

MINUTES
HISTORIC DISTRICT COMMISSION
Wednesday, December 3, 2008
7:00 pm, Town Barn

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

MEMBERS ABSENT: Chair Jessica Dockery, absence excused.

STAFF: Planner Stephanie Trueblood.

WITNESSES: William Colville, Elizabeth Davis, Jim Davis, Kenneth Trivette, Judy Meslah, Fred Stewart, Mike Kirby, and Nick Mincey.

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

Mr. Rhoades called the meeting to order at 7:01 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 Adjustment.

Ms. Trueblood stated that the November 5 minutes would need to be considered for adoption in January as they were not ready when the packets for tonight's meeting was prepared. There were no other additional adjustments to the agenda.

ITEM #4: Approval of Minutes from the November 5, 2008 meeting.

To be considered for adoption at the January 2009 meeting.

ITEM #5: Application for a Certificate of Appropriateness for William Colville on behalf of the First Baptist Church to install a 12' x 16' utility building with T-111 wood siding, a gable roof with asphalt shingles, and 2 six-panel doors in the rear yard at 223 West King Street (TMBL 4.35.D.5)

Mr. Rhoades swore in William Colville and Stephanie Trueblood. Ms. Trueblood said that the applicant was proposing to construct a 12' x 16' utility building with T-111 wood siding, a gable roof with asphalt shingles to match the existing house, and 2 six-panel exterior doors facing the driveway in the rear yard to be painted white to match the existing house.

Ms. Trueblood stated the Standards that applied were A for height, B for setback, C for materials, D for texture, F for architectural details, G for roof shape, H for roofing material, I for color, K for general form, and L for orientation. She said the Design Guidelines that applied were New Construction of Outbuildings and

Garages. Ms. Trueblood noted the packet contained the site plan showing the footprint of the new structure as well as a narrative, an exterior materials list, and elevation renderings.

Mr. Colville said the Pastor would also like to have the option of constructing a 12' x 12' rather than 12' x 16' building because he was depending on donations to construct the utility building and if enough funds were not received, he would like to build a smaller building. He said everything else would remain the same.

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. Vernon asked about the T-111 siding, noting the HDC had recently approved a utility building with T-111 siding but that building was not visible from the road as this one would be from Margaret Lane. He said T-111 did not seem historically appropriate, and if cost was a factor he believed something else could be used that would not be too costly but would accomplish the same look.

Mr. Council stated the HDC had already set a precedent for use of T-111 in the historic district without putting any sort of conditions with it that said it had to be hidden by shrubbery or trees.

Mr. Vernon said on page 36 of the guidelines it stated that the primary determining factor would be "the materials of the adjacent structures and visibility of the new structure from the street," and in this case it would be highly visible.

Mr. Council reiterated that the precedent was there and T-111 had been allowed throughout the district.

Mr. Rhoades asked if a sample of the material had been provided. Ms. Trueblood provided the sample to the Board.

Ms. Snyder asked if any shrubbery would be planted around the building. Mr. Colville said he had not thought about that but the Pastor may want to do that. He said they had planned to place the structure as close to the ground as possible and mulch around it to prevent the need for grass trimming.

Mr. Rhoades said because the building would be very visible from the road, he would suggest that if the church could afford it that they consider placing shrubbery around it to soften the look, noting neighbors may well appreciate that. Mr. Colville stated he would relay that suggestion to the Pastor.

MOTION: **Mr. Bell** moved to find as fact that the First Baptist Church 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, F, G, H, I, K and L, and the Design Guidelines for New Construction of Outbuildings and Garages.

SECOND: **Mr. Council.**

VOTE: The vote was 5-1, with Mr. Vernon voting Nay.

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

SECOND: **Mr. Council.**

VOTE: The vote was 5-1, with Mr. Vernon voting Nay.

ITEM #6: Application for a Certificate of Appropriateness for Jim and Elizabeth Davis to remove two mature trees on the vacant lot at 105 West Orange Street (TMBL 4.19.C.3).

Mr. Rhoades swore in Jim and Elizabeth Davis. Ms. Trueblood said the applicant was proposing to remove two mature trees on the vacant lot, one being a Maple located on the northwest corner of the property which was damaged due to thick ivy as well as severe pruning over the years. She said it was possible that the removal of that tree could have been approved as a minor work, but the applicant had chosen to include it on the application since there was a second tree to be considered for removal. Ms. Trueblood said the second tree was a volunteer Black Walnut with two trunks at the rear of the property. She said the applicant would like to plant an evergreen screen in that area for privacy.

Ms. Trueblood said the Standards that applied were E for landscaping, and the Design Guidelines that applied were Site Features and Plantings. She said on the site plan it said "Future Davis Residence," noting the applicants planned to come back in the future with plans for a new construction on that site, but wanted to remove the trees because if for some reason they were not allowed to remove the trees then they were not sure they would want to build on the property. Ms. Trueblood stated screening at the rear of the property was very important to the applicants' future plans to reside on the property, and they wanted to see if it were possible to remove the trees before investing further in plans for a new construction.

Mr. Davis said that the house when built would back up to the structure shown on the plans, so the evergreens were important for screening and would replace the double-trunk Black Walnut. He said their timing was to allow them to get the plantings done this season before the spring so that it had an extra year of growth.

Mr. Rhoades stated for the record that he rented some property to the Davis' so there was what could potentially be construed as a conflict of interest. He said he intended to be fully objective in his decision and didn't feel like there was any conflict of interest. Mr. Rhoades stated if there was an HDC member who disagreed, he would recuse himself from consideration of this application, adding

the rental property was not the property being considered with this application. There was no objection from the Commission members.

Mr. Rhoades determined that there were no members of the public present to speak for or against the application.

