

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD HISTORIC PRESERVATION COMMISSION
COUNCIL CHAMBERS
7:00 PM, MONDAY AUGUST 24, 2009
SANFORD MUNICIPAL BUILDING**

Roll Call:

Commissioners Present: Al Roethlisberger, Shannon Gurwitch, Ed Page,
David Nestor, Brandon Atkins & Donnie Worley

Commissioners Absent Lora Wright

Staff Present: Liz Whitmore, Anne Sears

Government Official Present: Councilman Charles Taylor, and Hal Hegwer, City Manager

Citizens Scott Myers, Ken Laughinghouse, Tim Mercer,
Cheri Myers, Mike Humphrey, Nancy Humphrey
Mary Bridges

**APPROVAL OF THE PREVIOUS MEETING MINUTES FOR JULY 27, 2009 AND THE
AGENDA FOR AUGUST 24, 2009.**

Chairman David Nestor called the meeting to order, and called the roll.

Chairman Nestor asked to move the status of Hawkins Avenue being nominated as a Local District directly under Old Business after the approval of the agenda. Chairman Nestor asked for an approval of the agenda for August 24, 2009. Commissioner Page made a motion to approve the agenda as amended, and seconded by Commissioner Roethlisberger, and the motion passed unanimously.

Chairman Nestor entertained a motion to approve the minutes for July 27, 2009 as submitted. Commissioner Roethlisberger made a motion to approve the minutes as written, seconded by Commissioner Gurwitch, and the motion passed unanimously.

Citizen, Ken Laughinghouse, who lives at 305 Hawkins Avenue spoke about establishing a committee for Hawkins Avenue to be designated as a local District. He would like to have Tim Mercer, Shannon Gurwitch, and myself and a fourth property owner that lives on Hawkins to be on the board.

Commissioner Gurwitch said that this area was attempted once to be designated a local district but failed, and the idea is to approach this in such a way as to get support of the property owners willing, rather than feel differently or forced on them. Commissioner Page asked if it is appropriate to make a motion to create the committee now or make the appointment next time. Staff Whitmore said you can create the committee without appointing anybody to it at this time, or you could appoint next meeting, or you could chose to appoint people now. Commissioner Page moved to appoint a committee to create a plan for proposed guidelines, and seek property owner input and engage community opinion about the proposed Hawkins Avenue in the Local Historic District. He also moved that Commissioner Gurwitch, Tim Mercer, and Ken Laughinghouse be appointed to that committee, and the one more committee member will be named later, and it was seconded by Commissioner Worley.

Citizens whom wished to speak were sworn in at this time.

PUBLIC HEARINGS:

- **Review of Application for Certificate of Appropriateness COA-09-63**

Staff Whitmore said she had received additional information the evening before the meeting of August 24th, that will passed out at a later time.

Application COA-09-63 submitted by Mike and Nancy Humphrey of 0 Summitt and 503 Summitt Drive who wish to install a 42 “inch open style fence to match approved existing fence, along the front property line of 503 Summitt Drive at the back of planting bed and then continue along the east property line of 507 Summitt Drive to the rear, and a automatic gate will be installed across the front driveway. (Request to revise 24’ of 42” high approved fence to a 6’ foot privacy fence to be located on west property line of 0 Summitt Drive) (Request to reinstall the existing fence so it steps down with the existing grade, to include a gate to match fence on Vance Street side of residence. The above referenced fencing would include wire at bottom.) (Request to install motion detectors and cameras on the outside of the home for upgraded security system. (Location of Cameras and motion detectors will not be disclosed) was read by Staff Whitmore. At this time, Staff Whitmore passed around the letter from Kevin and Kristen Dunne addressing COA- 09-63. Staff Whitmore starts to read the letter and Commissioner Page said he objected to the entity of this letter and to the record. Commissioner Page also asked that any comments that Kevin and Kristen Dunne had, that they need to present their case to the Commissioners at the regular meetings. Commissioner Roethlisberger said that he had read it and commented it was not pertinent to the case. Staff Whitmore shared a plat that was submitted with the letter, done by Darrell Eakes, which is public record. Chairman Nestor commented to Mr. Humphrey, to follow the plat as presented with the fence.

