by Mr. Rhoades. Ms. Reed provided information about the Alliance and tourism in Hillsborough, reminding the Commission that Hillsborough had received the designation in 2007 as one of America's 12 distinctive destinations by the National Trust for Historic Preservation. She said part of that distinction was because of its variety of architecture and variety of character of buildings. Ms. Reed said the Alliance supported Hillsborough's diversity of architecture and history, and believed that a 1940's service station on Churton Street added to the small town character and charm of Hillsborough, distinguishing the Town from others.

Ms. Reed said the Alliance for Historic Hillsborough requested that the HDC not grant a Certificate of Appropriateness to demolish Freeland's Garage, but instead delay that demolition for 365 days. She said it was possible that in that time the property could be sold to someone whose needs could be met by the existing building, including its use as a restaurant. Ms. Reed stated they did not believe that a new building built on that site would be able to compensate for the loss of such an important structure to the Town's main street.

Mr. Council stated that for the record he wanted to make a procedural point. He said that on page 62 of the Guidelines, it said that when a request for demolition was submitted, the property owner must also submit a plan illustrating how the site would be modified following demolition. Mr. Council said they had heard only an oral description of what might be done on the property should the applicant purchase it. He said he was not sure procedurally that that was satisfactory or adequate.

Ms. Trueblood responded that she had put the application forward without a site plan because the Design Guidelines were not referenced in the Zoning Ordinance yet. She said there was a text amendment going forward at the October public hearing to reference the Design Guidelines in the Zoning Ordinance in order to avoid such problems, but right now the Standards of Evaluation were the legal basis for all procedures regarding the HDC. She said although the Design Guidelines were originally written to interpret those Standards, they were not yet referenced in the Zoning Ordinance. Ms. Trueblood stated that she had specifically told the applicant numerous times that he should provide a site plan showing how he planned to modify the site after demolition but the applicant had time constraints and had wanted to go forward with the application now.

Ms. Trueblood stated the only legal difficulty would be if the HDC denied the application because it did not have a site plan, since that would be outside procedure. She reiterated that the HDC could not deny the application, although they could table it because it did not have a site plan.

Mr. Council stated he would feel uncomfortable going forward without a site plan, although he did not have a particular problem with the building being demolished. Ms. Trueblood stated the HDC could ask for a site plan.

Mr. Bell stated he would be uneasy with moving forward without a site plan even if it were a non-contributing structure.

Ms. Snyder said having a site plan would definitely help, noting that she could not imagine a new building contributing to the Town in the way the existing building did.

Mr. Bell stated there were incredible problems associated with dealing with a garage, such as the underground fuel tanks. He said it was important to have a real plan in place to deal with such problems. Mr. Mangal stated he knew what he wanted to do with the site, but had not yet hired an architect. Mr. Bell agreed that a family restaurant would be welcomed in the Town, but without a site plan there were too many unanswered questions.

Mr. Council asked if a site plan conforming with the Town's ordinance included environmental law issues. Ms. Trueblood responded those types of issues would be handled by County Building Inspections, not by the Town. She said the Town oversaw issues relating to zoning and exterior changes to a building in the historic district.

Mr. Bell stated his preference would be to table the application until a site plan was available with more specific information. Mr. Council agreed. Ms. Trueblood asked what the Commission would like to see on such a site plan. After some discussion, the Commission members stated they would like to see the proposed building, the paving layout, the parking, the ingress/egress, the lighting plan, the signage plan, the property lines, the site features, an exterior materials list, and landscaping plan.

Mr. Council stated that Mr. Mangal might want to consider that the funeral home had a large traffic flow in and out of their property that might conflict with traffic in and out of this property. Mr. Mangal stated he had taken that into account.

Ms. Trueblood stated that there would be a site plan review for any new development, noting it would most likely go through the Technical Review Committee.

Mr. Bell said he believed it might behoove Mr. Mangal when coming up with a design to try to incorporate the existing building, if not the original then at least a reminiscence of how that building looked and its appeal to the community. Mr. Mangal stated that the building was not useable to him, but he would look at all options.

Mr. Bell asked if this property would be eligible for any tax credits if it were rehabilitated. Ms. Trueblood said work to restore the contributing architecture of the building and its support system might be eligible, but not for anything new. She said if Mr. Mangal were to restore the existing building in the strictest sense there would likely be some tax credits available. She stated she would provide information regarding that process to Mr. Mangal. Ms. Trueblood added that if the Commission decided to table the application, she would prefer that it be tabled for a specified amount of time so that it did not remain open indefinitely. Mr. Mangal stated 60 days would likely be enough time for him to get a site plan prepared.

MOTION: **Mr. Council** moved to table the Jay Mangal application for up to two months until such time that the applicant provided a site plan containing at minimum elevation drawings showing the proposed building, paving layout, parking, ingress/egress, lighting, signage, property lines, site features, exterior materials list, and landscaping.

SECOND: **Mr. Bell.**

VOTE: Unanimously approved.

ITEM # 9: Interview Dorothy McCoy for HDC Vacancy.

Mr. Rhoades swore in Dorothy McCoy. Ms. McCoy provided the Commission with some brief information regarding her background, experience, and interests. She noted she and her family had moved to Hillsborough in May and was hoping to purchase an older home. Ms. McCoy stated she had been monitoring the Commission's work and felt comfortable with its spirit of cooperation.