Ms. Snyder asked had they considered other methods of screening, such as a privacy fence, in order to retain the Walnut tree. Mr. Davis said they had and removing the tree was not their first choice, but other options considered had not worked as well as removing the tree due to limitations with the lot and difficulties with placing a new structure on it. Mr. Davis said one problem with this particular type of tree was that Black Walnuts were toxic and had a tendency to ward off other growth, which was why they had not wanted to plant anything along side it. He added that there were at least seven or eight other Walnuts on the lot, so they were not forfeiting the only one.

Ms. Snyder asked were they concerned at all about losing that large deciduous tree on the south exposure where it could be valuable for shading the house in the summer. Mr. Davis said in that corner of the lot there were five or six other larger trees that overshadowed that particular tree they wanted to remove. He said he was concerned about those trees because of a storm drain that had been placed there and ran right past not only the Maple tree but several others in that area and believed that was responsible for some of the damage to those trees and they may eventually lose some of them. Mr. Davis said when they came back with plans for their residence they would likely propose some re-engineering of that storm drain so that it was not open and did not continue to damage the trees in the area.

Ms. Snyder stated from looking at the plans, it seemed that the Maple was precarious, but the Black Walnut appeared to be healthy and would live much longer. She said she would hate to see it removed. Mr. Davis said if there was another solution he would be happy to consider it, but it would present problems with placing the garage there and providing room for a car to turn around as well as privacy screening. Ms. Snyder asked could they find another hedge type that would not be affected by the tree's toxicity. Mr. Davis said the recommended alternative he had been given was to build some kind of metal frame and plant vines that could withstand the chemical toxicity from the tree. But, he said, because of the slope of the lot it would have to be a very large structure.

Mr. Davis said another point he would make was when the house was built, they would be the only one's to miss the tree because it would be directly behind the house and not visible from the street. He said he had spoken to the backdoor neighbor and they were anxious for it to be removed as well because of the mess it created on their lot.

Mr. Vernon stated he had visited the Walnut tree earlier today and it was a fantastic looking tree and he hated to see it go, but, he believed Mr. Davis had

done his research and had good reason to request its removal. He asked if something hearty like a Leland Cypress could grow next to it. Mr. Davis said it was not on the list of plants that would tolerate the toxicity.

Mr. Rhoades agreed it was a nice tree; however, as Mr. Davis had said once the house was built no one would miss it but them so he did not see its removal as ultimately having any negative impact on the character of the district.

MOTION: **Mr. Bell** moved to find as fact that the Jim and Elizabeth Davis 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 Standard E and the Design Guidelines for Site Features and Plantings.

SECOND: **Mr. McCullough.**

VOTE: The vote was 5-1, with Ms. Snyder voting Nay.

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

SECOND: **Mr. McCullough.**

VOTE: The vote was 5-1, with Ms. Snyder voting Nay.

ITEM #7: **Application for a Certificate of Appropriateness for Kenneth Trivette to demolish the existing house and build a new 2,697 square foot house with a front porch and install a driveway of brick pavers at 408 Calvin Street (TMBL 4.35.G.6).**

Mr. Rhoades swore in Kenneth Trivette and Judy Meslah. Ms. Trueblood stated that the existing house was a contributing 1921 one-story frame house that appeared on the Sanborn map. She said in February 2002 a previous owner applied to demolish this house, and the HDC at that time instituted the 365-day delay upon approved demolition of the house. She said during that year the owner checked into having the house moved but its condition was judged to be too precarious to move. Ms. Trueblood said the one year period passed and the COA expired. Then, she said, in 2006 the same property owner applied for a COA to demolish the house and construct a new 2,200 square foot, 2½ story house, which was approved unanimously by the HDC with the 365-day delay. Ms. Trueblood said so, this house that was considered contributing had already gone through two COA processes to be demolished, and was approved both times by the HDC although the first time with the delay period imposed. She said the previous owner did not carry through with the approved plans and instead put the property up for sale. Ms. Trueblood stated at that time Mr. Trivette had purchased the property and was now applying for a new COA. She said because the applicant was new the application would be treated as a new application.

Ms. Trueblood said that the applicant was proposing to demolish the existing house and build a new 2,597 square foot house with a front porch and install a

driveway of brick pavers. She said the foundation would be brick, the chimney would be brick, the front steps would be brick, the rear porch steps would be wood, the porch posts, rails and trim would be wood, siding would be Hardiplank, fascia cornerboards and exterior trim would be wood, doors would be solid wood, windows would be vinyl clad wood with divided lights, and the roof would be standing seam metal with a natural zinc look. She said the property owner had provided plans that protected the massive Oak tree, which included placing a protection fence around the perimeter of that tree to the maximum extent possible, which would mean into the right-of-way and into as much of the yard as allowed by the construction activities. Ms. Trueblood stated there would be no parking or storing of materials allowed near the tree during construction, and any work with utilities would be along the property lines, that footings on the front porch would be point load to minimize excavation near the tree, and any excavation near the tree would be done by hand including the brick pavers. She said the tree was actually in the public right-of-way so it was under HDC jurisdiction, and the Tree Board had reviewed the tree protection plans and approved it.

Ms. Trueblood said there was a dry stack rock wall shown on the plans that was also not in the HDC's jurisdiction because most of it was in the public right-of-way. She said the property owner was working with the Public Works Director and the Town Attorney to develop an encroachment agreement to allow the owner to build a dry stack rock wall which would have no foundation and would not affect the tree roots, and it would also hopefully deter people from parking on either side of the tree. She said the rock wall would have to be approved by the Public Works Department and that approval was still forthcoming. However, she said, if the HDC would like to comment on the appropriateness of the rock wall that would be acceptable, but reiterated that because it was in the right-of-way it was not in the HDC's jurisdiction.

