

Minutes
HISTORIC DISTRICT COMMISSION
Wednesday, June 27, 2007, at 7:00 PM

MEMBERS PRESENT: Chair Jessica Dockery, John MacAulay, Will Moye, Mark Rhoades, Holly Snyder, and Suzanne Vergara.

ABSENT: Vice Chair Max Preston.

STAFF: Stephanie Trueblood.

WITNESSES: Sam Weir, Sharon Weir, Roger Parsells, Edward Wegleituer, Bill Howell, James Boericke, David Roberts, Patrick Long, John Williams, Allan Logan, and Lauren Logan.

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

Ms. Dockery called the meeting to order at 7:04 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: Application for a Certificate of Appropriateness for Matt Carroll to replace existing 71' of 4' picket style fencing with 6' wood privacy fencing along the east property line at 319 West Margaret Lane (4.35.F.8)

Ms. Trueblood announced that the applicant, Matt Carroll, was unable to attend tonight's meeting, and would be agreeable to extending this application to another meeting if necessary but that the HDC could move forward with the review if they so chose.

Ms. Vergara said that neighbors of Mr. Carroll were present to ask questions of Mr. Carroll about the application. Mr. MacAulay said this was not the forum for neighbors to question neighbors; it was a forum where the applicant presented evidence, as did the neighbors, and then the HDC decided the relevance of that evidence. Ms. Trueblood said she would try to answer any questions from the neighbors, and if there were any she could not answer then the HDC could decide to extend this application to another meeting where Mr. Carroll could be present.

Ms. Dockery swore in Stephanie Trueblood. Ms. Trueblood stated that the applicant was proposing to replace 71' of an existing 4' picket style fence with a 6' wood privacy fence along the east property line. She said the applicant's intent was to provide more privacy for an existing screened porch.

Ms. Trueblood said the fence was not entirely visible from the road because it ran perpendicular and started back 37 feet from the road. She said that Mr. Carroll had indicated his eventual long-range plan was to replace all of the fencing on the property.

Ms. Dockery swore in Sam Weir. Mr. Weir, a neighbor of the property, stated he believed the fence was actually closer than 37 feet to the road, at about 22 feet. He said whether or not the fence was visible from the road was questionable, since the fence was closer to the road than stated, and the new portion of the fence was farther north than the existing fence.

Mr. MacAulay asked why the fence being at 22 feet from the road was a concern. Mr. Weir responded the point was made in the application that the fence would not be very visible from the road, and he believed it would be since it would be at 22 feet rather than 37 feet back from the road.

Mr. MacAulay said when he had looked at the property; the fence in that location appeared to be in disrepair. Mr. Weir agreed the existing fence was in relative disrepair. Mr. MacAulay said he did not understand why Mr. Weir was concerned about replacing that section of fence. Mr. Weir said from the diagram, it appeared that Mr. Carroll was extending the new fence further north.

Ms. Trueblood said for clarification, it was her understanding that Mr. Carroll was proposing to replace existing fence, starting 37 feet back from the road, and then continuing it down the property line for 71 feet. She said if the HDC approved that, then that was all that Mr. Carroll would be allowed to do, meaning he could not bring it any closer to the road than 37 feet. Mr. MacAulay noted that the 37 feet may be the measurement from the centerline of the street.

Ms. Dockery swore in Sharon Weir. Ms. Weir clarified that if the existing fence happened to actually be on their property, by the time the new fence went in it would have to be on Mr. Carroll's property. Ms. Trueblood responded that was a zoning issue, and the next stage of this application was to apply for a zoning permit for the fence, and those regulations would require that it be on the zero lot line or closer to Mr. Carroll's property. She said that would mean that the new fence would have to be completely on Mr. Carroll's property, which would be confirmed by the Zoning Officer.

MOTION: **Mr. MacAulay** moved to find as fact that the Matt Carroll 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 and Q, and Design Guidelines for Fences and Walls.

SECOND: **Mr. Moyer.**

VOTE: Unanimously approved.

MOTION: **Mr. MacAulay** moved to approve the application with the conditions that the applicant may only replace the existing fencing on the north/south property line for 71 feet.

SECOND: **Mr. Moye.**
VOTE: Unanimously approved.

ITEM #5: Application for a Certificate of Appropriateness for Roger Parsells to hang a 9 SF painted wooden sign from metal rods on the front porch at 121 West Margaret Lane (4.36.E.9)

Ms. Dockery swore in Roger Parsells. Ms. Trueblood provided some details regarding the building, stating it dated to 1931 according to the architectural inventory. She said the applicant was proposing to hang a 9 SF painted wooden sign from metal rods on the right side of the front porch. Ms. Trueblood stated the sign occupied less than 3% of the building façade and therefore met zoning ordinance requirements. She said the allowable square footage for signage on this building was 16.2 square feet, so an additional 7 square feet of sign area was available for another tenant. Ms. Trueblood provided photos of the building and the proposed sign and rods.

