

**MINUTES**  
**HISTORIC DISTRICT COMMISSION**  
Wednesday, February 3, 2010  
7:00 pm, Town Barn

**MEMBERS PRESENT:** Chairman Mark Bell, Vice Chair Holly Snyder, Candice Cobb, David McCullough, Kenneth Trivette, and Zachary Vernon.

**STAFF:** Planner Stephanie Trueblood and Town Attorney Bob Hornik.

**GUESTS:** Max Preston, Davis Whitfield, Elizabeth Read, Martha Shannon, Wayne Trapp, David Ballard, Linda Schmidt, Linda Ostrand, Elaine Crovitz, Susanne Vergara, Gail Coley, Jim Boericke, Elizabeth Woodman, Maria Flanagan, Fred Stewart, Carolyn Conner, Robert Connor, Bill Whitmore, Elizabeth Davis, Cathleen Turner, Neil Stetzer, and Jim Davis.

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

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

**ITEM #3: Additions to the agenda and agenda adjustment.**

There were no additions or adjustments to the agenda.

Mr. Bell noted that there were an unusually large number of people who had signed up to speak on one or more of the applications, and asked that they keep their comments brief and that comments be directed towards the role of the HDC's Design Guidelines. Mr. Bell encouraged anyone who had not already done so to sign in if they wished to be recognized to speak.

**ITEM # 4:** Approval of minutes from the January 6, 2010 meeting.

Mr. Bell said on page 6, first paragraph, John Yuhasz should be Steve Yuhasz.

Ms. Cobb said on page 1 under Guests, Zach Reed should be Zach Read.

**MOTION:** **Mr. McCullough** moved to approve the minutes of January 6, 2010 as amended.

**SECOND:** **Ms. Cobb.**

**VOTE:** Unanimously approved.

**ITEM # 5: Continued application for the Orange County Arts Commission to install a 13' tall, 4' wide sculpture made of Cor-ten steel in front of the new library at 137 West Margaret Lane (TMBL 4.36.E.5).**

Mr. Bell swore in Max Preston, Davis Whitfield, Elizabeth Read, Martha Shannon, Wayne Trapp, Kathleen Turner, Linda Schmidt, Linda Ostrand, Elaine Crovitz, Susanne Vergara, Gail Cooley, Jim Boericke, Neil Stutzer, and Stephanie Trueblood.

Ms. Trueblood stated that this application had been continued from December and the proposal was to install a 13' tall, 4' wide sculpture made of Cor-ten steel in front of the new library in a landscaped bed. She said the standards that applied were A for height, B for setback, C for materials, D for texture, E for landscaping, F for architectural details, I for exterior color, K for general form and proportions, L for orientation, M for scale, N for proportion of façade, O for appurtenant fixtures, P for structural soundness, R for ground cover and paving, and S for maintenance of pedestrian scale. She said the Design Guidelines that applied were Site Features and Plantings, Walkways, Driveways, and Off-Street Parking, and Public Right-of-Way.

Ms. Trueblood said the materials included information from the previous meeting including a statement from the artist, Wayne Trapp, as well as some additional information regarding the sculpture and the artist, information about the material to be used for the actual sculpture as well as the base, and a site plan and elevation drawing that showed the sculpture in the environment with the landscaping. She said as a part of the application three boulder-sized rocks would be placed by the artist just to the east of the sculpture intended as possible seating areas, as well as additional information about the Orange County Commissioners' agreement for that particular piece of art being placed on that site.

Ms. Trueblood remarked that she had received two written statements from nearby property owners who were unable to attend tonight's hearing, noting that she would provide them to the Board but because there was no opportunity for cross-examination the Commission could not give them priority weight in making its decision. She said the first letter was from Susan Frankenburg, an adjacent property owner, who wrote that she had viewed the sketches and found the piece to be completely appropriate in materials placement and dimensions, and hoped that the HDC would approve the application using the guidelines in place for structures. Ms. Trueblood said she had also received an email from George Horton, the managing partner of the adjacent property with the parking deck to the rear. She said Mr. Horton indicated that he did not believe the rocks would add anything to the artwork but understood that that was not necessarily within the purview of the HDC. She said Mr. Horton wrote that he believed that additional landscaping material in place of the rocks would enhance the overall plan making it more pleasant, and had added he did not believe adults or children would sit on the rocks.

Mr. Bell pointed out for the record that he had served on the first version of the Public Arts Selection Committee but had not been involved in the current art being proposed with this application. He stated he did not feel that he had a conflict of interest but did have an understanding of the processes involved in making the selection.

Mr. Bell determined that no HDC members had a conflict of interest with the application. He also determined that there were members of the public present to speak on the application.

Town Attorney Bob Hornik reminded the Commission and the public that the Zoning Ordinance indicated what standards must be applied in judging applications, and the HDC's Design Guidelines helped them figure out how to meet the standards set out in Section 21.6.3 of the Zoning Ordinance. He said he wanted it understood that this was not a subjective process, but there were standards set out by the Zoning Ordinance that the HDC was charged with applying. Mr. Hornik said that the HDC would make its decision on the evidence that the public and others presented to them about the facts of the application and how it did or did not comply with the law. He said that information provided to the Board should be based on the standards that applied to the application and nothing else.

Wayne Trapp, the artist, stated he did not understand what was meant by "standards." Mr. Hornik explained that the HDC had to adhere to Section 26.1.3 of the Zoning Ordinance which contained items A through P, and those were the standards that the HDC had to apply to every application that came before them. He said those standards had to be satisfied by the applicant, and if that was achieved then the HDC would approve the application. Mr. Hornik said the purpose of tonight's hearing was to gather evidence so that the HDC could make a determination as to whether those standards had been satisfied.

Martha Shannon read into the record the response prepared by the Orange County Arts Commission. The response noted artist Wayne Trapp's expanded description of the sculpture and how it represented Hillsborough's character, and helped to integrate the historic building into a 21<sup>st</sup> century environment allowing the energy of the past to become a part of the energy of today's world.