Staff Whitmore, summarized the COA-09-63 staff report. She found that setback and placement are not a factor. Materials, patterns, textures and colors are a factor. Architectural detailing is a factor. Roof shapes, forms and materials of the project are not a factor. Fenestration, portions, shapes, position, location and pattern are a factor. General Form and Proportions of Buildings and Structures are not a factor. Appurtenant Features and Fixtures are a factor.

Citizen Mike Humphrey presented his case to the Commissioners. Chairman Nestor asked Mr. Humphrey to direct everyone to COA-09-63. Mr. Humphrey shared that there has been a dispute between himself and the Dunnes in the past regarding the fence along the property line. Staff Whitmore said that this was a COA that Mr. Humphrey came in and told me there had been a property line dispute. Staff Whitmore at the time did not know anything about the dispute, or it was not mentioned, but Mr. Humphrey said he wanted to be a good neighbor and move the fence 8" inches off the property line. Mr. Humphrey spoke and said the COA that I put in is going to be replacing that back section of the fence. Discussion continued among commissioners and Citizen Humphrey regarding the fence and he supplied pictures and site plan for commission members. Mr. Humphrey continued to explain how the fence would be placed to give everyone a visual effect of where and how it would look. Mr. Humphrey said from the picture everyone was looking at, with the site plan there is a hill on the front part of the property that is about 8 1/2 ft. tall with trees on top, so that part of the fence would not be seen. Mr. Humphrey said that the 42" fence would go on the street side, the fence would go across and turn and go down where that comes back to the house. Commissioner Page had a question about proposing the railings on your side of the fence, and asked for comments regarding that recommendation. Staff Whitmore shared that the post and rails are on Mr. Humphrey's side of the property now as indicated in the photograph. The present COA- per Staff Whitmore is proposing the rails on the neighbor's property. (Mr. Humphrey said he prefers the rails to be on his side) due to fact it can not go on the neighbor's property. Commissioner Roethlisberger asked about wiring at the bottom. Mr. Humphrey explained that it would be invisible fence, nothing permanent, and some portion of the fence would be tacked underneath the rail, and the wire would not be seen. Chairman Nestor also mentioned that electrical code would take precedence. Commissioner Page asked referring back to the staff report, that you have to get around the trees, and you have to straddle along the property line. Mr. Humphrey said he would not be proposing for it to go around any trees. Commissioner Page directly asked Staff Whitmore a question that if there is a pre-existing approved COA- regarding construction of the privacy fence. Staff Whitmore shared there is an approved Minor COA- to relocate the existing fence on the property line to relocate 8" away from the property line. Staff recommendation is to either amend the earlier COA or withdraw it entirely. Staff Whitmore shared that we have two open COA's that conflict with each other. Mr. Humphrey said if we do move the fence 8" we will take and jog it around to our side. Mr. Humphrey asked if it would be easier if I withdrew. It would be up to his discretion. Staff Whitmore said she has to approve whatever is done, I can't approve both of them, one or the other, you can approve both of them, one is still valid, but at the time the applicant goes to installs the fence, whatever happens, he has to let staff know, and withdraw the other COA. Commissioner Page said he was leaning towards once you commit to construction, the activity under the COA, you notify staff which election you precede to make, so they can withdraw the other outstanding COA or that portion. Citizen Humphrey said he would withdraw that COA. Staff Whitmore asked Citizen Humphrey to send her a letter stating that he is withdrawing that COA for the record. The security cameras will not be visible from any public street or property, the locations will not be disclosed, however if won't be directed toward any other property other than Mr. Humphrey. A previous COA-07-04 was approved for three surveillance cameras, three motion sensors with remote alarm floodlights, and motion sensor alarms. Staff Whitmore noted that Mr. Humphrey asked her if the property owners as well as the applicant within 100 ft have been notified. Staff Whitmore shared we do a map, and they are sent two weeks prior to the meeting and a affidavit that is notarized and signed by myself

and Anne Sears with a list of property owners and it is included in the permanent file. Commissioner Gurwitch had a question about the wire at the bottom of the fence that would be associated with a gate that would install later. Mr. Humphrey said it was a gate closer. Commissioner Gurwitch asked if it was an iron retractable gate or automatic. Mr. Humphrey said the fence is wood, the gate closer is metal. It is a retracting arm that is all metal, and it is mounted on the inside or his side of the gate that swings into the property. The gate will match the fence.