Ms. Trueblood noted that the Standards that applied were C for materials and O for appurtenant features, and the Design Guidelines that applied were for Signage.

Mr. MacAulay said the Guidelines suggested that introducing new signage be done without diminishing the character of the building. He said he believed hanging that sign in front of a window violated the criteria. Mr. MacAulay said he believed it disrupted the architectural character of the building. Mr. Parsells said he was willing to move the sign to the center of the building and flat against the wall, but that might conflict with another tenant. Mr. MacAulay noted that was an issue between Mr. Parsells and his landlord.

Mr. Moye said he had no problem with the proposal as submitted, since the sign would be hanging about 6 feet away from the window. He said if the sign were moved as Mr. MacAulay suggested, it would have to be a much smaller sign and would not give Mr. Parsells the visibility he would like. Mr. MacAulay said another option would be a sign post out front. Ms. Trueblood commented that would be considered a monument sign rather than a wall sign and additional square footage would be allowed.

Ms. Vergara stated she had no problem with the sign as proposed. Ms. Snyder agreed.

Mr. MacAulay pointed out the Guidelines spoke about introducing new signage regardless of the type, and that the Guidelines did not refer to whether or not a sign was painted. Ms. Vergara said the sign was not totally obscuring a window, and not totally blocking out that section of the porch.

Ms. Dockery agreed, noting she believed that was the best placement for the sign.

MOTION: **Mr. Moye** moved to find as fact that the Roger Parsells 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 and O, and Design Guidelines for Signage.

SECOND: Ms. Vergara.

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

MOTION: Mr. Moye moved to approve the application as submitted.

SECOND: Ms. Vergara.

VOTE: The vote was 5-1, with Mr. MacAulay voting May.

ITEM #6: Application for a Certificate of Appropriateness for the Town of Hillsborough to add wood picket style handrails to either side of the footbridge and extend the split rail fence and add a gate along the West King Street frontage at Turnip Patch Park, 333 West King Street (4.35.C.1)

Ms. Trueblood acknowledged that she would be responding to questions on behalf of the Town for the two Town of Hillsborough applications. She said the lot was currently undeveloped but currently held a neighborhood park and a play structure. Ms. Trueblood said upon a recommendation from the Parks and Recreation Board, the Town was proposing to extend the split rail fence and add a gate along the north property line on West King Street. She said the intent of the fence was to slow children who were running up the path toward King Street. Ms. Trueblood said the fence would be an extension of the existing wood split rail fence located on the corner.

Ms. Trueblood said the second part of the application as to add wood picket-style handrails to either side of the path leading from the footbridge, which were required by Building Inspections as a safety feature because of the change in grade. She said the Standards that applied were C for materials and Q for walls, and the Design Guidelines that applied were Fences and Walls.

Ms. MacAulay asked how the bridge was approved without the required handrails. Ms. Trueblood said originally in the Master Plan it was not known that the grade change would be so steep.

MOTION: Mr. MacAulay moved to find as fact that the Town of Hillsborough 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 and O, and Design Guidelines for Fences and Walls.

SECOND: Mr. Moye.

VOTE: Unanimously approved.

MOTION: Mr. MacAulay moved to approve the application as submitted.

SECOND: Mr. Moye.

VOTE: Unanimously approved.

ITEM #7: Application for a Certificate of Appropriateness for the Town of Hillsborough to install a transit stop that includes a metal bench and metal trash can at 127 North Churton Street (4.30.A.1)

Ms. Trueblood said this application at 127 North Churton Street was the Town's Police Station. She said the Town was proposing to add a metal bench and trash can to the existing transit stop. Ms. Trueblood said until the Streetscape plan was funded and implemented, these items would be considered relatively temporary additions. She noted that the Standards that applied were C for materials, D for texture and S for pedestrian scale.

MOTION: **Ms. Dockery** moved to find as fact that the Town of Hillsborough 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 and S.

SECOND: **Mr. MacAulay.**

VOTE: Unanimously approved.

MOTION: **Ms. Dockery** moved to approve the application with the condition that the base pad must be brick to match plaza, but concrete may be used just to anchor it if necessary.

SECOND: **Mr. MacAulay.**

VOTE: Unanimously approved.

ITEM #8: Application for a Certificate of Appropriateness for Security Vault Works to install a red ATM machine at Bank of America, 113 North Churton Street (4.30.A.5)

Ms. Dockery swore in Edwin Wegleituer and Bill Howell, with Bank of America. Ms. Trueblood provided background on the building and its previous uses. She said the proposal was to keep a previously-installed red ATM machine, which was originally approved to be champagne in color. Ms. Trueblood said the Standards that applied were I for exterior color, and the Guidelines that applied were Paint and Exterior Color.