Ms. Shannon also provided information obtained from the Visitor's Bureau, which noted they were seeing a marked increase in questions about Chapel Hill, Carrboro, and Hillsborough's arts and cultural venues including performing arts, visual arts, festivals, musicals, and theater. She said sporting events drew crowds, but as the population changed and as more visitors sought out the County, it was the arts that they were answering questions about.

Ms. Shannon said that the Arts Commission's \$10,000 contribution to the project was rolled over from last's year's budget, and although they could ask the County

Commissioners to roll it over into the new budget year, with today's tight financial situation there was no guarantee that request would be honored. She said in addition, the Hillsborough Tourism grant for this project must be spent by the end of June 2010 unless an extension could be obtained.

Ms. Shannon quoted from page 7 of the October 7, 2009 minutes: "Ms. Snyder asked Ms. Trueblood to reiterate how the HDC was to consider the sculpture. Ms. Trueblood said she had originally questioned if art should come before the HDC, and it was the Town Attorney's interpretation that a permanent installation of art in the historic district did in fact qualify as a structure." Ms. Shannon said on page 8 of those same minutes, Ms. Trueblood was quoted as saying that the HDC "has no guidelines specific to public art...". She said on page 22 of the December 2, 2009 minutes, Mr. Bell was quoted as saying that the HDC "...had no charge for public art." Ms. Shannon said on page 27 of those same minutes, Ms. Cobb was quoted as saying "...their [HDC's] guidelines were inadequate to address pieces of art."

Ms. Shannon said in fact, the HDC's guidelines were not written with art in mind, and it had been stated many times in the public record that the HDC's guidelines were inadequate to address works of art. Ms. Shannon said she believed the HDC had the option to choose to ignore their existing guidelines, and asked that the HDC consider that option tonight.

Wayne Trapp said he believed it was important that the HDC maintain its historic doctrine of the community. He said they were dealing with the continuum of time, and the proposed sculpture was made to fit a form for the new library and offered an uplifting feel of hope to those who might walk by and view it. Mr. Trapp provided photos of artwork made from various materials that would not work in front of that building to make that point.

Mr. Trapp said perhaps the HDC should consider amending its guidelines to include public art for the community. He said his experience for the last 40 years had been how did you judge a community's cultural integrity, and believed the answer was you judged it by public art. Mr. Trapp said if you walked through a community and there was nothing to make that statement other than a few galleries or restaurants, then it told the public that perhaps the majority of people read books. He said the purpose of his sculptures was to change that perception and provide cultural integrity for the community.

Mr. Vernon said in one of Mr. Trapp's initial letters to the Arts Commission he had talked about the fact that the sculpture was site specific, and asked how the proposed sculpture was conceptually relevant to the Town; that is, something that had to do with the character of the history or the socio-cultural integrity of the Town. Mr. Trapp asked how he would visualize that. Mr. Vernon said with anything, noting the previously proposed sculpture had not been approved for a variety of reasons, but it was very specific to the Town in terms of the history of

the mills and the river and the integration of those two things, as well as how the area became industrial because of those things. Mr. Trapp said he designed artwork for the moment as well as for the future, noting there were “no more heroes on horseback.” He said they were dealing with a time continuum and his agenda was not to visually offend anyone, but he could not image putting in a row of millstones because the community was already surrounded by that.

Mr. Vernon said the sculpture Mr. Trapp had placed in Atlanta had an obvious relevance to the area in which it was placed, and wondered how the proposed sculpture would be conceptually relevant to the new library and the Town. Mr. Trapp said he thought of the future more than the past, and in his opinion the proposed sculpture would be valid for the next hundred years as a sculptural form. He said it was a statement of forward thinking rather than capturing the past. Mr. Vernon asked what bearing it had on Hillsborough’s future. Mr. Trapp responded it was forward-looking and hopeful, and it was uplifting as a spirit and energy of optimism and as a collective cultural awareness. He said he was including some of the stones from the quarry in the rendering, and believed that was a linkage from the quarry to the future.

Elizabeth Read, Executive Director of the Alliance for Historic Hillsborough, urged the HDC to carefully consider the application based on the applicable standards including height, setback, materials, form, and proportions. She said despite not having complete guidelines for public art, she believed the project met applicable guidelines in terms of size, massing, setbacks, materials, and form. Ms. Read said the selection process for the site was a public process allowing aesthetic decisions to be made as a community before it came to the HDC. She said it was not the HDC’s job to determine if the selected art complied with the guidelines, nor to reselect the artwork based on likes or dislikes. Ms. Read asked the HDC to remember that it did not have to make the consideration that the piece represented all of Hillsborough as public art would continue to be introduced into the Town throughout the historic district. She asked that they please consider it for the new library site specifically.

Cathleen Turner, a former member and chair of the HDC, stated that the HDC’s guidelines were not meant to freeze the community in time but to protect the historic structures, sites, and landscapes that together created the character of the community. She said the desire to protect those cherished resources should not result necessarily in a rigid interpretation of the criteria of evaluation or the guidelines, but should protect and provide an avenue of continuous evolution within the context of the existing resources that they were protecting. Ms. Turner said the list of criteria of evaluation were flexible, and did not believe they were meant to be applied in every situation. She said she believed it would be easier to take an application like this one and weigh it against height, proportion, size, massing, scale, and material. Ms. Turner said all of that worked and believed the application did meet the criteria of evaluation that were relevant.

Ms. Turner noted there was already public art in the district, calling attention to the arch over the alley and even the bike racks that had been placed in the downtown. She said art was a part of the continuing organic evolution of the historic district, and she found the proposed sculpture to be very site specific in the way it fit visually, adding that where it fit historically in the context of the historic district was not necessarily relevant. Ms. Turner if you wanted to look at it that way, she saw the flow of history and the flow of the Eno, noting the curving and linear features found throughout the district. She said for instance, the front of the new library had a semi-circular entrance which also contained contemporary alloy and aluminum in the automatic doors which were not necessarily traditional in the district. Ms. Turner said they deserved a chance to put a stamp on their era and generation, and this was one of the ways to do that quite painlessly. She said they should celebrate that and the HDC should approve it as soon as possible.

