

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
Buggy Building Conference Room
7:00 PM Monday, January 22, 2018
115 Chatham Street

Roll Call:

Commissioners Present: David Nestor, Allen Gordon, Greg Stoch, Philip Yarborough,
Brian Mitchell & Rebecca Whitaker

Commissioners Absent: N/A

Staff Present: David Montgomery, Long Range Planner; Anne Sears, Secretary
to the Commission; Al Benshoff, Commission Attorney

Government Official Present: Sam Gaskins

Witnesses and Guests: Brandon Atkins, Tim Emmert & Ed Duffie

Chair Mitchell called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined.

2. **Approval of the Agenda for January 22, 2018:**

Chair Mitchell called for approval of the agenda for January 22, 2018. Commissioner Nestor moved to approve the agenda as amended; seconded by Commissioner Gordon and the motion passed unanimously.

3. **Approval of the November 27, 2017 Minutes:**

Chair Mitchell called for the approval of the minutes for November 27, 2017. Commissioner Nestor moved to approve the minutes; seconded by Commissioner Yarborough and the motion passed unanimously.

4. **Public Comment: N/A**

Chair Mitchell asked if there was any public comment. There was none.

5. **Public Hearings:**

Conflict of Interest:

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the cases being heard tonight (COA-18-01, 18-02 & 18-03.) There was none.

Chair Mitchell opened the Public Hearing:

Chair Mitchell noted that applicant and owner for 4 ICE Investments LLC., COA-18-01 of 152 Moore Street was not present tonight. Chair Mitchell asked staff Montgomery to proceed to COA- 18-02.

COA-18-02 – Application from Brandon Atkins property owner of 229 Wicker Street and applicant Tim Emmert who wish to install trash dumpsters with screening on the Cole Street side of the property. The trash dumpsters and associated screening shall intrude 7 ½ feet onto City owned property. It is a non-contributing commercial building built in 1940.

In accordance with General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

Staff Montgomery noted that the Downtown guidelines that are important to the case are on page 3, #4 Streetscape: Streetscape is a general term used to describe the urban landscape. The streetscape includes streets, sidewalks, plazas, advertising and identification signs, street lighting fixtures, fountains and water features, benches, trash receptacles, bicycle racks, bus shelters and any other sidewalk furniture. It generally includes privately-owned spaces, as well as, public spaces and right-of-ways.

c. Fences and Walls:

1. Use fences, gates and walls in addition to landscaping to appropriately screen parking lots, loading area, trash receptacles and utility structures. Staff noted that the proposal is for the installing of two modular trash dumpster enclosures. The application states that the dumpsters will be 6' 8" in height and the enclosures will be 8' in height to ensure that the dumpsters are screened. (Page 10- exhibit A.)

C. The applicant has provided the height of said dumpster enclosures; the length and width should be included. The applicant has submitted COA-18-04 for screening of the employee parking and states that the screening of the employee parking will be met with the screening of the dumpster enclosures. Exhibit D showed the general location of the enclosures.

2. Design fences and walls to be compatible with and integral to the buildings they serve. Staff noted that existing dumpster enclosures in downtown are built with wood installed vertically and the applicant is proposing to install horizontal slats to screen the dumpsters. The dumpsters will be somewhat portable (will only be able to be moved with a forklift) the posts will be set in concrete in steel drums approximately 17 inches tall. The drums will be painted Valspar Russet Red flat tint to avoid rusting. (Page 10-Exhibit A.)

3. Use appropriate materials for fences and walls such as stone, brick, iron and wood. Staff Montgomery noted that the enclosures will be wood and the posts will be set in steel drums, therefore this guideline has been met.

4. Avoid chain link, basket weave and other incompatible fence types and styles. Staff noted that the applicant is not using an inappropriate material for the enclosures therefore this guideline has been met.

The Matrix that applies to this case is as follows:

Type of Work:

1. Construction of new fences, walls, hedges and other screen plantings greater than 42 inches in height is Major Work and requires a public hearing. Staff noted that the proposed enclosures are greater than 42 inches in height therefore a public hearing is mandatory.