Ms. Trueblood noted that the HDC in 2005 had approved the bronze ATM.

Mr. Wegleituer stated that Bank of America was going through a nationwide refresh of its ATM network, and as a result of that improvement in technology they were enhancing their brand as well. He apologized to the HDC for failing to follow the correct protocol, adding their preference would be to allow the red ATM to remain.

Mr. MacAulay confirmed that nationwide the red ATM would be the characteristic color. Mr. Wegleituer said that was correct. Mr. MacAulay said this was similar to the issue with Cardinal Bank and its red awning.

Ms. Dockery asked if there were any other color options that could be considered. Mr. Wegleituer stated there was a champagne color, but obviously the red was their strong preference.

Mr. Rhoades said the red was a bold color and somewhat disruptive to the frontage along Churton Street.

Ms. Snyder said the color was jarring, especially compared to what had been approved. She stated it seemed inappropriate to other features along the street.

Mr. Moye said red was not a predominant color in that area, and he believed based on the Standards that red did not comply.

Ms. Vergara agreed, noting that the red was inappropriate to the historic district especially on a white building. She said the HDC had approved the bronze/champagne color, and that although Security Vault Works noted in the application they were not aware that this was in the historic district, it had been made plain in 2005 that it was in the historic district and that Security Vault Works was aware of that when they originally applied for a COA. Ms. Vergara said for those reasons, she was opposed to the red.

Mr. MacAulay agreed that the red color was inappropriate.

Ms. Dockery swore in James Boericke. Mr. Boericke agreed the red ATM was not appropriate, adding it was effectively a sign, was lighted, and would be distracting during the nighttime hours. He said the champagne color would be more acceptable.

Mr. Wegleituer stated that the color red was used at the Cardinal State Bank as well as some sidewalk umbrellas. He said they understood that the red stood out against the white of the building, but believed that red was a color used in the downtown district.

Mr. MacAulay said that ATM was the only one in that area, and it was convenient to have it. He said he would like the bank to keep it visible.

MOTION: Ms. Vergara moved to find as fact that the Security Vault Works application is not 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 I and Design Guidelines for Paint and Exterior Color.

SECOND: Mr. Moye.

VOTE: Unanimously approved.

MOTION: Ms. Dockery moved to deny the application with the condition that the applicant may install the previously approved champagne-colored ATM machine.

SECOND: Mr. Rhoades.

VOTE: Unanimously approved.

ITEM #9: Application for a Certificate of Appropriateness for David Roberts to replace the existing front porch posts with wood square-tapered posts and replace the glass front door with a solid wood door at 131 West Queen Street (4.31.A.3)

Ms. Dockery swore in David Roberts and Patrick Long. Ms. Trueblood described the current structure, noting that the applicant was proposing to replace the existing front

porch square posts with wood square-tapered posts that were more historically appropriate to the bungalow style. She said the applicant was also proposing to replace the glass-paned front door with a solid wood door.

Ms. Trueblood submitted evidence that showed existing doors with sidelights from around the district, and replacement solid wood doors from around the district. She said the applicant had been told that the stone steps on the side of the porch needed handrails in order to meet Building Code, and the applicant was proposing to use thin iron railing similar to that used at the Methodist Church on West Tryon Street. Ms. Trueblood said that handrails were on the new Minor Works list and could be approved by staff.

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

Ms. Snyder asked about the replacement door. Mr. Roberts noted it would be a reclaimed door with wood paneling. He said they wanted the option to have panes similar to the sidelights across the top if they were unable to find the right recycled solid door. Ms. Snyder asked had they considered another paned door similar to what was there now. Mr. Roberts said they had not considered all glass because he wanted a more safe and secure door for his family.

Ms. Snyder suggested that if the door were paneled that it matches the sidelights. Mr. Roberts said it was difficult to find a 12-paneled door. Ms. Snyder suggested a 3/3 to match. Mr. Roberts said they wanted to make it compatible, but also safe and more energy efficient. He said if they were not able to find a recycled door, they would purchase a replacement door that was as close a match as possible.

Mr. Rhoades suggested that a clear glass outer storm door could be installed to help with energy efficiency. Mr. Roberts said a big concern with him was his children being able to get in and out of the house undetected, and also the possibility that they could break the glass and injure themselves.

Ms. Vergara said that bungalows tended to have glass in the doors, and the sidelights generally matched the doors. She said ideally a full-paned glass door that matched the sidelights was preferred.

Mr. Roberts asked if the HDC would prefer a six-paneled door over a solid door. There was general agreement from the Board.

Mr. MacAulay said one of the criteria the Board considered was consistency with the immediate vicinity, and there were a number of solid door houses in the vicinity. Ms. Trueblood noted there were replacement doors in the immediate vicinity, where the original glass doors had been replaced but that these were considered non-contributing.