Ms. Trueblood stated the Standards that applied were A for height, B for setbacks, C for materials, D for texture, F for architectural details, G for roof shape, H for roofing material, K for general form, J for proportion of openings, L for orientation and scale, N for proportion of façade, and R for ground cover. She said the Design Guidelines that applied were Demolition, New Construction of Primary Buildings, Walkways, Driveways, and Off-Street Parking. Ms. Trueblood listed the items included in the packet for information purposes.

Ms. Trueblood stated the existing house was listed as contributing by their inventory standards, but it had not been re-evaluated since 1995 so she did not know if an inventory was done now if that status would change. She said the house was much deteriorated and understood why someone would argue that its status should be changed, adding there was not much exterior fabric left on the house and the house had remained unoccupied for many years. Mr. Trivette said he had been told by the realtor that the house had not been occupied for 14 or 15 years.

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. Vernon suggested divorcing the demolition question from the design questions and take separate votes.

Mr. Rhoades said perhaps they should let each Commission member ask questions and then see where they were, and if there was a need for a separate vote then they could consider it at that time. Ms. Trueblood stated she would prefer to see the HDC take only one vote, because if they voted to approve the demolition and then for some reason the design was not approved, then they would find themselves in a situation where if Mr. Trivette decided to put the property on the market then they would have granted permission to demolish with no new house plans. She said she would rather the demolition and new house were tied to the same vote, noting it made it easier from an enforcement standpoint to make sure what they ended up with was what the HDC had approved in terms of new construction.

Mr. Vernon said he would like to see the existing house remain, noting that as is it was in keeping with the west end of Hillsborough. He said if they were voting on just the demolition that if at all possible he would like to not see it demolished. Ms. Trueblood stated the only power the HDC had was to approve the demolition but delay it for 365 days. She said technically the HDC did not have the authority to deny a demolition request, even for a contributing house, unless it was a building of State-wide significance such as the Colonial Inn.

Mr. Trivette said he would submit that the house had already been demolished by neglect.

Mr. Bell asked was any flooring structure present. Mr. Trivette replied yes, but there was weather and insect damage in many places. He said the wood siding underneath the asbestos siding appeared to be rotten and the roof was gone, although the concrete porch appeared to be okay. Mr. Trivette said as an architect it would be a huge undertaking to try to restore, but to what end, asking what you could do with it if you did.

Mr. Rhoades asked was Mr. Trivette aware of the tax relief afforded to rehabilitations. Mr. Trivette replied he was.

Mr. Vernon said if a mill house on the west end could be saved, he would like to see that, but understood that this one may be too far gone. Ms. Trueblood said trying to move the house off the lot, if even possible, would be tricky because of the tree, but that had to be considered. She said she believed the most valuable part of that property was the tree.

Mr. Bell asked had he explored any type of salvage operation for any of the trim, windows, or any other salvageable material. Mr. Trivette stated he had explored that for purposes of reuse in his design, but it was not at all cost effective. Mr. Bell asked had he considered asking Chris Wachholz or other local preservationists for their help. Mr. Trivette said no but he could certainly pursue that. Ms. Trueblood said she could provide contact information.

Mr. Bell said he had not seen the inside of the house but he had spoken to former HDC members who had served when this house was previously considered for demolition, including Barbara Church who was an architectural historian of long-time stature in the Town, and she had said the house should come down. So, he said, in addition to Mr. Trivette's testimony and the documentation provided, and the opinions of others in the profession, he agreed it was a candidate for demolition.

Mr. McCullough said there appeared to be a small shed at the end of the driveway. Mr. Trivette said that belonged to the property at the rear of the house, and was not on his property.

Mr. Rhoades said several years ago he had salvaged a home on Margaret Lane that was in as bad a shape if not worse in some regards than this one. He said while it certainly was a lot more labor intensive, he had found it to be a rewarding experience. Mr. Rhoades said taking advantage of the tax credits to offset the additional cost of salvaging materials was worthy of consideration, and ultimately you would have a home with some of the historical significance as the original home versus the easier and more cost-effective method of just demolishing the house.

Mr. Rhoades said the home was in bad shape and he was happy to see something positive happen, but perhaps it was worth consideration to look closer at the harder approach which at the same time would be more rewarding. Mr. Trivette stated he agreed it would be rewarding, and he would look into that further. He said he really hated to discard any of the material that was reusable. Mr. Trivette said they were hoping to build something they could live in the rest of their lives.

Mr. Vernon stated he wanted to discuss the proposed new structure, its size, and how it fit in with the streetscape existing on Calvin and Hillsborough Streets. He said in particular he wanted to discuss the Guidelines on page 35 under New Construction, especially #1 dealing with size of the structure relative to those around it and relative to the size of the lot. Mr. Vernon said he believed that although it was beautiful he did not know that it worked at that location on that size lot. He said a 2,600 square foot house was large to take the place of a 1,000 square foot house, and did not know that it was appropriate. Mr. Trivette said he understood the concern and had thought about it for quite some time. He said he had looked around the neighborhood and there were several two-story houses within a block or so of this lot, although they were on somewhat larger lots. Mr.

Trivette said they could possibly get rid of the porch, but that would destroy the character of the design.

Mr. Vernon said he had visited the existing house today, and even as small as it was it appeared to fill up the lot even though it was dwarfed by the huge oak tree. He said the new design would be mammoth in that space. Mr. Trivette said the oak tree would hide most of the house.

When asked about the size of the lot, Mr. Trivette responded it was one-sixth of an acre, adding the dimensions were on the first drawing he had submitted. He stated the footprint for the new house was roughly 40' x 60', and the existing house was 34'. Mr. Trivette stated he had moved the two back corners as far to the back as he could and as far to the left as he could to accommodate the setback.