Max Preston, a former member of the HDC, stated that Mr. Trapp had presented an image that was subject to someone looking at it and making determinations that were site specific. He said he believed the artwork was very site specific because it was an abstract that someone looking at it could then bring their own ideas to mind of what the specificity was. Mr. Preston said it seemed to him that the proposed sculpture had something for everyone, in that it could suggest the river and the historic crossroads that caused Hillsborough to be placed where it was. He said it suggested a mixing of yesterday and today, and believed that as others had said it was a symbol of freshness, a coming together, an eternal flame, and that libraries were uplifting and offered hope. Mr. Preston said he believed all of those things were very site specific.

Mr. Preston said he believed that the concept of “structure” was very difficult to define in the context of artwork. He said he had looked the term up in various dictionaries and had found a wide range of definitions, including that even human beings were structures. Mr. Preston said this sculpture as an art form and to him was much different than looking at houses. He said they also needed to think of the very history that the library had gone through, which did not include the Revolutionary or Civil Wars, noting that the very first library system in Hillsborough was 100 years ago and was located in the Session House of the Presbyterian Church. Mr. Preston said then around 1934 the building that was now the museum was the Confederate Memorial Library, which was not necessarily the history they wanted to move forward with in this sculpture. He said then in 1987 there was finally a library with its own space that was located in an abandoned elementary school. So, he said, how would you set up a sculpture using that type of history, noting he did not believe that was what they wanted to depict. Mr. Preston said what was much more relevant to him was that the Town finally had a library that was built specifically as a library.

Mr. Preston said to him, getting to a point where they could tell a message through an abstract sculpture seemed to be the ideal opportunity. He said the

purpose of abstract art was for the viewer to determine how they felt about the piece, and believed that was what they were dealing with in this case. Mr. Preston said an example of what he was talking about was at the New York Public Library which was very old and had two lions at the front entrance. He said you might ask what lions had to do with a library, and the answer was that those lions had now, over time, evolved into the logo for the library, and asked wasn't that what they were trying to do with this new structure. Mr. Preston said he would hope that they could come together and agree that the artist that was given the task of creating the sculpture had created a piece of art that would carry them into the future. He said he believed the artwork met the guidelines, in that it was appealing and it told its own story of where they were and where they ought to be going. Mr. Preston said he hoped that the HDC would approve the application, and suggested that perhaps the HDC would like to weigh in on the plaque which had been suggested to have a plastic front. He said he would like to see the plaque made more permanent, and the HDC could help do that.

Jim Boericke said the standards of evaluation in the ordinance applied well in this case, and believed that the proposed artwork met those standards particularly well. He said the height, the width, and the scale went particularly well with the building, and in fact improved the building because it sat in front of a vertical seam which it partially obscured. Mr. Boericke said it sat between the windows so its placement was very good, that the setback was good, and it was friendly to pedestrians and was out of the way in that you could see it but it did not obstruct vision or movement of people. He said the pictures provided by the artist indicated how well that "rusted" material looked against the brick of the library, and believed it should be approved.

Linda Ostrand said her family had moved to Hillsborough 3 years ago and had purchased a home in the historic district, and very much enjoyed the community, its people, and its history. She said they all had different ideas of what was acceptable or objectionable in the Town, but believed they were united in the fact that they all wanted what was best for the Town to not only maintain its integrity but to give it some step into the future so that others would be attracted to the community and would find it as appealing as they all did. Ms. Ostrand said that when renovating older homes some newness sometimes had to be included and considerations given to what was and what would be needed to make the home sound, historically significant, yet livable and important to those who would come in the future to maintain it. She said that was a lot of the way she saw the proposed art, noting it was important that they had a piece like that that could be authenticated by the artist. Ms. Ostrand said she agreed with what Mr. Trapp had said about the piece providing hope and openness and light, but more importantly it needed to be viewed by the people who came to live or visit here so that they made their own determinations and put their own intellectual thoughts to what the sculpture stood for and how it fit into their society.

Ms. Ostrand said that Hillsborough was a gem that needed to be maintained and its fragile differences protected, but it could not be overlooked that the Town would have a future and that they wanted others to come and appreciate it, maintain it, and improve upon it. She asked that the HDC approve the application, noting the sculpture was an important part of Hillsborough's current history and its future.

Suzanne Vergara, a former member of the HDC, said she understood that the guidelines were not written with art in mind so that made it difficult to evaluate this particular application. She said she believed that the size, scale, massing, materials, and form were appropriate to the library building and met the guidelines. Ms. Vergara said when she looked at the piece, she saw it as an inspirational piece and very uplifting, and libraries themselves were inspirational in that they helped peoples' minds to soar.

Elizabeth Woodman, after having been sworn, stated she was in favor of the proposed sculpture and believed that they had found the perfect piece of art for that area. She said she believed it was made of a wonderful material that blended beautifully with the palette of the building behind it, and that it was friendly and extremely appropriate for the site.

Mr. Trivette commented that during the previous discussion he had voiced objection because of the nature of the material not being appropriate and he had now reconsidered that. He said he now believed that the material would be entirely appropriate and would mirror many of the rusty red roofs in Town. Mr. Trivette said he had also objected because the HDC had rejected a prior submittal because it was too tall but it had been shorter than the current proposal, and he had some problems with the hypocrisy of that issue. He said subjectively, when he looked at the sculpture he saw a "cancer ribbon" painted pink. He said he had tried to see other images, but had not been successful.

Mr. McCullough said he believed the Cor-ten material was one of the great strengths of the sculpture. He said when they had discussed the artwork previously he had said he believed it met the guidelines, although he would be happier with it if it were less generic. Mr. McCullough added he believed the artwork was acceptable.