Ms. Vergara stated that a six-paneled, half glass and half wood door would be a good compromise, as would a storm door as Mr. Rhoades suggested. She said she would

prefer the half wood, half glass door. Mr. Roberts said a six-paned door would make it more difficult to find a match to the sidelights.

Mr. Rhoades stated that what the applicant had proposed made sense. Ms. Vergara suggested that a nine-paned door would work as well.

Ms. Trueblood said her understanding was that the HDC wanted a door that had an upper glass area in which the panes aligned with the panes in the sidelights, which she said would be a nine-paned upper glass door with a solid wood bottom. The Board generally agreed with that assessment. Ms. Trueblood said the applicant had the option to reapply if he found a door that was more suitable to his needs but had a different configuration.

Regarding the wood square-tapered posts, Ms. Vergara said those that existed today were not typical of the bungalow style, and believed using the wood posts was a nice improvement and in keeping with the HDC's Guidelines. Ms. Snyder said she believed the posts would be a nice addition to the home. She suggested that the applicant use 2 3/4" bed mold for the base of the posts for more authenticity.

MOTION: **Mr. Moyer** moved to find as fact that the David Roberts 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 an F, and Design Guidelines for Wood, Windows and Doors, Porches, Entrances and Balconies.

SECOND: **Mr. MacAulay.**
VOTE: Unanimously approved.

MOTION: **Mr. Moyer** moved to approve the application as modified with the condition that the front door must be a nine-paned over solid wood with horizontal paneling on the bottom half and must align with the sidelights, and posts must have 2 3/4" bed mold at the base.

SECOND: **Mr. MacAulay.**
VOTE: Unanimously approved.

ITEM #10: Application for a Certificate of Appropriateness for John Williams to construct a new residence with a total of 3,417 square feet at 329 West Tryon Street, which is currently vacant (4.29.E.5)

Ms. Dockery swore in John Williams, Allan Logan, and Lauren Logan. Ms. Trueblood stated the applicant was proposing to construct a new residence with a total of 3,417 square feet at 329 West Tryon Street, which was currently vacant. She said the house would be two stories with a basement, and the lot was steeply sloped and vegetated. Ms. Trueblood said the exterior materials included Hardiplank siding, wood windows and doors, composition fiberglass 30-year roof shingles, square tapered columns with wrought iron railings at the front porches, wood railing at the rear deck, and block foundation. She said the gravel driveway was proposed near the west property line, and an interlocking concrete retaining wall would be added on the east to protect the stream

buffer and reduce grading disturbances in order to preserve more of the existing trees. Ms. Trueblood stated some selective clearing was proposed to the rear of the house to provide for a backyard, but specimen trees as noted on the plans would be saved.

Ms. Trueblood said the Standards that applied were A – T, except for possibly archeological features. She said the Design Guidelines that applied were all guidelines for new construction, as well as site features and landscaping.

Ms. Trueblood displayed the site plans provided by the architect, pointing out the property lines, topographical features, existing vegetation, and the location of the house. She said a tree survey had also been submitted of trees over 12 inches in diameter, and pointed out the five trees on the survey that were proposed for removal in order to construct the house.

Mr. MacAulay asked if Mr. Williams was planning on leaving a cluster of trees on the property. Mr. Williams responded that due to the topography, they would need to remove anything not on the road embankment itself because of the fill material necessary to bring the driveway up so it could be used. He said anything not taken down would likely die.

Ms. Trueblood called attention to the elevation drawings, and pointed out particular features. She said the architect had also provided an artistic rendering of the view from above and slightly to the east, and pointed out the stream and the “no development” line of the stream buffer. Ms. Trueblood said from that point over it was being left in its natural state with no tree removal.

Ms. Trueblood said the applicant had also provided a drawing that showed where the existing tree height was located to show what portion of the house would be hidden by that canopy. She also displayed a drawing of the proposed retaining wall, the driveway, and the location of the 14” and 18” trees. Ms. Trueblood said the majority of the house would have 6/6 wood frame windows, the front door would be all glass, and solid wood doors on the side and rear.

Ms. Dockery said she had a concern regarding the chimney, and asked if it was a gas fireplace. She said siding on the chimney was not usual in the historic district, noting it should be brick or stone. Mr. Logan said there was siding on the house and asked if stucco was an option.

Mr. MacAulay said there were no stucco chimneys in the vicinity. Mr. Logan said they were willing to do brick, but had wanted other options.

Ms. Snyder noted that they could change the floor plan to include an interior chimney, with brick only required in the very back of the chimney.

Ms. Dockery stated that the new policy of the HDC was to require wood trim with Hardiplank siding, because Hardiplank trim tended to be more brittle. Mr. Williams said they had been using a product called Miratec, which was a wood-like composite

product made to look like wood without the harsh grain. He said they would prefer to use that because it could be milled to give it more character.

Mr. MacAulay asked if they were proposing using Miratec instead of Hardieplank. Mr. Williams said that was correct, but just for the trim. He added that Miratec was a wood-based product.