Mr. Vernon said his feeling was when you came around the curve you had the slave cemetery and then five or six mill houses and then several other houses. Mr. Trivette remarked that the houses on either side of this lot were two stories. Mr. Vernon said even so, his thought was that a mill-like cottage seemed to be more appropriate for that corner than what was proposed.

Mr. Rhoades said he saw the point, but there were a number of other larger and even in some ways newer structures that were in fairly close proximity, including his house. He said the point was well taken, but there were other homes besides mill houses in the area.

Mr. Council said he had contemplated the scale and massing of the house as it related to the lot very seriously, and had shared some of the concerns expressed tonight. But, he said, after the discussion he was okay with the size proposed. Mr. Bell said just as an observation, on the siding there were two different reveals, 8" and 4". Mr. Trivette said the design intent was to create a house that looked like it use to be a small house with a porch that was later enclosed, and that was why the change in materials. Mr. Bell said he believed that design intent was compatible with many of the homes in Hillsborough, and was very complimentary. He also complimented Mr. Trivette on his choice of the roof, and was also a big fan of the "skinny" windows.

Mr. Bell asked why two front doors? Mr. Trivette said there was only one front door; the other door was an entry into the sun room area. Mr. Bell asked if the color scheme would be as shown on the drawings. Mr. Trivette responded no, that final colors had not yet been chosen but they envisioned using green and yellow. Ms. Trueblood commented that the brick would be red brick and the porch roof was the color as shown and specified in the application. She said the ultimate colors of the house could be approved by staff as a Minor Work as long as they were colors you tended to see in the Town; if the colors were otherwise then she would bring that back to the HDC. Mr. Trivette assured the Commission that the colors would be subtle.

Mr. Bell asked had they gotten any further detail about the brick. Mr. Trivette stated they had not yet decided on the actual brick. Mr. Bell said the HDC had experienced in the past approving red brick and then the brick chosen was not an attractive shade, so he asked Mr. Trivette to choose carefully. Ms. Trueblood stated in the past the HDC had specified the use of a deep red brick color in order to avoid any controversy. Mr. Trivette said they wanted to build something that was in keeping with the character of the historic district, and were not about to do anything otherwise.

Ms. Snyder said there were a number of beautiful pale yellow homes in Hillsborough, and that was what she was looking for here. Mr. Trivette agreed, but added as long as it was not like all the others. He said since submitting the application he had reconsidered the vinyl clad wood windows, noting there was no point in having vinyl clad wood anywhere on the exterior of the house when you would still have to paint the rest of the wood. So, he said, the windows would all be solid wood with true divided light.

Mr. Bell asked if the rock wall would be field stone. Mr. Trivette said there was an existing wall on the neighboring property to the west which had stone that was somewhat square, and he liked that very much. He said he planned to build the wall about 12" to 16" high, and it would be decorative in nature.

Mr. Bell asked would they be using clear glass on the windows around the main door where the transoms were. Mr. Trivette said they would likely use decorative glass on the front door.

MOTION: **Mr. Bell** moved to find as fact that the Kenneth Trivette 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, F, G, H, K, J, L, N and R, and the Design Guidelines for Demolition, New Construction of Primary Buildings, Walkways, Driveways, and Off-Street Parking.

SECOND: **Mr. McCullough.**

VOTE: The vote was 5-1, with Mr. Vernon voting Nay.

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

SECOND: **Mr. McCullough.**

VOTE: The vote was 5-1, with Mr. Vernon voting Nay.

ITEM #8: Application for a Certificate of Appropriateness for Fred Stewart on behalf of David and Fran McCullough to relocate the existing well house and build a rear addition including a mudroom and screened porch at 123 E. Union Street (TMBL 4.19.D.11).

MOTION: Mr. Bell moved to recuse David McCullough from consideration of this item.

SECOND: Mr. Rhoades.

VOTE: Unanimously approved.

Mr. Rhoades stated for the record that David McCullough had been recused from the meeting. He then swore in Fred Stewart. Ms. Trueblood stated that this house was noncontributing according to the inventory. She said when the inventory was updated this house needed to be re-inventoried because it was built in 1830 and it was added on to in 1903. Ms. Trueblood stated a lot of restoration had been done to the house, and she did not know what condition it was in when it was inventoried in 1995.

Ms. Trueblood provided some history of the home, including that it had been moved to its present site in 1903 and remodeled, and that an addition had been approved in January of 2001. Ms. Trueblood said the applicant was proposing to relocate the existing well house in the rear yard and build a rear addition including a mudroom and screened porch. She said the well house siding and roof would be repaired during that process. Ms. Trueblood said the screened porch would have wood posts and beams, a brick-colored concrete foundation, and a silver metal roof to match the existing main house, and the mud room and trellis would have a wood door, wood windows, board and batten siding, and painted dark green with the wood trellis left to age naturally.

Ms. Trueblood said the Standards that applied were A for height, C for materials, D for texture, F for architectural details, G for roof shape, H for roofing material, K for general form, J for proportion of openings, M for scale, and N for proportion of façade. She said the Design Guidelines that applied were Relocation of Existing Buildings, and Additions to Existing Buildings.

Mr. Bell stated that he and Mr. Stewart may be doing business in the future, but it had no bearing on this application. Mr. Rhoades determined that no other 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 said the screen panels were about 4 by 8. Mr. Stewart said about 4½ by 8 solid screens. Ms. Snyder asked about the doors. Mr. Stewart said they were hinged panels because when closed he wanted it not to be apparent that they were doors.

Mr. Bell asked was the well house functional. Mr. Stewart said he did not know, but he believed the well had been decommissioned.