Mr. Bell said previously he had noted one reservation which was the material choice in that something that contrasted more with the brick would be more appropriate. He said he was now happy with the choice of material, and insofar as they could apply their existing guidelines he believed it was appropriate and in keeping. Mr. Bell said it was not overbearing in massing or scale, and appreciated how it obscured the vertical line of that otherwise long building. He said he especially liked that practically every part was curving, whereas everything else on the building except for the entrance was at right angles, so it provided a nice contrast to the overall structure.

Mr. Bell said in reflecting on the guidelines and some comments that were made previously, he found that the sculpture was also in keeping with the district because it was not obstructing any historic vistas or views. He said this was a new construction so it was not like they were putting in a sculpture that was attached to an historic structure, so in that regard it was not out of character with the district and was not disrupting anything that was historic and was in fact contributing to the building. Mr. Bell said he believed the sculpture added one more thing to help soften the façade of the building and even without the mature trees present it did a lot to contribute to the overall character of the building and how it was situated in the district.

Ms. Snyder said this process had been difficult for the HDC in trying to apply the standards and guidelines that were not written with public art in mind. She said had she known beforehand how this would go, she would have challenged the HDC's role in the process. Ms. Snyder said that many communities had boards that were set up specifically to review public art with their own set of guidelines for public art. She said the HDC had felt handicapped working with what they had, and had felt at odds in some ways in wanting to do one thing but not feeling that they were upholding what they were committed to do. Ms. Snyder said in regards to the guidelines, one of her concerns would be that if the HDC approved this application that it would then be assumed that the HDC would handle all applications for public art. She said she would not want to see that happen, because it had pitted groups against each other when it should not have and articles had appeared in the newspaper with misinformation. Ms. Snyder said she would hope that there would be more public art coming to Hillsborough, but that the HDC would not be put in this position again.

Ms. Snyder said she believed the Arts Council and the HDC should go to the Town Board and let them know the process had not worked well, because the HDC was not set up to consider such proposals and did not want to do it again. Ms. Trueblood remarked that the HDC could adopt new guidelines at any time, and whether or not a new board was formed in the future to oversee such applications the HDC had the ability to protect itself from this type of situation in the future by adopting design guidelines for public art. She said doing that did not have to be mandated by the Town Board in that the HDC already had that authority. Ms. Trueblood suggested that the HDC consider doing that so that they were not placed in a similar position in the future.

Mr. Bell said he had personally made an appeal for a separate public process for public art twice to the Town Board and again during the public comment period for the ordinance rewrite. He said a Public Arts Committee was a good idea and needed broader input than just the HDC.

Mr. Trivette said he agreed, but artwork was an architectural element and did not believe the HDC should give up on it.

Mr. Bell responded that such a group should have HDC representation.

Mr. Hornik said that they were in the process of reviewing the entire Zoning Ordinance and Subdivision Ordinance, and having a separate group to review public art was one of the things on their list to consider, in that when the current ordinance was written public art had never been thought of. He said if nothing else, the current application had brought awareness to that.

Mr. Vernon asked if they approved the application, would they be setting a dangerous precedent for the district, in that would people then be able to apply to put enormous pieces of art in their front yards. Mr. Hornik said that any such application would have to come before the HDC. Mr. Vernon asked would such a precedent hold weight with future applications. Mr. Hornik said he believed each case was individual. He said the rules would change in the future, largely because of the current application, adding he believed if there were complications they would be short lived.

Ms. Cobb thanked Ms. Shannon and the Arts Council for its comments tonight and for providing additional information, and specifically for having Wayne Trapp attend. She said they did have some flexibility in their interpretation of the guidelines, and agreed that they should not have to use the current guidelines for future applications for public art. Ms. Cobb said she believed it was a good idea to have a separate board with HDC representation to consider similar applications in the future. She added that she agreed with Mr. Preston that the plaque needed to have a different material than that proposed. Ms. Shannon said they had no problem with doing that.

Mr. Vernon said the sculpture was beautiful and he had no problem with the height, the materials, or the massing and scale. He said his objections had everything to do with his interpretation of the sections of the guidelines that dealt with historic character, and was no longer sure he could justify his opinions because the discussion of historic character necessitated subjectivity and subjectivity necessitated value judgments. Mr. Vernon said although he found the sculpture to be beautiful, it was lacking a strong conceptual impetus in that he found it to be generic conceptually. He said he believed it was the kind of sculpture that would be forgotten and ignored almost instantaneously and did not believe it reflected Hillsborough. Mr. Vernon said based on their discussion of the guidelines he did not believe he could justify those opinions and use them to justify denial of the application. He said he believed the HDC's guidelines did give them some information that they could use to evaluate anything including public art, but if they were going to do that they would get subjective immediately and would end up making value judgments. Mr. Vernon said if they were not willing to go down that road then they needed to keep character out of it.

Mr. Bell said they had discussed the plaque previously, and if this application were approved he believed a condition should be included that stated there would have to be a more permanent plaque. Ms. Trueblood stated that the motion should include the type of material to be used for the plaque. Ms. Shannon suggested metal engraved.

**MOTION:** **Mr. Bell** moved to find as fact that the Orange County Arts Commission 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, E, F, I, K, L, M, N, O, P, R, and S, and Design Guidelines for Site Features and Plantings, Walkways, Driveways, and Off-Street Parking, and Public Right-of-Way.

**SECOND:** **Mr. McCullough.**

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

**MOTION:** **Mr. Bell** moved to approve the application as submitted with the condition that the sign plaque will be engraved metal.