Mr. Council said he believed Ms. McCoy had a great background, and that some of the things in her resume that recommended her to the Commission were her analytical abilities, her abilities to make sound judgments, her verbal and written communication skills, and her negotiation skills. He said she also seemed to have demonstrated leadership skills. Mr. Council said a concern he had was that she was a new resident of the Town, and his view was that in order to serve on the Commission it was mandatory that members have a thorough knowledge and understanding of the historic district. He said her short tenure in Hillsborough concerned him.

Mr. Council said he had found nothing in her background that related to the activities and responsibilities of the Commission, such as a background in law, architecture, history, preservation, or restoration. But, he said, Ms. McCoy had addressed those concerns because she had indicated she had restored an older home built in 1906.

Mr. Council said his last concern was that Ms. McCoy continued to work for the Newberry Consulting Firm, and wondered if she would have a lot of travel that would interfere with the HDC meeting schedule. Ms. McCoy stated she was no

longer working for them, noting she was working in Morrisville with the Wackenhut Corporation. She stated she and her family had lived her for two years some time ago, but had moved to Columbia where she had done some work for the Criminal Justice Academy. Ms. McCoy said she understood Mr. Council's concerns regarding her length of residency and lack of knowledge, although she had read every history book she had been able to find. She said her knowledge was recent, but did understand the concern.

Mr. Rhoades asked if Ms. McCoy planned to serve on the Commission long term. Ms. McCoy responded yes, noting in the past she had served on a higher education commission for 10 years, and 5 years on a rape crisis board.

Deliberation:

Ms. Trueblood indicated that at the present time the HDC had one vacancy open, and no other applicants. She said the HDC had about two months to fill that vacancy to meet its CLG requirements.

The Commission decided by consensus to delay a recommendation until the next meeting.

ITEM # 10: Commission and Staff Reports/Updates.

Ms. Trueblood distributed the Massing report, which summarized the information reported on at the last meeting. She asked that if there were questions to email them to her and she would put the issue on the agenda for the next meeting.

Ms. Trueblood stated that the text amendment to include the Design Guidelines in the Zoning Ordinance was scheduled for the October public hearing. She said it would be helpful for a member of the HDC to attend and specifically speak about why it was important for that text amendment to be included in the Ordinance. She said she would email the Commission about the exact date and time.

Ms. Trueblood stated that Faith Kifney's property at 326 Margaret Lane had moved into a Notice of Violation regarding the window that was out of compliance. She stated the Code Enforcement Officer would be handling it from this point on.

Ms. Trueblood stated the Planning Director had received a complaint letter directed at a Demolition by Neglect letter to the Colonial Inn, so they would be investigating the complaint. She said the next step was for staff to prepare a technical report and to report to the HDC. Ms. Trueblood said because of that, she would like permission to have no more than four applications on the agenda so that the meeting would not run extremely late.

The Commission agreed by consensus to consider no more than four applications at the next meeting in order to provide time for the Demolition by Neglect issue regarding the Colonial Inn.

Ms. Trueblood stated that regarding the Rooster's Nest, nothing had changed since last month, in that no new contact had been made. She said it was being handled by Tom King and Thomas Cummings as a violation of the Zoning permit because it did not meet the criteria for a Certificate of Appropriateness and no stormwater plan had been documented. Ms. Trueblood said she believed the date for them to come into compliance by turning in a set of stormwater grading plans and site plans showing how they were going to mitigate the undercut of the historic rock wall was August 4, so that was now in the hands of Code Enforcement Officer.

Regarding Kevin McGraw's house on West King Street, Ms. Trueblood stated it had now been covered by plastic. She said the property had also been mowed, but did not believe there had been any progress on the actual restoration.

Ms. Trueblood stated that Robin Taylor-Hall had indicated that there would not be any weatherproofing done to the exterior of her building right now, but she was very close to finishing the final approval process for State tax credits. She said that building was a candidate for Demolition by Neglect as well since it was a contributing structure, but she had not received a complaint letter and therefore could not enforce weatherproofing of that building.

Mr. Rhoades stated that he had erected a fence in his backyard with the smooth side facing in, which was due to a minor misunderstanding with the parking lot people who had previously been approved for a fence. He said to avoid having two nice sides of the fence facing one another, he had put the smooth side in thinking that eventually it would look better once the other fence went up. Mr. Rhoades said subsequent to that he had found out that there would be a considerable delay before the other fence was erected, so he would be putting up another side of his fence within the next week.

Ms. Trueblood said if anyone approached the members regarding the Colonial Inn, those persons should be referred to the Planning Department. She said it would be better if the members did not comment on that issue.

Elizabeth Reed commented that she did not believe that tax credits would be available for the Freeland's Garage site based on how the National Trust for Historic Preservation certified such structures. Ms. Trueblood said it may be a difficulty that the building was a 1940's building and the Town's Period of Significance ended in 1939. She said that might complicate the process, and the building may not be eligible.

In regard to a question regarding site visits to properties, Mr. Council stated that the legal standard was that if you went on someone's property without permission, you were trespassing.

Ms. Trueblood stated it was better to look over the property from the road right-of-way if you did not have permission to enter the property. She commented that when such visits were made the Commission members should have no interaction with the applicants in any form, since any contact outside of the public hearing process was forbidden. She said if there was any discussion with an applicant, then it would have to be disclosed at the meeting.

ITEM # 11: Adjourn.

Mr. Rhoades moved to adjourn the meeting at 9.05 p.m., seconded by Mr. Bell. The vote was unanimous.

Respectfully submitted,

Stephanie Trueblood, Secretary