Mr. Vernon said on page 39 of the Guidelines, it said that new additions should not be made on character defining elevations, which were generally front elevations. But in this case, he said, the right side of the house was visible and if you were driving west on East Union you would be able to see the entire addition from the road. He wondered if the character defining side elevation would be compromised by this series of additions so that the house began to look like a train. Mr. Vernon said because this addition would now encompass almost the entire property, there was virtually no backyard. He said he wondered about the proportion of the structure to the size of the lot, particularly along the right side once the addition was in place. Mr. Stewart said they had given a lot of thought to the proportions, which was one of the reasons the mudroom would act as a connector to sort of break up the look rather than having the extrusion of the gable roof going back at the same height. He said he had lowered the roof of the screened porch and had made the mudroom feel ideally like a trellis to try to address what Mr. Vernon had voiced. Mr. Stewart stated they had given a lot of thought to how the screened porch would interact with the garden and how it would be planted, and in some ways they were creating an outdoor room straight back on the north side of the screened porch, and then one to the west as well. He said they did not believe they were filling up the backyard, and were surprised that Mr. Vernon had gotten that impression. Mr. Stewart said once the roses on the trellis were mature it would somewhat reverse how that mass would be seen from the street.

Mr. Vernon said that would help in terms of aesthetics, but not so much in terms of appearance from the street. Ms. Trueblood said generally speaking, character defining in terms of elevation referred to what elevation of the house defined the character of the house. She said it might be hard for that side to be considered as the character defining side of the house since it had an existing rear addition, adding that generally the front façade of the house was the character defining side of the house because it generally faced the street.

Mr. Bell asked how the trellis part of the roof tied in. Mr. Stewart stated it was essentially flat but sloped slightly to the west with the gutter on the west side. He said there was an existing attic window that they were trying to avoid, adding that the slight slope to the roof would not be perceived. Mr. Bell asked if the siding for the mudroom was vertical to differentiate it. Mr. Stewart said that was correct, and was also the reason it would be painted dark green so that it receded and the house and the screened porch would stand as the visible mass. He said another change he wanted to make was that instead of white posts they would be light gray to match the house.

Mr. Rhoades suggested that they consider for safety reasons to have some sort of boxing or wood rail on the inside to keep it from being one big panel that

someone could potentially fall into. Mr. Stewart said it was only 6 to 9 inches to the ground, so he did not believe there was a safety issue. But, he said, he would be glad to look at that. Mr. Rhoades said it was a suggestion, that to have that much screen there should likely be a railing. Mr. Stewart said their thinking was that when seated you would have an unobstructed view of the garden.

Mr. Rhoades asked if the well house was more for aesthetics. Mr. Stewart responded yes, noting it would help to provide some screening from the house next door and it was also a beautiful element they wanted to retain.

MOTION: **Mr. Bell** moved to find as fact that the David and Fran McCullough 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, J, M, and N, and the Design Guidelines for Relocation of Existing Buildings and Additions to Existing Buildings.

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

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

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

Mr. Rhoades indicated that Mr. McCullough had now rejoined the meeting.

ITEM #9: Application for a Certificate of Appropriateness for Mike Kirby to increase the size of the covered porch on the southwest corner of the house to 8' x 14' (112 square feet) at 209 N. Hassell Street (TMBL 4.29.B.8).

Mr. Rhoades swore in Mike Kirby. Ms. Trueblood stated that this was a noncontributing house with a recent rear addition that was to include a side-entry porch. She said the COA that was approved for that house was for a 6 by 14 foot, 84 square foot side porch, and the porch that was built was actually 2 feet deeper at 8 by 14 feet, which was 112 square feet. She said the applicant was seeking a COA for the actual dimensions, adding that the materials and design features of the porch had not changed from what had been previously approved.

Ms. Trueblood stated the Standards that applied were B for setback, F for architectural detail, G for roof shape and proportion, K for general form and proportion, M for scale, and N for proportions of façade. She said the Design Guidelines that applied were Additions to Existing Buildings. Ms. Trueblood called attention to the photos supplied by the applicant to show different views of the house and porch.

Ms. Trueblood stated what had happened from the Town's perspective was that the COA was approved, the Zoning Permit was issued, and the building was underway. She said when the occupant called for a CO the Code Enforcement Officer visited the site with the approved drawings, saw that it was not an 84 square foot porch, and notified her. Ms. Trueblood said she had then checked the file and realized that there was a two-foot difference, so before a CO would be issued on the addition all the paperwork had to match. She said what further complicated this was that the original application that came to the HDC said it would be an 84 square foot porch, but the drawings that were submitted were not to scale to match, which may or may not have affected that original drawing. Ms. Trueblood said in future they would need to pay closer attention to those kinds of details.

Mr. Rhoades asked if the drawings favored a larger porch. Ms. Trueblood responded yes, by perhaps ½ foot. She said the written narrative indicated a 6 x 14 foot porch, and the narrative was what was used as reference. Ms. Trueblood said this fell into that gray area in terms of a minor change to a COA, because it was only two feet but it happened to be two feet on the side that you could see from the public right-of-way, so as staff she had not felt it appropriate to approve it as a Minor Work and that was why it was coming back to the HDC.

Ms. Snyder asked was it always intended to be that larger size. Mr. Kirby said he was not aware that this was going happened and he was sorry it had happened, but he was pleased with the porch and its size. He said he had not known about the error until after the porch was built.

Mr. Rhoades determined that no other HDC members had a conflict of interest with the application. He determined that there was one member of the public present, who wanted to speak, and Nick Mincey was asked to sign in and Mr. Rhoades swore him in.