**SECOND:** **Mr. McCullough.**

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

**ITEM # 6: Application for a Certificate of Appropriateness for the Historic Hillsborough Commission to replace the existing handicap ramp with a metal handicap ramp at 319 North Churton Street – Burwell School (TMBL 4.19.E.3).**

Mr. Bell swore in David Ballard. Ms. Trueblood said that the Burwell School was individually listed on the National Register, and was sited on a large lot facing Churton Street at the southwest corner of the intersection with West Union Street. She provided an extensive history of the property, which was originally built in 1821 facing West Union Street, that in 1848 a large north living room and bedroom above it were added, and that the front entrance to the house was changed at that time to face Churton Street by adding a porch across the east side, as well as a kitchen and necessary in the back. She said the property was purchased in 1965 and restored by the Historic Hillsborough Commission, who was the current owner. Ms. Trueblood said the proposal was to replace the existing handicap ramp with a metal handicap ramp to meet ADA standards.

Ms. Trueblood said the Standards that applied were C for materials, D for texture, K for general form and proportion, and P for structural soundness. She said the Design Guideline that applied was Accessibility and Life Safety Considerations.

Ms. Trueblood said the materials included pictures of the existing handicap ramp made of wood with non-slip carpet installed, various elevations, and a materials list. She said the reason the application was not being considered as a Minor Work was because metal was being requested for the replacement ramp.

Mr. McCullough said his wife was on the Board of the Historic Hillsborough Commission. Mr. Bell remarked he did not find that to be a conflict in this instance.

Mr. Bell determined that no HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak on the application.

David Ballard, a member of the Building and Grounds Committee of the Historic Hillsborough Commission, stated that the existing ramp did not meet ADA guidelines and they needed a more permanent ramp that did meet those guidelines. He said they had chosen to paint it flat black so that it was as unobtrusive as possible but still provided the necessary function. Mr. Ballard said they wanted to make it out of metal to provide permanency and were using deck plating to provide a non-slip surface. He said the current structure had no handrails, and the proposal for the new ramp included handrails.

Ms. Cobb asked what part of the ramp would be flat black. Mr. Ballard responded the entire ramp, including the railings.

Mr. Bell asked if they would need to pour concrete footings for the posts. Mr. Ballard said he believed they would need to settle the posts in concrete, but did not believe that constituted an actual footing. Ms. Trueblood said she believed it would be similar to the installation of a fence post. Mr. Ballard agreed.

Responding to a comment regarding the hand rails, Mr. Ballard said the first drawing of the proposed ramp had included a railing that the Historic Hillsborough Commission had determined not to be acceptable, so they instead choose a curved railing that was softer and would serve the same purpose. Ms. Trueblood displayed a rendering of the proposed railing.

Mr. Trivette strongly encouraged Mr. Ballard to consult with someone regarding Code compliance, noting that at one time kick plates were required so that people on crutches would not get their feet caught underneath the rails. He said the rail height was also prescribed by law, and said they needed to do some more investigation before they proceeded with construction. Mr. Trivette said as far as anchoring the ramp, they needed to make sure it would stay where it was put. He said he also had some concern about the metal deck going out into the ground. Mr. Ballard said the current ramp had blue stone gravel at the base and as well as flagstone, and they would continue that flagstone up to the new ramp.

Mr. Trivette said the transition from a walkway to a ramp was prescribed by law as well. Ms. Trueblood said that a Building Permit would be required for the installation of the new ramp, and the Building Inspector would make sure it was ADA compliant. She said if the design had to be changed beyond what was

considered a Minor Work, then the application would come back to the HDC. Mr. Trivette said then his only concern was where the ramp plate actually terminated at the ground. He said if it terminated on the ground it would not hold up very well.

**MOTION:** **Ms. Snyder** moved to find as fact that the Historic Hillsborough Commission 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, K, and P, and Design Guidelines for Accessibility and Life Safety Considerations.

**SECOND:** **Mr. Trivette.**

**VOTE:** Unanimously approved.

**MOTION:** **Ms. Snyder** moved to approve the application as submitted with no conditions.

**SECOND:** **Mr. Trivette.**

**VOTE:** Unanimously approved.

**ITEM # 7: Application for a Certificate of Appropriateness for Maria Flanagan to install a 4' wood picket fence painted white around the perimeter of the property to tie into the existing fence at 168 West Margaret Lane (TMBL 4.36.A.3).**

Mr. Bell swore in Maria Flanagan. Ms. Trueblood said this was a three-bay, side-gabled 1-story frame house with asbestos sided walls, 6/6 sash windows, and a shed porch. She said the proposal was to install a 4' wood picket fence painted white around the perimeter of the property to tie into the existing fence which was located on the west side of the yard. Ms. Trueblood said the Standards that applied were C for materials, D for texture, F for architectural details, and Q for walls, and the Design Guideline that applied was Fences and Walls.

Ms. Trueblood said the materials included a narrative from the applicant, a materials list, a photo of the existing fence, and a site plan showing the existing fence with a blue line and the proposed new fence with a red line. She said such a fence would be considered a Minor Work only if it was behind the front line of the house, and this one was proposed in front of the front line of the house.

Mr. Bell determined that no HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak on the application.

Mr. Trivette asked how far from the property line would the fence be to the edge of the pavement. Ms. Flanagan said from one to two feet, noting it would still be within the property line. Ms. Trueblood added that fences could be installed on the zero lot line in front of a property, but it was normally recommended that they

be at least a foot in on the sides or back so that a space could be maintained between adjoining properties.

Ms. Cobb asked would the fence be painted white. Ms. Flanagan replied yes.

Mr. Vernon asked if the existing fence on the west property line was brown. Ms. Flanagan said it was, but the adjoining property owner had agreed to allow her to paint it when her fence was installed. Mr. Vernon asked if she understood the fence would need to be installed “friendly” side out with the pickets on the outside and the cross pieces on the inside. Ms. Flanagan said she did, noting a professional would be installing it for her. Ms. Trueblood stated that would be specified on the fence permit.

Mr. Vernon said for the record, he use to live in this house but did not believe that constituted a conflict of interest. The Board agreed by consensus.

**MOTION:** Ms. Cobb moved to find as fact that the Maria Flanagan application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, D, F, and Q, and the Design Guideline for Fences and Walls.