Mr. Rhoades said if Miratec was a wood composite, then perhaps the HDC should consider it. Mr. Williams said he had just completed a facility in colonial Williamsburg, and Miratec was allowed in that historic area.

Mr. MacAulay said there was a cluster of trees on this site that were 6" or more in diameter, and asked why they were proposed to be removed. Mr. Williams said as they filled in that area to bring the driveway up, the root bases would be disturbed and it would make it difficult for them to survive. He said they would make every effort to preserve the larger tree in that area. Ms. MacAulay said the Guidelines required that trees be protected and preserved during construction, and stated that the plan to do that should be a part of the application. Mr. Williams said they would be saving as many trees as possible, and would be limiting the clearing at the back of the property to provide a 100-foot buffer between that property and the next house over.

Mr. MacAulay read the Guideline pertaining to the preservation of trees. He said the applicant was required to protect and preserve mature trees. Mr. MacAulay said it was understandable that they would want to remove a tree out of the driveway, but that was not consistent with the Guideline to jeopardize a mature tree. He wondered if the two Sycamores were being jeopardized as well with the current fill plan, adding the applicant was not allowed to jeopardize those trees. Mr. MacAulay suggested that the applicant speak with an arborist to develop a plan to preserve those significant trees.

Mr. Williams said the main problem was actually getting off the road and onto the site. He said there would have to be a significant amount of fill, possibly 8 feet or more, to accomplish that.

Mr. Moyer said the fact was that the compatibility required for the preservation of the trees and the topography of the lot was irrelevant, noting it would be difficult to make it comply with the Guidelines.

Mr. Rhoades said possibly that tree was one that could not be saved, just like the trees where the house would be constructed. Mr. MacAulay said the applicant had chosen to place the house there which necessitated the removal of the trees, but in this case they had chosen to have a grassy lawn out front.

Ms. Logan stated the grassy fill was not the challenge, noting it was the access to the house they were trying to achieve. She said they could not have a large hole in the front yard. Mr. MacAulay asked why not, noting it could be a beautiful natural area just as other homes had in Hillsborough. He said they could think about putting in a retaining wall to support that natural area and still save the trees.

Ms. Vergara asked if a straight driveway rather than a circular driveway would be an option, even though it would leave them with a steep front yard. Mr. Logan said it would not work for access to the front of the house, noting that fill would have to be brought in regardless.

Mr. MacAulay stated that bringing in fill would harm the Sycamores, noting that they arched out over the street and matched the trees coming from the other side, and they provided a canopy that contributed to the character of the historic district.

Ms. Vergara said what they were talking about here was leveling the front yard, and it did not have to be leveled to get to the house. She said they could have more stairs and a higher foundation, requiring less fill and less threat to the trees.

Ms. Snyder said it was very important to save the Sycamore trees. She said they added a lot to the streetscape, and did not believe the HDC was responsible for figuring out how to do that.

Looking at the other criteria, Mr. MacAulay said he believed the applicant had done a nice job of complying with those. He said one of the criteria was in regard to fixtures and lighting and did not see that on the plan, and given that they were not far from their neighbors on the right believed it was important that the HDC reviewed a lighting plan. Mr. Williams said they would be coming back with that.

Mr. MacAulay noted the HDC would like to see the landscaping proposal as well. He asked if there was some way to assure that this site did not contain features that they should be sensitive to when conducting excavation. Ms. Trueblood said the State archeological maps did not show this site as an archeological resource.

Ms. Dockery said she felt strongly that wood trim and fascia should be used, unless more information was obtained regarding Miratec to prove its acceptability. Mr. Williams confirmed that they would use 6 ½ inches exposed, smooth side out Hardiplank.

Ms. Vergara said she continued to have an issue with the chimney, as well as the use of wood for trim.

Mr. Moye said his concern was the landscaping, particularly with the 12"+ trees, and would like the applicant to come back with a landscape plan.

Ms. Snyder said her concern was that the hip roof was massive with only a one-foot overhang, and that was not what they were accustomed to seeing in the historic district.

Mr. Moye said for the driveway it appeared the HDC was willing to accept the removal of the trees. Otherwise, he said, he asked that the applicant seek a letter from a certified arborist that any plans for tree removal would be reviewed and that the arborist verify that the remaining trees identified on the plan would be protected and preserved.

Mr. MacAulay suggested that the letter of confidence be done by a Board-certified Master Arborist. Mr. Williams asked if a State-registered Landscape Architect was acceptable. Mr. MacAulay said he did not know if a Landscape Architect was necessarily knowledgeable about the impact on mature trees, but knew that a Master Arborist would be.