Staff Montgomery noted that the trash dumpsters and enclosures will encroach 7 ½ feet into the property that is owned by the City of Sanford. The applicant is working with the city to acquire an easement to use this property (Exhibit D.) A copy of the signed agreement should be provided by the owner or applicant to include in the official file. Dimensions of enclosures shall be placed in the file prior to release of the COA placard.

Chair Mitchell asked if there were any other questions for staff.

Chair Mitchell asked after looking at (Exhibit E) on page 10, if the city owns where the sidewalk would be. Staff Montgomery stated that the city owns the property a few feet away from that brick wall as shown in (Exhibit E), and the city actually owns a portion of the parking lot. The city owns ten feet and the applicant is requesting 7 1/2 feet. It was noted that it comes off that wall; it is not just the sidewalk. Commissioner Nestor asked for clarification. He stated that his thoughts are that the enclosure would be mobile at the dumpsters and if everything that was in it was mobile; would everything else be set in concrete posts? Staff noted that it looks like the post would be set in drums and he assumes it will not be bored into city property.

There were no other questions for staff.

Staff David Montgomery, applicants, Brandon Atkins and Tim Emmert were given the oath.

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to case COA-18-02. Commissioner Stoch stated that since he attended the grand opening would he need to recuse himself? Chair Mitchell stated no, unless he had spoken to the applicant about specific things. Commissioner Stoch noted he did not.

Applicant Tim Emmert approaches the podium. Mr. Emmert stated that the idea was to place the modules units at the height of eight feet. He shared that they actually had post holes dug and there is a need to have some work done on that retaining wall. The property is public parking on the corner of Steele Street and Cole Street where the Methodist church used to be and they are adjacent to that public property. He asked everyone to look at the diagram on page 14, (Exhibit F) that provides an explanation. He also added that they are running parallel with S. Horner Blvd. He added that City Paralegal Sharon Martin had sent him an lease agreement to sign, so that they would be able to lease this portion of the property from the city for ten years; but at this time he has not received the approved paperwork to present at tonight's meeting. Mr. Emmert noted that the intent is to use that property in part of the enclosures with the dumpsters as amended and also future beer gardens and staff gardens. Commissioner Nestor asked Mr. Emmert, if his plan was to wait until after he had received approval from the city before he moved forward on COA- 18-02, if the Commission gave approval to COA -18-02 tonight. Mr. Emmert stated correct. Mr. Emmert stated that he has spoken with Tim Shaw, City's Public Works Manager about the mobile portion of this, and that there had been some discussion about the retaining wall that comes off of the public parking area. Mr. Emmert stated that they had requested that the city shut down the stairs leading to their lot, because they are not safe and bricks are falling off of it. Mr. Emmert stated if the city does do that; that it may wipe out whatever we do here. The thought was that if we take a foot and half steel drums filled with concrete and put posts in them; that it would serve as two modules, one for a dumpster and one

double door and swinging half/door window. This is an After the Fact COA request. The subject property is located at 229 Wicker Street and is a non-contributing Commercial Building ca.1940.

In accordance with General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

Staff Montgomery noted that the Downtown guidelines that are important to the case are: Page 3 # (3) Rehabilitation of Existing Structures (pages 20-23)

Staff stated that the guidelines for rehabilitation of existing structures are oriented toward design of building alterations rather than the techniques of rehabilitation. The proper approach of rehabilitation is extremely important to maintaining the long-term integrity of older buildings. These guidelines emphasize how the appropriate exterior appearance of the rehabilitated structure should look rather than how to carry out proper rehabilitation. This orientation toward exterior appearance in the design guidelines reflects the emphasis of the Historic District Ordinance and the regulatory authority it establishes for the Commission.

Removal (page 21)

- a. Remove an historic element only if the feature is beyond repair.
Comment: The applicant is proposing to create new openings on the side of the building that faces the alley. The installation of a double door and swinging half/door window are proposed.
- b. Remove a totally deteriorated historic feature or a non-historic feature with the gentlest means possible to protect the underlying or attached historic material.
Comment: The gentlest means possible will be used to create the above-mentioned openings.