Ms. Snyder said she would like to find a way to avoid such incidents in the future, and was also trying to figure out why the porch was not built according to the plan. She said apparently Mr. Kirby did not know what had happened. Mr. Mincey said as far as the scale of the drawing, he had submitted a reduced drawing which was not reduced to any particular scale. He said to his knowledge the original drawing did indicate 6 x 14 and that it was properly scaled. So, he said, regardless of the scale the dimensions were correct. Ms. Trueblood said the drawings provided in the packet had been reduced and were not to scale, but the numbers noted as the dimensions were correct, and the numbers were what was used for verification. Mr. Mincey said if a reduced copy was given to someone on the job, it was possible that had caused the wrong dimensions to be used. Ms. Trueblood said a further complication was that Hillsborough did not do its own building inspections, the County did them, and so the building plans went to Orange County and the Town saw only zoning plans. She said this had shown up as a 6 x 14 porch on the zoning permit, and they had been concerned that at 8 x 14

it was too close to the setback. But, she said, they had determined that at 8 x 14 feet it was not too close to the setback and it was not a zoning violation.

Mr. Mincey said at the time of submittal for approval previously there were a lot of reduced copies made and distributed to both homeowner and contractor, and then to the HDC and Building Inspections, so it was very possible that it was a dimensional error on site.

Ms. Snyder said there was not much they could learn from this incident other than to check drawings very careful, but they could not visit job sites and make sure things were being built correctly. Ms. Trueblood said that was true, unless something became apparent as it was being built. She said she would continue to demand that the narratives submitted had the dimensions written on it, which was what was used as the final check as opposed to a set of drawings.

Mr. Rhoades asked if the current size of the porch was in keeping with the Design Guidelines. Ms. Snyder said no, but at this point she was okay with the porch although she may not have voted in favor of it had it been submitted at the larger size. She said she would not vote to remove it at this point.

Mr. McCullough asked if the actual figures supplied on the drawing were correct. Ms. Trueblood said the original application said 6 x 14 feet. She said what had been built was an 8 x 14 foot porch. Ms. Trueblood said the only thing that complicated it was that the drawings were not 6 x 14 feet or 8 x 14 feet; and, that the drawings were not to scale. She said they were assuming the mistake was made in the field by those constructing the porch.

Mr. Rhoades said then the only thing constructed was the porch in question. Ms. Trueblood said the whole rear addition had been constructed, and that matched all approvals. Mr. Rhoades asked at any time had they had any discussion with the building contractor specifically about the porch or the size of the porch during construction. Mr. Kirby replied no.

Mr. Bell said he was okay with the increased size, but in terms of historical knowledge and precedent he asked in the past had they had problems with things that had not been built as approved and had to be modified. Ms. Trueblood stated it had occurred a number of times. Mr. Bell asked how this compared to some of those other mistakes. Ms. Trueblood said the ones that came to mind were much larger mistakes.

Mr. Rhoades said that most of the mistakes that had required corrective measures were more because the building that took place was out of keeping with what was consistent in the historic district. Ms. Trueblood said in most cases it was contributing buildings with noncontributing materials, in other words material problems rather than dimensional problems. She said in this case, the construction had gone quickly because they had needed to get the roof on, so

there was no time for a foundation survey so the Zoning Officer had required an as-built which was why the mistake was not caught until after the fact.

MOTION: **Mr. Bell** moved to find as fact that the Mike Kirby 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 B, F, G, K, M and N, and the Design Guidelines for Additions to Existing Buildings.

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

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

SECOND: **Mr. Snyder.**

VOTE: Unanimously approved.

ITEM #10: Commission and Staff Reports/Updates.

Preserve America Designation and Grant Request:

Ms. Trueblood said at the last HDC meeting the Commission had moved to support the Preserve American grant program and to allow her to submit a grant application for a matching grant that could be applied to Wayfinding signage. She said she and Elizabeth Reed had worked hard to get the entire grant application and the Preserve America designation application in by the deadline, only to realize that the Preserve America designation application had to be submitted prior to the grant application. Ms. Trueblood said the designation had been sent in, and once they became a designated community then they could apply for grants. She said they had missed their window of opportunity now, but the next opportunity would be in February so they would submit the grant request at that time.

Design Guidelines Text Amendment:

Ms. Trueblood stated that text amendment would go to the Town Board this month for consideration, so hopefully that would be approved.

Robin Taylor-Hall:

Ms. Trueblood said work was finally underway.

326 West Margaret Lane:

Ms. Trueblood stated there had been no movement 326 Margaret Lane. She said there was a Notice of Violation sent several months ago, and the Town Attorney had also sent a letter indicating that the next stage of enforcement included the levying of fines. Ms. Trueblood said that all of the deadlines had now passed with no communication from the property owner, so the next step in enforcement was for the Town Board to review the matter and decide whether to abate the nuisance or start assessing fines. She said that would go to the Town Board at its January meeting.

Colonial Inn:

Mr. Rhoades asked had Mr. Henry been notified by Town staff about the Demolition by Neglect timelines for repairs. Ms. Trueblood said she had filed the order with the Planning Director after the HDC meeting, and the next step would be for the Planning Director to call a formal hearing at which Mr. Henry would be present with whatever legal representation he deemed appropriate. She said at that hearing was when a schedule of repairs would be determined, adding the hearing would be taking place sometime shortly after January 6.

Mr. Rhoades asked if the work required was not performed, were the fines substantial. Ms. Trueblood stated it could be up to \$100 a day, but the Town Board had to approve the assessment of fines.

Mr. Bell suggested that if there was an opportunity to talk to Mr. Henry regarding the siding repair, that he should be encouraged to salvage the existing siding because it was very valuable. Ms. Trueblood said she would be meeting with Mr. Henry on Thursday and would mention that to him.

