

MINUTES
HISTORIC DISTRICT COMMISSION

Wednesday, July 2, 2008

7:00 pm, Town Barn

MEMBERS PRESENT: Chair Jessica Dockery, Mark Bell, Joseph Council, and Holly Snyder.

MEMBERS ABSENT: Mark Rhoades, absence excused.

STAFF: Planner Stephanie Trueblood.

WITNESSES: Susan K. Bryant, Gail M. Hughes, and Don Cox.

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

Ms Dockery 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.

Ms. Dockery 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 June 4, 2008 meeting.

MOTION: Mr. Council moved to approve the minutes of June 4, 2008 as amended.

SECOND: Mr. Bell.

VOTE: Unanimously approved.

ITEM # 5: Continuation of application for a Certificate of Appropriateness for Susan K. Bryant to construct an 8 x 12 Highwall Style outbuilding with wood siding and solid wood frame windows at 110 W. Orange St. (TMBL 4.19.A.16).

Ms. Dockery swore in Susan Bryant and Stephanie Trueblood. Ms. Trueblood stated that this application had been continued from the last meeting, noting that the applicant proposed to construct an 8 x 12 Highwall Style outbuilding with wood siding and solid wood frame windows. She provided some of the details of the proposal.

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 exterior color, J for proportion of windows and doors, K for general form and proportion, L for orientation, and M for scale. She said the

Design Guidelines that applied were New Construction of Outbuildings and Garages.

Ms. Trueblood stated that at the last meeting the Commission had some question regarding the orientation of the outbuilding, and noted that the structure was oriented with the doors to the side, as opposed to the front.

Ms. Dockery determined that none of the HDC members had a conflict of interest. She also determined that there were no members of the public present to speak for or against the application.

Ms. Snyder said her only question had been about the orientation, and that had now been answered.

Ms. Dockery stated that the diagram showed double windows and the double doors in the rear, but the photo showed double doors with flanking. Ms. Bryant stated the photo was provided by the company providing the building, noting you could place them however you choose. She said the diagram showed the correct placement of the windows and doors.

Ms. Snyder stated she believed that was a very fitting shed for the historic district, noting it appeared to be a better quality than many others.

MOTION: **Mr. Council** moved to find as fact that the Susan K. Bryant 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, J, K, L, and M, and the Design Guideline for New Construction of Outbuildings and Garages.

SECOND: **Ms. Snyder.**

VOTE: Unanimously approved.

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

SECOND: **Mr. Bell.**

VOTE: Unanimous.

ITEM # 6: **Application for a Certificate of Appropriateness for Orange County Soil and Water Department to install a wood information kiosk, a wood post and rail style fence, and a dog waste container at the eco conservation stream restoration site adjacent to the Justice Facility at 106 East Margaret Lane (TMBL 4.36.D.1).**

Ms. Dockery swore in Gail Hughes. Ms. Trueblood stated that the proposal was to install a wood information kiosk, a wood post and rail style fence, and a dog waste container at the eco conservation stream restoration site adjacent to the

Justice Facility. She said this site was the site of the new Public Market House in the open park area, and the applicant was proposing to build a rain garden where there was currently a culvert but that was not subject to review by this Commission. Ms. Trueblood stated that the Commission had been given a project narrative that explained the history of the project as well as all its elements, including the rain garden. She stated the applicant had provided GIS maps which indicated the area to be affected, as well as a site plan and specifications for the kiosk.

Ms. Trueblood stated that the Standards that applied were C for materials, O for appurtenant fixtures, and Q for walls and fences, and the Design Guidelines that applied were Fences and Walls.

Ms. Hughes stated they were using special grant money the County had received, and had already done the construction on the stream restoration site downtown. She said now that they were working on completing the Public Market House and the Justice Facility, they wanted to place a fence on the easement boundary as well as an educational kiosk that explained what a stream restoration site was and how it collected stormwater and treated that stormwater before it reached the Eno River. Ms. Hughes stated that they fully expected pets to frequent that area, and planned to set the dog waste container back at the edge of the woods along the trail area. She said the fencing would help delineate the conservation easement so that people could have that separation of the maintained area and natural wildlife area.

Ms. Hughes shared some information regarding rain gardens, providing a publication that explained how it treated stormwater. Ms. Trueblood added that Ms. Hughes had met on site with all the different agencies, including Parks and Recreation, Orange County and Public Works, who together were working on the design for that rain garden so that it worked with the Master Plan for the Public Market House.