Replacement and Reconstruction (page 21 and 22)

- a. Replace architectural elements only when the element is beyond repair or missing.
Comment: There are no proposed architectural elements to be replaced on the alley façade.
- b. Replace a deteriorated element with the same material and in the same design, if feasible. Comment: The applicant is not proposing to replace any existing elements on the alley façade.
- c. Reconstruct elements to a scale, material, finish, and color compatible with the historic building. Comment: The applicant is proposing to install a double door and swinging half/door window. Staff is of the opinion that these elements will be compatible with the building.
- d. Prevent addition of elements, which are not original to or appropriate for the historic building. Comment: The double door and swinging half/door window are not original to the historic building. However, staff is of the opinion that they are appropriate.
- e. Avoid attempts to recreate a false historic appearance on the building.
Comment: No attempts are being made to create a false historic appearance on the building.

for these containers that we can pick up with a fork lift that holds the grain for the mash pond. He noted that they have a farmer that will come and pick up the mash every time they brew and provide them with a new drum and the mash will be screened as well. Commissioner Nestor asked Mr. Emmert about the width and depth of the enclosures. Mr. Emmert noted that the one that they had brought out was 5'6" inches wide; but he stated he doesn't want to do something too small; so he would like to have one 8 feet enclosure and one 6 feet enclosure. Mr. Emmert asked everyone to look at page 9 (Exhibit A) where it is shown at the height of 8 feet. He stated that one would be 8 x 8 and the other one would be 6 x 8. Commissioner Stoch asked when the farmer comes for the mash pickup will he be opening out into the parking lot or out into the street? It was noted that the farmer would be picking them up in the parking lot; not the street. Mr. Emmert added that it is a tight space and that there was gas lines that tend to run along there, so they will be no more than eight feet deep. Commissioner Yarborough asked Mr. Emmert about the hardware as seen on page 9 (Exhibit A.) He asked whether it needs to be congruous, or does it just fit in. Mr. Emmert noted that he had very little to base it upon, so he took this picture, because it allow him to show what he had plans for and the height, the color and what was needed to make it a modular unit. The Commission noted that the hardware would be no concern.

There were no other questions for Mr. Emmert. The Commission stated they like the idea of having a screened dumpster.

Finding of Fact:

Commissioner Yarborough moved in regards to COA-18-02- 229 Wicker Street that the Historic Preservation Commission find as fact that the installation of trash dumpsters and associated screening when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is congruous with the general character of the Historic District, as the materials is made from wood and the dimensions are not to exceed eight feet in depth and six feet wide for the first screen and the second screen would be eight foot wide for interior dimensions and eight foot tall and is subject to an encroachment agreement with the city and the drums will be painted Valspar Russet Red, flat tint to avoid rusting, and therefore is generally in harmony with the criteria in the design guidelines, the special character of the neighboring properties and the historic district as a whole; seconded by Commissioner Whitaker and it passed unanimously.

Final Motion:

Commissioner Yarborough moved based on the preceding finding(s) of fact, that the Historic Preservation grant a Certificate of Appropriateness to property owner Brandon Atkins and applicant Tim Emmert for the installation of trash dumpsters and associated screening as shown in COA-18-02, 229 Wicker Street; seconded by Commissioner Gordon, it passed unanimously.

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to COA-18-03. There was none.

COA-18-03 –Application by Brandon Atkins, property owner of 229 Wicker Street and applicant Tim Emmert who wish to amend COA-16-30 which approved the installation of three roll up doors and one window on the alley side of the building and now requests the installation of just a

Windows and Openings (page 22)

- a. Do not replace historic windows with contemporary treatments.
Comment: Replacement windows are not proposed.
- b. The original size, shape and number of windows shall be maintained. Retain the original number of window lights (panes)
Comment: Replacement windows are not proposed.
- c. Uncover and repair any windows which have been screened or filled in.
Comment: No windows have been screened or filled in.
- d. Properly maintain, paint, chalk, and clean all windows.
Comment: At this time this guideline does not apply.
- e. Remove any non-historic signs hanging on the exterior
Comment: No signage is currently on the side façade of the building.
- f. Do not use darkened or shaded glass as replacements for clear glass.
Comment: The applicant will not darken or shade glass for the proposed doors and the swinging half/door window is a solid material.
- g. Avoid installation of window type heating and air-conditioning units on street facing facade.
Comment: Window air-conditions and heating units are not being proposed.
These are the comments and opinion of staff only.