Chairman Nestor asked if anyone wanted to speak against it, or any opposition. No-one spoke at this time. The public hearing portion was closed at this time, and Chairman Nestor asked if there was any discussion. Commissioner Gurwitch made a motion to close the public hearing, and Commission Page seconded it. Each of the elements of the COA was looked at individually.

FINDING OF FACT:

Commissioner Page moved that the Historic Preservation Commission find as a fact that the proposed project COA- 09-63 at 503 Summitt and 0 Summitt Drive if proposed 42” inch style open fence matching the approved existing fence along the front property line of 1. 503 Summitt Drive and back of the planting bed and then continuing along the east property line of 507 Summitt Drive to the rear, including automatic gate is erected in accordance with the decision by the Historic Preservation Commission is congruous with the character of the district, including that the placement, and the materials remain consistent with the existing fence except for the swing arm mechanical pertaining to the gate, and the architectural detailing, general form and proportions, and other appurtenant features and fixtures are appropriate and consistent with the existing materials and the generally harmony with the criteria of the design guidelines and the special character of the neighboring properties in the historic district as a whole. Commissioner Gurwitch seconded the motion, and it passed unanimously. Note: (With the stipulation that the materials remain consistent with the existing fence except for the swing arm mechanical pertaining to the gate.)

DECISION:

Based on the preceding finding of fact, Commissioner Page, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Mike and Nancy Humphrey and approve the proposal as shown in COA-09-63 pertain to 503 and 0 Summitt Drive that they will have to install a 42” open style fence, to match the approve existing fence along the front property line of 503 Summitt Drive and the back of the planting bed and then continue along the east property line of 507 Summitt Drive to the rear including a automatic gate to be installed across the front drive-way stipulating that materials used be consistent with the existing fence, except for the swing-arm mechanism employed for the gate. Commissioner Gurwitch seconded and the motion passed unanimously.

FINDING OF FACT:

2. Commissioner Gurwitch moved the Historic Preservation find as a fact that proposed project COA-09-63 at 503 and 0 Summitt Drive in relation to the revision of a 24 ft, 42” inch height approved open fence to a 6ft privacy fence pertaining to the west property line of 0

Summitt Drive. That proposed changed is congruous with the character of the district for the following reasons, that the height, setback, placement, and materials and architectural details, are generally in harmony with the criteria in the design guidelines and the special character of the neighboring property, and the historic district as a whole, seconded by Commissioner Roethlisberger, and it passed unanimously.

DECISION:

Based on the preceding finding of fact, Commissioner Gurwitsch moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Mike and Nancy Humphrey and approve the proposal as shown in COA-09-63, 503 and 0 Summitt Drive, specifically regarding the request to revise 24 ft, 42” height open fence to a 6 ft. privacy fence to be located on the west property line of 0 Summitt Drive, seconded by Commissioner Worley, and the motion passed unanimously.

FINDING OF FACT:

3. Commissioner Gurwitsch moved that the Historic Preservation find as fact that the proposed project COA-09-63- 503 and 0 Summitt Drive specifically regarding to access to re-install the existing fence so that it steps down to the existing grade including gate to match fence on Vance Street side of residence to include the wire at the bottom of the fence for the purpose of powering the automatic gate in keeping future dogs in the yard. It is congruous with the character of the district for the reasons that material, placement and detailing are generally in harmony with the criteria, and design guidelines and the special character of the neighboring property and the historic district as a whole. Commissioner Worley seconded and the motion passed unanimously.

DECISION:

Based on the preceding finding of fact, Commissioner Gurwitsch moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Mike and Nancy Humphrey and approve the proposal as shown in COA-09-63 at 503 Summitt and 0 Summitt Drive specially regarding to request to reinstall the existing fence that steps down to the existing grade to include a gate that match the fence on Vance Street side of residence with the wire running inconspicuously along the bottom of fence. Commissioner Worley seconded and the motion passed unanimously.

FINDING OF FACT:

4. Commissioner Page moved the Historic Preservation Commission find as a fact that proposed project COA-09-63 pertaining to 503 & 0 Summitt Drive be requested to install motion detectors and cameras on the outside of the home for upgraded security system is in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district for the reasons that materials, forms and proportions, and other appurtenant features and fixtures are general in harmony with the criteria in the design

guidelines and special character of the neighboring properties and historic district as a whole. Commissioner Gurwitch seconded and the motion passed unanimously.