Ms. Dockery determined that none of the HDC members had a conflict of interest. She also determined that there were no members of the public present to speak for or against the application.

MOTION: **Mr. Council** moved to find as fact that the Orange County Soil and Water Department 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, O, and Q, and the Design Guideline for Fences and Walls.

SECOND: **Ms. Snyder.**
VOTE: Unanimously approved.

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

SECOND: **Mr. Snyder.**

VOTE: Unanimous.

Don Cox, a Soil and Water District Supervisor in Orange County as well as a representative for the Piedmont area on the State Commission for Soil and Water, stated that the rain garden was one of the practices in a new State-wide program called the Community Conservation Assistance Program. He said that program was aimed at addressing the clean water issues, and much of it was aimed at restoring some of the groundwater recharge conditions in naturalized areas and capturing stormwater. Mr. Cox said he wanted to make sure this Commission was familiar with those practices, noting they were cost-sharing up to 75% of the costs to an individual landowner. He stated they would be expanding that program in the coming years, which would include closing abandoned wells which were a conduit for groundwater contamination.

ITEM # 7: Massing and Scale Guidelines update: PowerPoint presentation of SVR findings.

Ms. Trueblood stated that she and the intern had prepared a PowerPoint presentation on the Massing and Scale Guidelines update, but first wanted to explain what they needed back from the Commission tonight. She said they would explain what they had found in terms of the existing massing and scale, and at the end of the presentation they would look at the Guidelines that addressed massing and scale. Ms. Trueblood said what they wanted after that presentation was what the Commission wanted staff to do over the course of the next month in order to come back with some finalized recommendations for changes.

Ms. Trueblood provided the following update:

- They had identified property owners who allowed them to access their property.
- They had obtained lot length and width from GIS and survey data. Maximum building height in the district was 45 feet, and that would allow you to calculate lot volume. Using house width, house length and house height they had determined the angle of elevation.
- They used two house heights since the numbers were estimated, and from that got House Volume 1 and House Volume 2. If you divided house volume by lot volume you got site volume ratio. What you would then see was the percent of the lot built upon.
- They had found that the district had everything from 2% to 20% of the buildable lot, and then displayed slides that showed what 2% looked like from plan view, elevation view, and side view of buildable area, as well as 5%, 10%, 15%, and 20% of buildable area.
- That was what they now had to guide them in terms of new construction of primary buildings. Quoting Guidelines 1 and 6, Ms. Trueblood said the difficulty came in when you had no surrounding buildings that contributed

to the historic character of the district to compare the new construction to. Another difficulty was when the new construction was in an area that had one contributing house that was massive and one contributing house that was small.

- Regarding additions to primary structures, similar difficulty would be encountered although the language in the Guidelines was not as subjective.
- The measurements did not take into account all the different types of roof forms, noting they were rough estimates and there was a large margin for error. However, the rough estimates were done across the board, so even if the numbers changed somewhat the ratio should be similar.
- Choices to consider were to write a new massing and scale guideline, amend the ones already in place, add to the ones already in place, or rely on the ones already in place knowing what they knew now.
- The Commission had what it needed in order to approve or deny applications based on appropriate and inappropriate massing. It was harder to expect applicants to understand the subjective elements of those Guidelines.

Mr. Council said his concern was when applicants came before them who had a very large financial interest in building a project, and who had a very large financial interest in not understanding the Commission's subjective criteria and the way they were explained. He said he would like to see that study translated into some way of explaining to an applicant that if you lived between a very massive structure and a very minimal structure, that some blending between the two would be necessary. Ms. Trueblood stated that was where the ratio came into play, noting the average in the district fell between 5% and 12% site volume ratio. She asked if the Commission wanted a guideline that limited people to that middle site volume ratio, did they want a handout for applicants on massing, or did they want to amend what they already had to reflect site volume ratio.

Mr. Council said he would like to see something that provided a range, such as 2% to 15%, but noting that 80% of the structures in the historic district fell between 5% and 12%. Ms. Trueblood said she could not say that because they really did not know if those numbers held up across the district. She said she could say that from the 40 that were surveyed, that was the average.

Mr. Bell said when they were looking at potentially large additions or new construction it would be helpful to contextualize the massing and scale with this information. He said it would be difficult to ask an applicant to gain permission to measure the lots and structures in the surrounding area of their project. Mr. Bell said he did believe that having that formula and methodology would be very helpful.