The HDC had a brief conversation regarding the use of a Board-certified arborist as opposed to a certified arborist, and whether or not it was an unnecessary expense for the homeowner. Ms. Trueblood commented that in the past, the HDC had required a certified arborist be used. Mr. MacAulay suggested that the HDC should raise that standard by requiring homeowners to use a Board-certified Master Arborist.

MOTION: **Mr. Moyer** moved to find as fact that the John Williams 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 standards of evaluation in Section 21.6.3 of the Zoning Ordinance, and adherence to Standards A-T as modified, and all Design Guidelines for new construction, site features, and landscaping, as modified.

SECOND: **Mr. Rhoades.**

VOTE: Unanimously approved.

MOTION: **Mr. Moyer** moved to approve the application with the condition that the applicant must provide a letter from a Board-certified Master Arborist stating that the trees shown as preserved on the plans will indeed be preserved/protected, that the trim and fascia will be wood, Hardieplank siding will be 6 ½" reveal smooth side out, the chimney will be brick veneer or solid brick, and the applicant will return to this Board with a lighting plan.

SECOND: **Mr. Rhoades.**

VOTE: Unanimously approved.

REMARKS RE

ITEM #4: Sam Weir stated that he had additional information to offer regarding Item #4, Application for a Certificate of Appropriateness for Matt Carroll to replace existing 71' of 4' picket style fencing with 6' wood privacy fencing along the east property line at 319 West Margaret Lane. He stated that the picket fence referred to as being in disrepair was actually the fence on his property, and wanted to make sure it was understood that if Mr. Carroll was replacing his fence, it would have to start farther from the road. Mr. Weir said if Mr. Carroll wanted to extend his fence so that it came up to his fence, then the wording of the approval would have to be modified. He wanted it made clear that the HDC was not granting Mr. Carroll permission to tear down his fence.

Ms. Dockery stated that the HDC's approval was to allow Mr. Carroll to replace his existing fence. Mr. Weir added he had gone home and measured the distance from the street, and that Mr. Carroll was correct that it was 37 feet.

ITEM #11: Continue discussion about establishing the “Character” of the Historic District.

Ms. Trueblood said that the Town Board had asked the HDC to better define the meaning of character in regards to the historic district. She said the HDC had an expertise and knowledge about the historic district that most people did not, including Town Board members. Ms. Trueblood said as the Town moved forward with the Zoning Ordinance rewrite, they wanted to determine how to better deal with infill in the historic district. She said the Town Board wanted information from the HDC to help them understand better just what the “character” of the historic district was, and what it was they were trying to preserve.

Ms. Trueblood said from her perspective there were two issues that stood out. First, she said, exterior materials from the period of significance were all natural materials. Secondly, she said, the historic district was mostly detached single family homes and residential districts, with very few multi-family homes. Ms. Trueblood said other than that, the only way she knew to tease out character was to use the headings of the Guidelines and identify their significance. She said from the HDC’s perspective, if they were going to start thinking about infill then what were the primary aspects that should stand out to guide the establishment of that character.

Ms. Vergara said the historic district was eclectic, with many different periods and styles of homes and most importantly homes of different sizes. She said the problem with infill and new houses, and the renovation of existing houses, was that everyone seemed to be moving towards larger homes. Ms. Vergara said that might eventually mean that only large houses were present and Hillsborough would lose that eclectic appearance of many different shapes and sizes of homes, which reflected various income levels and various trades and professions. She said she saw that as a major threat. Ms. Trueblood clarified that mass and scale, and the general size of new construction, was a threat. Ms. Vergara said that was correct.

Mr. MacAulay said he had difficulty accepting such generalizations, noting he lived in a home built in 1924 but had undergone a size increase of about 30% in 1970. He said the idea of houses growing in size was not unique to our time period, noting that shifting to a larger size was characteristic of the American way of life.

Ms. Trueblood noted that the Preservation ordinance was adopted in 1973, and at that time what was stated as being significant to preserve was the variety and eclectic mix of the district, such as Ms. Vergara had described. She said she believed Ms. Vergara was saying that the HDC should recognize that the eclectic mix that was worth preserving in 1973 was worth preserving today.

Mr. MacAulay said the question was how to define that in regards to massing and size. He asked if a quota needed to be set that allowed only a certain number of a particular size house. Ms. Trueblood responded no, that it was dealt with on a case-by-case basis in terms of massing and scale. Mr. MacAulay said it appeared Ms. Vergara was saying they had too many large houses.

Ms. Vergara said she was not saying they had too many, but was saying that the trend was that those who wanted to make renovations or build a new house wanted them to be much larger. She said if that trend was allowed to continue then school teachers and police and fire officers and others in that income bracket would be priced out of the district.

Ms. Trueblood said the Guidelines for massing and scale existed, and they allowed property owners to renovate or build larger houses but in a compatible way. She said she believed the Guidelines and the Standards were in place to allow such improvements to happen over time, but to also preserve the nature and character of Hillsborough. Ms. Trueblood said she did not believe that was a threat as long as the Guidelines and Standards were upheld. She stated that the conversation did not need to be about perceived problems, but rather about how they defined character and its significance to the Town Board and the public. Ms. Trueblood said it could be as simple as saying character was defined by massing and scale.