**SECOND:** Mr. Vernon.

**VOTE:** Unanimously approved.

**MOTION:** Ms. Cobb moved to approve the application as submitted with no conditions.

**SECOND:** Mr. McCullough.

**VOTE:** Unanimously approved.

**ITEM # 8:** **Application for a Certificate of Appropriateness for Fred Stewart on behalf of Carolyn and Robert Conner to add 2 dormers, a box bay, a deck and steps, a roof over the back door, cellar stair access, a garden shed with screened porch and storage, and rear yard landscaping including a stone terrace, a stone retaining wall, screening plantings, and a water feature at 127 West Queen Street (TMBL 4.31.A.3B).**

Mr. Bell swore in Fred Stewart. Ms. Trueblood said this was a 1-story, three-bay, brick veneer Craftsman style house with full-width attached shed porch supported by tapered posts on brick piers. She said it had paired windows that were 3/1 sash and a central door flanked by sidelights. Ms. Trueblood said exposed rafter ends were present under the overhanging eaves, and a shingled addition extended from the rear of the house. She said the proposed work was to add 2 dormers, a box bay, a deck and steps, a roof over the back door, cellar stair access, a garden shed with screened porch and storage, and the rear yard landscaping including a stone terrace, a stone retaining wall, screening plantings, and a water feature.

Ms. Trueblood said the Standards that applied were A for height, B for setback, C for materials, D for texture, E for landscaping, F for architectural details, G for roof shape, H for roofing material, I for exterior color, J for proportion of openings, K for general form and proportions, L for orientation, M for scale, N for proportion of façade, Q for walls, and R for ground cover and paving. She said the Design Guidelines that applied were Additions to Existing Buildings, Decks, Site Features and Plantings, Fences and Walls, and New Construction of Outbuildings and Garages.

Ms. Trueblood said the materials included a complete set of plans showing existing and proposed conditions, a narrative description of the project, the existing house with the rear addition shown, and the new landscaping with the terrace and retaining wall. She said the site plan also showed the outbuilding that included a screened porch, the deck and stairs, and the existing first floor, existing roof structure, and existing elevations. Ms. Trueblood said the proposed site plan showed the new deck and the steps that would come down in multiple directions between the screen porch and the storage, the new roof structure with the two dormers, and proposed elevations. She said the applicant had also provided the proposed and existing elevations all on one sheet for easier understanding, as well as pictures of the existing structure and renderings of what the new structure would look like.

Mr. Bell stated for the record that he had a computer consulting relationship with Mr. Stewart and after checking with the Town Attorney had determined that that did not constitute a conflict of interest. He said he was not involved in any way with Mr. Stewart's project and had no direct relationship to it. The Board agreed by consensus that there was no conflict of interest.

Mr. Bell determined that no HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak on the application.

Bill Whitmore, after having been sworn, stated that his family was the Connor's immediate east neighbors at 125 West Queen Street. He said the Connors had given them the courtesy of a review of their plans, and they were in full support of their application. Mr. Whitmore said they would likely be the most impacted by the changes, but believed them to be "wonderful" improvements and that the view of the massing from the street would be minimal.

Mr. Vernon said the plans were "beautiful" and the additions would be stunning, and believed they were appropriate for the site and for the house. He asked about the reflecting pool with the fountain, noting the materials said the design was to be determined. Mr. Vernon asked would it be an actual fountain above the water. Mr. Stewart said it was not yet designed so he had no notion.

Ms. Conner stated they did not yet have a notion of what they would do, noting they had wanted to hear the sound of water and would perhaps use a recirculating fountain of not a great size. Mr. Vernon said he had no real concern other than there was no preliminary design at all provided.

Ms. Trueblood said in the past when such issues had come up, the application could be separated to remove the fountain if the HDC felt there was not enough information regarding that feature, or the HDC could leave the review of that feature up to staff when a design was available. She said if the design reached a level above staff review, then it would come back to the HDC as a separate COA application.

Mr. Vernon asked how they would determine where that line was. Ms. Trueblood said that would be a staff determination, in that if the changes felt substantial to her then she would bring it back to the HDC for review, otherwise she would review it as a Minor Work. Mr. Vernon asked was she recommending that the fountain be separated out from the application. Ms. Trueblood said she believed it was dangerous for the HDC to approve plans that were yet to be determined, and it was dangerous for her as well because she would not know what she was checking for upon site inspection. She said she would rather have the applicant come back with a design so that she could determine if it needed a COA or could be reviewed as a Minor Work. Ms. Trueblood said the HDC could imagine that space being held for a water feature and it would come back to them if it reached the level of needing a COA.

Ms. Cobb remarked that she was pleased to see that the new features were designed to match the addition as opposed to the original structure. She said she believed the period garage was “brilliant” and was very nice, noting it would be used for storage and for a screened porch but it looked like a bungalow/garage. Ms. Cobb said the plans were done well and liked seeing the composite of the existing as well as the proposed.

Mr. Bell said the plans were the exact kind they would like to see with every application, noting there was no ambiguity with the exception of the water feature. He said he believed the design was very much in keeping with the neighborhood and he liked that the dormers were situated so that they were obviously add-ons to the house and not part of the original house. Mr. Bell said it was a great design.

Mr. McCullough agreed with Mr. Bell and others, noting the plans were well done. He said in regards to the roof line made by the two dormers, on the main drawing it showed the west elevation looking south to the street and it looked like the roof line across the top was fairly large which changed the appearance of the house. He said when you looked on the sketch which was done from the perspective of the street it all disappeared. Mr. Stewart said for that perspective drawing they had done a mockup using a pole and a flag to determine where the

ridge would be. He said that perspective was accurate, but the straight-on rendering was not in that the north elevation would never look like that. Ms. Trueblood said if you looked at the sketch below that one, the distance from that front wall to the dormers was why you would never see that perspective, noting the dormers were back at the rear end of the house. Mr. McCullough commented it would be a great-looking house.