Density Discussion by the Town Board:

Ms. Snyder asked how the density discussion had gone at the Town Board workshop. Ms. Trueblood said the Town Board at that workshop had begun talking about what the density for all of Hillsborough would look like in the future. She said they had talked about higher density around transit nodes, how to preserve the existing character, and whether to continue their low density model. Ms. Trueblood said a least a few of the Town Board members had been vocal that any increase in density would negatively impact and affect the historic district, so the Town Board had adopted a motion to ask the HDC to develop a wish list of tools that they believed would be needed in order to keep massing and scale where it needed to be in terms of protecting the character of the historic district.

Ms. Trueblood said the HC had already done a character statement as well as massing research that had been presented to the HDC over the summer. She said she believed what she needed to do was to write a memo that took the character statement and summarized the massing research and provide that to the Town Board to let them know what had already been done, because as far as she knew what the HDC had decided was that they already had the tools in place to protect the character in terms of massing and scale on a site by site basis. Ms. Trueblood said any type of calculated massing and scale standard might actually inhibit the HDC's ability to deal with something on a site by site basis.

Ms. Trueblood stated the HDC probably needed to spend the month of December thinking about massing and scale in the historic district, and whether or not increasing massing to include multiple dwelling units on any particular site would ever be appropriate. She said the historic development pattern in Hillsborough was a downtown commercial core surrounded by neighborhoods of detached single-family residences, and what they were talking about in terms of density was increasing the allowable amount of units per acre, which would mean multi-family of some sort. Ms. Trueblood said the pressing question was if multi-family would appropriate in the historic district. She said the HDC could not regulate units per acre, so the HDC could not have tools that allowed them to talk about density per se, but if they needed to add guidelines about massing and scale that were more specific in terms of dealing with multi-family in the future, they needed to start that discussion. Ms. Trueblood said then during the ordinance rewrite process, the HDC could have some specific wish lists or tools to ask for.

Mr. Rhoades said for clarification, if there was a house and the HDC felt had the spacing, massing, and scale that was appropriate, then they could not comment on whether or not it was appropriate for more than one family to live in that house; it was more about compatibility of the structure. Ms. Trueblood said that was correct. Mr. Rhoades said but if it came down to a half-acre lot with one home on it and someone wanted to build an additional house on that lot, then the HDC could say no because that would change the character and the feel of the historic district. Ms. Trueblood said yes, if it was because of the spacing, orientation, the number of driveways, the number of trash cans, and so on. Ms. Trueblood said what the Town Board was looking for was to hear from the HDC what they needed that they did not have to protect the character of the historic district.

Mr. Bell said the particulars of the discussion were not so much about scale and massing as it was density, with an eye towards potential infill situations. He said he had heard the Town Board say that they clearly wanted to protect the character of the historic district in terms of its current overall density, but that in terms of the Town at large they would see opportunities where they would want to see more density in some areas but less in others.

Mr. Rhoades asked if half-acre lots were a requirement. Ms. Trueblood stated that the requirement in the R20 district was a 20,000 square foot minimum lot size, and the density bonus that the Schafer application came in under had been removed from the Zoning Ordinance so such a project could not be submitted now. But, she said, they did have special use districts and special use districts such as for multi-family would allow someone to come in and request a rezoning and then apply for higher density. Ms. Trueblood said the HDC already had massing and scale tools, but if the Town Board was asking the HDC what it needed it may be that they needed the Town Board to say no multi-family in the historic district; that is, rezonings to multi-family special use or entranceway special use or any others that would allow high density was not appropriate in the historic district. She said that would then become a Zoning Ordinance issue and not an HDC issue.

Mr. Bell said then the HDC had the opportunity to make an actual recommendation to the Town Board for changes. Ms. Trueblood responded yes. She said they first needed to decide if they would have any future problem in protecting or preserving the character of Hillsborough. She said if so, then what was the problem and what kind of tools were needed to be in place to address the problem. Ms. Trueblood said they were not being asked to produce that by January, but it was a discussion that would take place over the course of the Zoning Ordinance rewrite which was estimated to take 18 months. She said the HDC needed to remain a part of those discussions, and hoped that Ms. Snyder and Mr. Bell would be willing to continue attending those meetings.

Ms. Snyder said what they had now was inadequate, and it was hard to talk in terms of massing and scale when you really wanted to talk about density. She said they had felt like they had not had the authority to talk about density. Ms. Trueblood said they didn't have the authority due to the State Enabling Legislation. Ms. Snyder said she was pleased that the Town Board had asked the HDC to produce recommendations that would be helpful in addressing density. She said she wondered if it were possible to come up with an overlay where perhaps not all the historic district would be excluded from higher density, such as the downtown. Ms. Snyder wondered if there were other historic district commissions who had tools they used to protect against high density in certain areas. She said she did think it was possible to say that the R-20 residential areas were not appropriate for special use rezonings. Ms. Snyder said that would be a good solution.

Mr. Vernon asked was it the Planning Board who would approve or deny a multi-family structure. Ms. Trueblood said the Town Board would have the ultimate decision after a joint public hearing with the Planning Board, and then the application would be reviewed by the Planning Board, who would then make a recommendation to the Town Board to either approve or deny.

Mr. Bell asked what about considerations such as infrastructure to support increased density and whether or not it was adequate, and was those things considered by the Planning Board and Town Board. Ms. Trueblood said yes. She said there was a Rail Station Task Force that had been formed to look at potential rail station sites, and they knew to support a rail station you need higher density. Mr. Bell said then a rail station would have to be located outside the historic district.

Mr. Bell said he had heard two or three of the Town Board Commissioners say that they agreed density would have to be increased in order to support a rail station and were in favor of that because the Town wanted a rail station. Ms. Trueblood stated that the Churton Street Corridor Plan contained renderings of two and three-story mixed use residential and commercial buildings along South Churton, and that Plan called for thinking about that kind of redevelopment and the potential redevelopment of the Daniel Boone property in a more mixed-use high density model. Ms. Trueblood said the Town's water capacity would only permit so much growth and they had to decide how that growth would take place and where and that was what the Town Board was discussing. She reiterated that there were Town Board members who felt that it would not be appropriate in the historic district. But, she said, the HDC did not have a way to deter higher density applications from being submitted right now.