Mr. MacAulay stated that the Guidelines indicated that houses around a proposed development should be considered, and that in effect stopped the diversity because the proposed development would be “cookie-cut” based on what was around it. He said the process they were given to use impeded the diversity.

Ms. Snyder said they were losing contributing status with large renovations, and if those continued they would no longer have contributing houses. She said eventually those conditions would destroy the historic district.

Mr. MacAulay asked how many structures in the historic district were contributing. Ms. Trueblood responded about 200 out of 600 structures. Ms. MacAulay asked what was the date used to determine contributing. Ms. Trueblood said 1939, but there was one 1940 house. She said that was acceptable in 1973, but Hillsborough would not qualify under today’s standards, where a larger percentage of homes were expected to be contributing in a newly created National Register district.

Ms. Vergara said they should be striving not to lose any contributing homes by allowing renovations.

Ms. Dockery noted that in the staff report, there was no mention of streetscape in the first paragraph, and believed it should be included. She said streetscape contributed to the rhythm of the district, such as retaining walls, sidewalks, and trees, and that the streetscape on each street was different and followed different rhythms. Ms. Dockery suggested also that where the word “institutional” was used that it be “institutional/churches.” She suggested added a sentence under “Massing” that said the district tended to have similar massing in groups in certain areas or particular streets. Ms. Dockery explained that on particular streets, houses or buildings tended to be of similar height resulting in a rhythm, with only occasional breaks in that rhythm.

Ms. Dockery said regarding “Roofs,” in some instances roofs could be more charactering-defining, such as front gables. She said under “Porches,” bungalows had

wood square-tapered columns, and suggested adding a sentence about enclosed porches effectively removing those character-defining features.

Ms. Trueblood indicated the Planning Director had reviewed the report and noted it's length, but she was not sure how that could be done. She said the HDC's response to the Town Board would begin a process, and she was wary of offering a report that left anything out.

Mr. Moye suggested creating an Executive Summary. Ms. Dockery said that might be a good idea, but the entire report should be submitted as well. She said the details were important, regardless of how long the document was.

Mr. MacAulay said he had believed the actual question from the Town Board regarding the definition of character could be defined in a paragraph of two, and was very surprised to see the length of the report. He said he did not see the Town Board working at that level of detail. Ms. Trueblood said when she had attempted to summarize the details in a few paragraphs, whole sections had to be left out.

Ms. Dockery said what was important to include were porches, wood construction, the use of natural materials, gravel driveways rather than paved, and things of that nature. Ms. Trueblood said if she had to summarize the report, the use of natural materials in contributing houses was the most important. Other than that, she said, roof forms, mass and scale, and all the other Guidelines would be specific to an architectural style.

Ms. Dockery asked if the Town Board was seeking education, or were they looking for a quote. Ms. Trueblood said the Town Board wanted to consider the effects of infill in the District.

Mr. MacAulay said if the Town Board perceived that the Town needed high density housing in the future, then the HDC needed to get in step with that vision. Ms. Trueblood commented that this Board was concerned only with preservation as stated in its Mission Statement. She said protecting the character of the Historic District was of prime interest to the Town Board, which was why the request for help in establishing character was made.

Ms. Trueblood noted that on the Town Board's July public hearing agenda was an item to remove the density bonus allowance from the Zoning Ordinance. She said that density allowance would allow for someone to double the amount of homes or square footage allowed on a lot if they received the special exception from the Board of Adjustment. Ms. Trueblood said the ability to get around that zoning stipulation had caused an increase in higher density development all over the Town. She suggested that members of the HDC may want to be present to comment at that hearing.

Ms. Snyder said she believed this Board needed to make a strong statement to the Town Board regarding character, possibly moving outside its comfort level by addressing the hard questions, such as why a 20-unit complex was not appropriate in certain locations based on the Guidelines. Ms. Trueblood said she believed that was correct, explaining

in some instances the HDC was being forced to make decisions that should be made by the elected officials and the Planning Board.

Ms. Snyder said she believed the Town Board was looking for help in determining what would or would not be appropriate, and it was difficult for them to translate the Guidelines into a useable definition of character. Ms. Trueblood stated that definition would be determined by the task force once it began its work, adding someone from the HDC would be on that task force. She suggested that, for example, the HDC search for a more succinct way to say that multi-family units were unacceptable in the historic district, if that was what they believed.

Ms. Trueblood stated that from a preservation standpoint, most of the historic district was single-family homes and that needed to be emphasized to the Town Board. She said when multi-family developments were proposed, it quickly became obvious that it was uncharacteristic. Ms. Trueblood said what this Board needed to determine now was what was acceptable and what was not acceptable. She said the HDC would be meeting again on July 11, and suggested they bring additional comments and ideas to that meeting.