Mr. Trivette echoed previous comments. For clarification, he asked if they were considering the application with or without the water feature. Ms. Trueblood suggested that the HDC assume there would be some type of water feature, and if it rose to the level above a Minor Work, that it would come back to the HDC for a separate COA. She said if the application was approved, then it should include a statement that the water feature was not a part of the application.

**MOTION:**           **Mr. Bell** moved to find as fact that the Fred Stewart application on behalf of Carolyn and Bob Conner 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, E, F, G, H, I, J, K, L, M, N, Q, and R, and Design Guidelines for Additions to Existing Buildings, Decks, Site Features and Plantings, Fences and Walls, and New Construction of Outbuildings and Garages.

**SECOND:**           **Mr. McCullough.**

**VOTE:**               Unanimously approved.

**MOTION:**           **Mr. Bell** moved to approve the application as submitted with the condition that the water feature will be reviewed by staff separately at a future date.

**SECOND:**           **Mr. McCullough.**

**VOTE:**               Unanimously approved.

**ITEM # 9:   Application for a Certificate of Appropriateness for Jim and Elizabeth Davis to install a concrete ribbon driveway in lieu of a gravel driveway at 107 West Orange Street (TMBL 4.19.C.3).**

Mr. Bell swore in Jim Davis and Elizabeth Davis. Ms. Trueblood said this was a new construction that was nearing completion, and the proposal was to install a concrete ribbon driveway in lieu of the gravel driveway previously approved. She said the Standard that applied was C for materials, and the Design Guidelines that applied were Walkways, Driveways, and Off-Street Parking. Ms. Trueblood said the materials included the existing site plan and she had included a sketch of where the concrete ribbon driveway was proposed.

Ms. Cobb disclosed that she owned the Robinson house directly across the street from this house. The Board agreed by consensus that that did not constitute a conflict of interest.

Mr. Bell determined that no HDC members had a conflict of interest with the application. He also determined that there were no members of the public present to speak on the application.

Mr. Davis commented that the proposed concrete ribbon driveway was inspired by the amount of storm runoff that they were managing both underneath the driveway and across the surface. He said the entire end of the block emptied underneath and across their driveway, so the concrete pavement was in response to that. Mr. Davis said a concrete ribbon would be more substantial in terms of the amount of water they were contending with, and it would increase the green space so that it would help absorb some of the runoff better than having all gravel and sending the runoff downstream to the neighbors. He said they had installed two catch basins, one on either side of the driveway and directed as much stormwater as possible underneath the driveway, but there was still a substantial amount of runoff that washed down the slope and across their driveway.

Mr. Trivette asked would it still be a gravel drive with a concrete ribbon, or just a concrete ribbon and grass. Mr. David replied it would be a concrete ribbon and grass. Mr. Trivette said then the double "T" that he saw on the plans at the bottom of Orange Street would be the terminus. Mr. Davis said there would be a concrete apron at Orange Street. Ms. Trueblood said there was a concrete apron at Orange Street and the concrete parking pad that was previously approved, and then the concrete would begin as a strip. She said you would bump up over the concrete apron, and then drive down the concrete strip to the concrete parking pad. Ms. Trueblood pointed out on the plans where the gravel portion was located that was already approved, and was now proposed to be a concrete ribbon with grass between the ribbon.

Ms. Cobb asked would the concrete for the ribbon be the same color as the concrete pad. Mr. Davis replied yes. Ms. Cobb asked would the graveled street-side parking on Orange Street remain graveled. Mr. Davis replied yes. Ms. Cobb commented she believed the concrete ribbon would be a good addition.

- MOTION:**        **Ms. Cobb** 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 C, and Design Guidelines for Walkways, Driveways, and Off-Street Parking.
- SECOND:**        **Ms. Snyder.**
- VOTE:**            Unanimously approved.
- MOTION:**        **Ms. Cobb** moved to approve the application as submitted with no conditions.
- SECOND:**        **Ms. Snyder.**

**VOTE:** Unanimously approved.

**ITEM # 10: Interview Zachary Read for the HDC Vacancy.**

The Board briefly discussed the history behind the Art Commission's application to provide Mr. Read with a better understanding of the HDC's processes. Ms. Cobb noted that sometimes meetings were late and at time they had to meet twice in a month, adding that she usually spent a few hours a week prior to a meeting to read the materials and do a site survey. She asked if Mr. Read had enough available time to dedicate to the HDC. Mr. Read responded he believed he did, noting his job was for a specified amount of time and he usually had evenings and weekends free. He said he saw no reason why he would not have the time to do what was necessary to serve on the HDC.

Ms. Trueblood said there was almost never an occasion when the HDC members had to commit time during regular business hours. She said it was all evening hours, with a rare chance for training on a weekend. Ms. Trueblood said she got the packets out to the HDC about a week ahead of time to allow everyone time to conduct a site visit and read through the applications.

Mr. Read asked was there a limit on the number of applications heard at each meeting. Ms. Trueblood said her goal was to have no more than six, although she told the public it was five to give some breathing room. She said tonight she had allowed only five because she knew that the public art application had the potential to take up a large amount of time depending on the number of speakers. Ms. Trueblood added that when the HDC conducted site visits they were not to go onto the property. Mr. Read said when he first came to Hillsborough he had begun a patio project that had been stopped because he had not requested a COA, and he had be happy to stop and to go through the process. He said that had given him an understanding and an appreciation of the work that the HDC did.

Mr. Read stated that he had lived in Hillsborough for almost four years, noting he was from Chapel Hill and his mother lived in Hillsborough, so he was not just passing through.

Ms. Trueblood said because it had fit into her schedule as well as Mr. Read's schedule, she had already provided him with training in regards to the guidelines and all the issues the HDC dealt with. So, she said, he had had the notebook for a couple of weeks and had had the time to go through it and familiarize himself with it. Ms. Trueblood said she had also provided him with a packet of the materials for tonight's meeting, so he had been able to follow along and look at the applications from the HDC's perspective.