DECISION:

Based on the preceding finding of fact, Commissioner Page moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Mike & Nancy Humphrey and approved as proposed as shown in COA-09-63 @ 503 & 0 Summitt Drive, the request to install motion detectors and cameras on the outside of the home front for and upgraded security system, seconded by Brandon Atkins and the motion passed unanimously.

OLD BUSINESS:

Draft Rules and Procedures:

Staff Whitmore briefed everyone that she has put it out on the list serve about reading the staff reports into the record. She has received some responses back, and there are some entities that do not read them into the record, due to the fact that the staffs reports are generally released a week ahead of time. Staff Whitmore will confirm with City's attorney, Susan Patterson with the documentation that she has. There are only one or two Historic Districts that continue to read staff reports into the record. **Staff Whitmore also shared if commission members do go to a site by themselves that they are not to discuss or talk with the applicant at all on site.** Staff Whitmore said she will also be visiting other municipalities to observe how the Historic Preservation Commission are run. Staff Whitmore stated that staff reports in other jurisdictions are on the web, and it is mailed to the applicant. The commission members can pick it up at the office, and also the local T.V. station has it, and everyone can read the public record ahead of time. Staff Whitmore shared that it will be available to all at the same time, and she will be in the process of investigating.

Commissioner Gurwitch asked to speak about the Rules and Procedures. She wanted to pursue a separate special meeting specifically on discussing the approval of the amended Rules and Procedures article by article. Commissioner Gurwitch made a motion at this time to schedule a meeting for a future date that will be prior to next monthly schedule commission meeting to discuss the adoption of the amended Rules and Procedures, and seconded by Commissioner Atkins. Chairman Nestor mentioned that we have to advertise anytime we do meet at least 14 days out. Several dates were proposed to the commissioners. Chairman Nestor asked what has been done to date with the Rules and Procedures. Staff Whitmore said it was previously discussed that we would do the review and then we will have a public comment. Public comments will be at the next meeting. At this time, Citizen Mike and Nancy Humphrey left. Before the meeting ended, three tentative dates were set: September 10th, 14th, and the 17th of September were discussed, but e-mails are to be forward to Staff Whitmore to determine date for the meeting.

Staff Whitmore asked everyone if they had information for the fall newsletter to please submit to her.

NEW BUSINESS:

Revised Courtesy and follow-up violation letters: were briefed and distributed to commissioners regarding revised courtesy and follow-up violation letters by Staff Whitmore. The first letter sent to violators will have ten days to respond, and then the second one will follow. Staff Whitmore stated to update commissioners to the following section of the UDO, and she also shared that there has been some question of staff authorized to fine someone in violation. Staff Whitmore read from the HP Handbook, – UDO section - 4.12. 4.13 Compliance states the following: **Compliance with the terms of the COA shall be enforced by the Historic Preservation Administrator. Failure to comply with the COA shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a COA for a period of one year shall be considered as a failure to comply with a COA. Refer to Article 1 Section 1.6 Violation of this Ordinance for more information.** Staff Whitmore also continued to shared that she wanted to make everyone aware that staff does have the authority to go out and say you are not doing your project in accordance with the approved COA, it will be preceded with a letter, possibly a stop work order. She relayed that this is the way it will be done, unless otherwise noted by City’s attorney Susan Patterson. Commissioner Page asked Staff Whitmore a question, about that there has been some dispute about staff being able to fine, not having a COA or complying with an approved COA. Staff Whitmore continued to say that Carl Anglin with Code Enforcement is the one that places the fine, and continues to follow up daily. No fines have ever been collected. Staff Whitmore said I do go with him in the Historic Preservation area, and she also said that I work with the person to bring them back in compliance.

Staff Update: COA’s updates were passed out and read by Staff Whitmore.

ADJOURNMENT:

With no further business to come before the Commission, Chairman Nestor entertained a motion to adjourn. Commissioner Page moved and it was seconded by Commissioner Gurwitch and the motion passed unanimously.

Adopted this _____ day of _____

BY: _____

ATTEST: _____

Elizabeth Whitmore, Historic Planner II