Mr. MacAulay said they had Guidelines that were focused on preservation of contributing homes, and he was concerned that they had 400 non-contributing houses that could be modified in one way or another. He said he believed the HDC needed to specifically and directly address what the criteria were that would be applied for non-contributing houses. Ms. Trueblood said that was one of the items on the to-do list that needed to be accomplished. She agreed there should be Guidelines specifically for non-contributing houses, but it was a matter of finding the time to develop it. Mr. MacAulay said he was suggesting that such guidelines should be included with the HDC's response to the Town Board regarding character. Ms. Trueblood stated that the precedent set by the HDC was that the Guidelines were applied to contributing and non-contributing houses, and that non-contributing houses were given slightly more flexibility.

Ms. Dockery said they needed to keep in mind that a home could go from non-contributing to contributing, and the more you allow a home to become non-contributing the less chance there would be for it to revert to contributing. Mr. MacAulay said that could only happen if the district were recertified by the National register, and because only one-third of the district was contributing that would never happen. Ms. Dockery stated the State Preservation Office believed it might be possible to be recertified sometime in the future.

Mr. MacAulay stated that the Guidelines said nothing about the future. Ms. Dockery said there was no point in preserving if you were not looking towards the future. She said that just because a house was non-contributing did not mean it did not add to the character of the district. Ms. Dockery said they did add to the character of the Town as a whole and they should be preserved.

Mr. MacAulay said the two issues were the historic character of the district, and the character of the Town as a whole. He said the question was if it was appropriate to hold those 400 non-contributing houses to the same level of rigor and detail that they hold the 200 contributing homes to.

Mr. Rhoades stated that non-contributing houses were allowed a few exceptions that gave them benefits that contributing homes did not have. He said non-contributing homes were definitely a part of the historic district. Ms. Trueblood said the Guidelines, which were written for contributing and non-contributing homes, was not only about the homes but also about protecting the character, meaning scale spacing, and landscape as well, which brought them back to the subject at hand. She said the HDC Guidelines were very specific about replacement of features in kind or moving back to the original materials, and that was applied to all houses in the historic district.

Conflict of Interest

A brief discussion ensued regarding conflict of interest and when and why a Board member might recuse him/herself from a vote. Ms. Trueblood offered a description of the different reasons why a Board member might be recused. The Board discussed a recent incident where the Board reviewed an application from a member of Mr. MacAulay's family, and whether or not Mr. MacAulay should have recused himself from the vote. Mr. Moyer commented that in that instance, he believed that Mr. MacAulay should have recused himself in order to protect the HDC's reputation from the appearance of conflict of interest.

Mr. MacAulay stated that he believed that was an attack on his integrity, and offered to step down from the Board. Mr. Rhoades said he did not believe they were attacking Mr. MacAulay's integrity. He said if any one of the Board members had a situation where a family member submitted an application or if it could be construed by the general public that there was a conflict of interest with an application, then that Board member should be recused for that particular application. Mr. Rhoades said it was a matter of the general perception of the credibility of the HDC, and nothing to do with Mr. MacAulay personally.

Mr. MacAulay said that this Board's credibility was maligned because its decisions were not explained or were unexplainable, or made no sense to the average person.

Mr. Moyer asked how Ms. Trueblood felt about this situation. Ms. Trueblood said she had talked with Mr. MacAulay before the application came before the HDC, and based on the legal requirements he was not required to recuse himself. She said the problem was with public perception, and if the Board's reputation could be enhanced by a recusal then it should be considered. She agreed that perception of conflict of interest could damage the Board's reputation in the community.

Mr. Moyer said as a public relations tool, perhaps the HDC should set up some sort of precedent that would state that if an HDC member had an immediate family member coming before it with an application, that the HDC member would recuse him/herself

from consideration of that application. Ms. Trueblood stated that the HDC had the power to request that any member on any application be recused, and that the member could request recusal for a stated reason.

Other

Mr. MacAulay distributed a document regarding the need for competent and technical review on tree issues. Ms. Trueblood suggested a six-month timeline to deal with this and several other issues before the Board.

Ms. Dockery said she believed the HDC needed to set up a training session outside of its regular meeting schedule to discuss issues such as conflict of interests.

Mr. MacAulay suggested that because there appeared to be a loophole in the Guidelines, that the issue of requiring a Board-certified arborist in regards to tree issues be placed high on the priority list for discussion. Ms. Trueblood said based on the Minor Works list, an applicant had to prove that a tree was damaged or deteriorated, so there really was no loophole. Mr. MacAulay disagreed.

ITEM #12: Adjourn.

Ms. Dockery adjourned the meeting at 10:40 p.m.

Respectfully submitted,

Stephanie Trueblood, Secretary