Mr. Bell said then one of the goals would be for the HDC to recommend to the Town Board a tool that would answer that question before an application even came to the HDC. Ms. Trueblood said that was a possibility, but she could see how keeping multi-family rezonings from happening at all in the residential historic district might be the tool that was needed, unless the HDC determined that multi-family structures were compatible in some areas.

Mr. Rhoades said the HDC had recently approved one on Nash Street. Ms. Trueblood stated that was a duplex and multi-family rezonings did not apply to duplexes since there were standards that address duplexes.

Ms. Snyder said she believed there were areas where multi-family would be appropriate, but it seemed like it did not need to encroach into the historic district. She said a tool to prevent that would mean an application would never be made. Ms. Trueblood stated for the next meeting she would provide copies of the HDC's character statement so they could review it.

Mr. Vernon said there had been some mention at the last meeting about the historic district possibly expanding westward. Ms. Trueblood said in her opinion the only way that could happen was if the mill village residents got together and decided they wanted to have a National Register district, which she believed they had a good chance to receive, and they could apply to be a locally designated historic district. She said she believed that would come in as a separate district and not wrapped into the existing district because it had its own special character.

Ms. Trueblood said in addition, if the west Hillsborough residents wanted to get together and form some type of conservation district with some design standards, that may be possible, and that was being looked at during the Zoning Ordinance rewrite as something that may be proposed in the future.

Ms. Trueblood said that Ms. Dockery had asked that a small subcommittee of HDC members be formed to look at applying for a CLG grant for a new survey next year, which they had done at the last meeting. Ms. Trueblood said at present they did not have funding for a matching CLG grant in the budget and likely would not have funding for two to three years due to the economy.

Mr. Bell said he had talked with Mayor Stevens about that, and he had indicated that the big issue at present was water capacity and that dwarfed everything else because of the size of the project. He said Mayor Stevens had indicated that asking for just a few thousand dollars would not be possible this year or the next.

Mr. Rhoades asked was there a deadline for the HDC to make a recommendation to the Town Board. Ms. Trueblood replied no but they would like to hear something in January. Mr. Bell said he would not object to a special meeting of the HDC to consider that issue since it was such a big topic, and that would allow them to devote all of their attention to it. Ms. Trueblood suggested that a special meeting could be scheduled for the third week of January, and offered to send an email out to determine what date might be best. She said such a meeting could also be at a different time other than the usual 7 p.m., but that could be coordinated over email as well.

Archeological Case Study:

Mr. Bell asked Ms. Trueblood if she wanted to comment on Tom Magnuson's archeological case study presented at the last Town Board workshop. Ms. Trueblood stated that Mr. Magnuson had written a case study called the "Failed Stewardship of County and Town Government," in which he charged that within the past few years numerous potential unknown archeological resources had been destroyed by development in Hillsborough, and it had been the County and the Town's fault that it had happened. She said specific sites he had talked about were the Justice Facility expansion and the area where the wells were dug, the parking deck which was on a previously undeveloped site along the Eno River, and Gold Park which was also a previously undeveloped site although there was an historic baseball field located there. Ms. Trueblood stated the original report which she had received a copy of in September contained all kinds of misleading insinuations and poor information about the HDC being responsible for many of the problems he had outlined. She said she had responded by correcting the assumptions and explained that the HDC had held many meetings which he had chosen not to attend, that the HDC had not been provided any contrary evidence to the stated report by the applicant that the archeological study had discovered a kiln site and the parking lot layout had been changed to accommodate the preservation of the site.

Ms. Trueblood said there was a lot of information not factual about the process, but she believed some of that had been corrected. She said the HDC had Design Guidelines for archeological features, although it was difficult to protect unknown archeological features. Ms. Trueblood said at this point the Town Board was considering trying to make unknown archeological features known by having some surveying done in specific locations that would have been high candidates for archeological information, for instance along the river or along original road beds. She said the Town Board would be considering the economic impacts of having some type of ordinance that would require a Phase 1 archeological study on those undeveloped sites.

Ms. Trueblood said it was her feeling that the HDC had what it needed to protect archeological features within the historic district; it was Tom Magnuson's feeling that the HDC had not done a good enough job in the past of requiring property owners and applicants to prove that archeological features had been considered in new development.

Mr. Bell said the one practical thing that had come out of that meeting was that the Town Board had said they would take seriously special consideration for when the Town was doing a building project, such as sidewalk maintenance, to have a checklist or some kind of mechanism so that they did not inadvertently rip up evidence of such things as old curb stones like the ones on King Street that were hundreds of years old. He said the feeling was they could at least prevent themselves from ruining something of archeological significance. Ms. Trueblood said that was practical but it was also already a policy. She said Public Works was aware of where such features were located; that they mowed around them and avoided them.

Ms. Trueblood said the Town could develop a checklist as was mentioned which might make Mr. Magnuson feel better, but what he was really asking for was a higher level of commitment to protecting archeological resources, meaning some type of Phase 1 or Phase 2 archeological study for commercial or multi-family development which would require a new ordinance. She reiterated that she believed the HDC already had the necessary tools, but they may want to review those tools to remind themselves that part of their authority was to protect archeological resources.

ITEM #11: Adjourn.

Mr. Bell moved to adjourn the meeting at 9:27 p.m., seconded by Mr. Rhoades. The vote was unanimous.

Respectfully submitted,

Stephanie Trueblood, Secretary