Ms. Snyder stated it would be helpful to the Commission to have the ratios of applications already considered so that they could have a better idea of the

massing and scale. Ms. Trueblood said she did not believe the Commission wanted to be put in a position that if an applicant came in at 15% but the Commission believed it still was inappropriate that they felt stuck with having to approve it. Ms. Snyder agreed she did not want the Commission to be trapped in that way, although it would be helpful to have the percentages. She said she would support the idea of a handout, or friendly newsletter, for applicants that indicated the information gained from the 40 houses surveyed and stating the Commission believed that was fairly representative of the district. Ms. Snyder said in addition to that, she would like to see the handout/newsletter adopted into the Standards so that the Commission could refer to it when making decisions.

Ms. Dockery asked was there a way to include just a sentence that essentially did the same thing, which said that things were to be built to match the average massing. Ms. Trueblood stated that could only be done if the Commission voted to amend the Guidelines. She noted that the Guidelines amendment was going forward at the next public hearing to make them a part of the interpretation of the Standards, and once that was done they would be legally binding and could not be amended without going back through the public hearing process. But, she said, until that time the Commission could amend the Guidelines by a majority vote of the quorum present, which tonight would be three votes. Mr. Council said if they were going to use those ratios, then it should be a part of the binding language in the Guidelines.

Ms. Dockery said she was leery about doing that, because it was only a portion of the district that was being looked at. She asked what if they had missed something in the survey of the 40 houses that would affect the determinations dramatically. Ms. Trueblood stated she believed that if they did develop a paper that explained the study, that the Commission could refer to that paper in its deliberations to help inform the subjectivity in Guideline 6 regarding primary buildings and massing that was to be compatible with surrounding buildings. She said the Commission would still base its decision on the Guidelines and Standards as opposed to site volume ratio.

Mr. Council stated that would go along with his thinking, noting he was afraid that someone would come up with something that could land the Commission in court defending its decision. Ms. Trueblood stated that there was no absolute way to keep themselves out of court, but believed it may be better in the long run to refer to that information as a study, but not necessarily have it as part of the Guidelines and Standards.

Mr. Bell suggested modifying Guideline 6 to say “compatible in height, roof form, scale, volume site ratio, massing, materials...” Ms. Trueblood stated that could be done, but she would need to know what site volume ratio was appropriate in the district, since they had everything from 2% to 20%, and that was only in the 40 structures they had studied. Mr. Bell said it was not the district, it was the structures immediately surrounding a structure. He said it

needed to be contextual in massing, but then you got into the problem of who would do the measuring.

Ms. Dockery stated she believed the language they now had covered them quite well, and that the study just put things into a better perspective. She said they could have a handout that provided the results of the study so that applicants could have the perspective as well. Ms. Dockery stated she was very leery of putting down numbers that would allow applicants to go to the full extent allowable. She said because the numbers were so subjective, she was not comfortable making them legally binding. Ms. Dockery stated the study was relatively informal but very useful for the Commission. She said she was inclined to agree that 5% to 12% would be the ratios the Commission would want to aim for, but again that may change by neighborhood in that they may want to go below 5% or even above 12%.

Mr. Council stated what they were now using was good, but legally he did not believe it was good enough. Ms. Trueblood stated it did give the Commission the power to make decisions based on more than just a simple calculation. Ms. Dockery agreed that on the whole the Guidelines were very good. Ms. Trueblood said there was nothing to prevent the Commission from asking an applicant to provide the site volume ratio since they now knew that 5% to 15% was a general range, even if it was used only for general information.

Ms. Trueblood offered to write up the findings in a Memo that could be reviewed by the Commission.

ITEM # 8: Commission and Staff Updates.

Ms. Trueblood stated that the Clock Committee had now decided not to pursue lighting. Mr. Bell stated that the funding for the project was denied, so the Committee was now trying to decide whether to pursue it and try for funding at a later time.

Ms. Trueblood introduced Dorothy McCoy, who was a new resident of Hillsborough and lived on the corner of Riley and Eno Streets. She said Ms. McCoy was interested in serving on the HDC, and had attended tonight's meeting for information purposes.

ITEM # 9: Adjourn.

Ms. Dockery moved to adjourn the meeting at 7:54 p.m., seconded by Mr. Council. The vote was unanimous.

Respectfully submitted,

Stephanie Trueblood, Secretary