Staff David Montgomery noted that the Commission was provided a copy of the previous COA-16-30, which was approved, for their reference. Staff asked that the Commission also look at pages 17,18 &19 (Exhibits A, B & C) Pictures of the double doors and half/door that may be visible from Cole Street and from the city's parking lot; but not from Wicker Street.

Chair Mitchell asked if there were any questions for staff.

Commissioner Whitaker asked since everything is already done; what would happen if we denied it; would the applicant have to undo it; or would they have to fix it or pay a fine? Staff Montgomery stated that you could rule to remove it and if it is not done in a timely fashion; they would be fined. There were no other questions for staff.

Chair Mitchell closed the Public Hearing.

Finding of Fact:

Commissioner Gordon moved in regards to COA-18-03, 229 Wicker Street that the Historic Preservation Commission find as fact that the installation of a double door and swinging half/door window on the alley side of the building when completed in accordance with the Downtown Design Guidelines and the decision of Commission, is congruous with the character of the Historic District; because as far as Replacement and Reconstruction: (a) there is no proposed architectural elements to replace on the alley façade; (b) replaced deteriorated elements

with same material and the same design that is feasible; this application is not proposing to replace any existing elements, (c) reconstruct elements to a scale, material, finish, and color compatible with historic building. The applicant, Mr. Emmert is proposing to install a double door and swing half door window; staff and the commissioners here are of the opinions of these elements will be compatible with the building; (d) prevent adding additional elements, however the double door and swinging half/door window are not original to the historic building; however staff and the commissioners is of the opinion that they are appropriate; no attempts are being made to recreate a false historic appearance on the building and replacing windows are not proposed and no windows need to be screened or filled in (that guideline does not apply.) No signage is currently on the side of the façade of the building; and the applicant will not darken or shade glass for the proposed doors and the swinging half/door window is solid material and therefore is generally in harmony with the criteria in the design designs, the special character of the neighboring properties, and the historic district as a whole; seconded by Commissioner Nestor and it passed unanimously.

Final Motion:

Commissioner Gordon moved based on the preceding finding(s) of fact, that the Historic Preservation Commission grant a Certificate of Appropriateness to property owner Brandon Atkins and applicant Tim Emmert for the installation of a double door and swinging half/door window on the alley side of the building as shown in COA-18-03, 229 Wicker Street; seconded by Commissioner Nestor and it passed unanimously.

Applicant Tim Emmert and Brandon Atkins leave at this time.

Commissioner Nestor at this time made a motion to table COA-18-01 until the February 19th meeting and asked staff to contact the applicant, 4 ICE Investments LLC;, owners to see if they wish to move forward; seconded by Commissioner Stoch and it passed unanimously.

6. Old Business:

- a. Update on Public Art
- b. Trades Day

Note: Updates will be provided by staff Whitmore at the February 19th meeting.

7. New Business:

- a. Staff update:

Staff Montgomery provided updates on COA's included by reference.

8. Announcements:

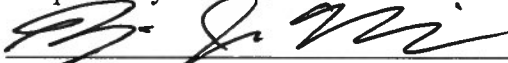
Commissioner Nestor relayed that on Thursday, January 25th in Depot Park they plan to have an Oktoberfest in Depot Park, sponsored by Adcock and Associates and Carolina Town and Country. Chad Spivey's band will be there; along with Hugger Mugger Brewery, Bear Creek Brewery and Brats on the grill. Time is from 5pm to 7pm.

9. **Call for Adjournment:**

Chair Mitchell called for adjournment. Commissioner Nestor moved to adjourn; seconded by Commissioner Yarborough and the motion passed unanimously. The meeting adjourned at 8:15 pm.

Adopted this 19 day of February 2018

Respectfully submitted:



Chair: Brian Mitchell

Attest: 

Secretary to the Commission: Anne Sears