Mr. Bell noted that occasionally Mr. Read might see an application from someone he knew, and he would need to disclose that so that the HDC could determine whether or not he would need to be recused. Ms. Trueblood said for instance, if he shared a property line with an applicant he would need to disclose that and be

recused. She said another example was that one of the applications tonight was for a house across the street from one that Ms. Cobb owned, so the question was whether there would be a conflict with Ms. Cobb considering a concrete ribbon driveway across from property she owned, and because it was a minor application it was determined not to be a conflict. Ms. Trueblood said it was better to disclose any relationship so that a determination could be made and so there was not even an appearance of a conflict of interest. She noted that the packet of materials would include the names of neighbors within the notification area, so the HDC knew who they were ahead of time.

Mr. Read said he had been notified regarding the rezoning for a multi-family development, and asked would that constitute a conflict of interest. Ms. Trueblood replied not necessarily, unless he believed he had already formed an opinion before he heard the testimony. She said the HDC's decisions needed to be based on the testimony heard at the hearing, and if a member was unable to do that then that member would need to be recused. Ms. Trueblood said because Ms. Snyder and Ms. Cobb had been vocal opponents of the project in the past, when that application came back to the HDC they would need to recuse themselves.

Responding to a comment regarding site visits, Ms. Trueblood said occasionally an applicant might invite them onto the property to show them some feature or area of the house, but they were not suppose to do that. She said in such situations they would be acquiring information not available to the remainder of the HDC and that the public did not have the ability to comment on and it could not be cross examined. Ms. Trueblood said the HDC members were not suppose to have contact with applicants prior to a meeting, either formally or in passing conversation.

Mr. Bell asked if Mr. Read had any questions for the HDC. Mr. Read asked was the decision on who made a motion done randomly or was there some process. Mr. Bell said usually they all participated, noting when they began their discussion they started at one end of the table and then the other, and when it came time for a motion they had "cheat" sheets that told them what the motions needed to state. He said having everyone participating was helpful in learning in more detail why the process was the way it was and why it was important that they be as accurate as possible when making motions in terms of procedural aspects.

Ms. Trueblood stated that an applicant could not appeal an HDC decision except on procedural grounds, noting they could not appeal just because they did not like the decision and could only appeal if something procedurally was not done correctly or if there was a perception of bias.

**MOTION:** Mr. Bell moved to recommend to the Town Board the appointment of Zachary Read to the HDC vacancy.

**SECOND:** Mr. McCullough.

**VOTE:** Unanimously approved.

Ms. Trueblood stated that the Town Board would be meeting next week and she would put the appointment on their agenda, allowing Mr. Read to be seated at the HDC's next meeting. She said that appointment would bring the Board up to its full capacity.

**ITEM # 11: Committee Updates/Staff Updates.**

**Public Art Guidelines;**

Ms. Trueblood commented that in regards to a public arts board, she believed the chance of that was small because of the lack of staff to devote time to another advisory board. She said there was already a public arts selection committee that was a part of the Orange County Arts Commission. So, she said, the Orange County Arts Commission was already serving in a similar capacity. Ms. Trueblood said some of the conversation during the rewrite process would be among staff and trying to visualize how a public arts board might work, but no matter what became of those discussions the HDC needed to be protected with public art guidelines. She said she would not want to see a public arts board come in and completely take art out of the realm of the HDC. Ms. Trueblood said no matter the outcome of such a board, the HDC needed to create guidelines.

Ms. Trueblood said she had conducted some research to look at the kinds of guidelines used by other communities, and believed that Salisbury's were very good. She provided the HDC members with a copy to take home and look over for later discussion, and invited them to conduct their own research if they were so inclined. Ms. Trueblood said what she liked about Salisbury's guidelines was that they did not get into concept, and agreed that preservation boards should not be talking about the concept of art. She said there was no way for that to not be personal, and there were possibly some First Amendment issues when it came to regulating artistic expression and conception.

Ms. Trueblood provided some information from two other communities that provided a different take on what public art should be doing in an historic district, and believed they were a good starting place for discussion. She said she believed that discussion needed to happen very soon, and suggested that the HDC send in their comments via email or at the latest at the next HDC meeting as to what they wanted to see in terms of guidelines. Ms. Trueblood said she would take those comments and put something together for consideration.

Mr. Bell reminded the HDC that he was the HDC's representative to the Alliance for Historic Hillsborough, and about a year and a half ago they had taken a day-long trip to Salisbury to look at what they were doing for tourism and had toured two of their six historic districts. He said he was very impressed with their approach. Ms. Trueblood said if you looked at the public art in their historic

districts, Salisbury's guidelines appeared to be working, adding they had separate guidelines for commercial and residential although they were very similar.

Mr. Bell agreed that he would not want the HDC to not have any say in public art in the historic district, and guidelines were needed.

Ms. Trueblood said she would like to add the public art discussion to the end of the agenda for the next meeting. But, she said, that would mean that the HDC members would need to formulate their thoughts before the meeting, and encouraged them to do their own research.

**Colonial Inn:**

Mr. Bell asked when that was scheduled to go to the Board of Adjustment. Ms. Trueblood responded it was scheduled for February 10, but the applicant, Francis Henry, would be requesting that it be delayed until the March meeting. She said the BOA could still consider it, but because it was an appeal and the applicant would not be present, they would probably table it until March. Ms. Trueblood provided the Board with a brief update of how the appeal had come to be, noting the owner was appealing the staff's interpretation that the requirements spelled out in the Planning Director's Order had not been met.

**Materials Guidelines:**

Ms. Trueblood distributed a sheet on Materials Guidelines and asked that the members fill in the blanks and bring them by her office or to the next meeting so that she could begin to compile them. She said they could not move forward with materials until she got that feedback.

**ITEM #12: Adjourn.**

**Mr. Bell** moved to adjourn the meeting at 9:40 p.m., seconded by **Mr. Trivette**. The vote was unanimous.

Respectfully submitted,

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Stephanie Trueblood, Secretary