

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD HISTORIC PRESERVATION COMMISSION**

**WEST END CONFERENCE ROOM
7:00 PM, MONDAY, DECEMBER 20, 2010
SANFORD MUNICIPAL BUILDING**

Roll Call:

Commissioners Present: David Nestor, Donnie Worley, Brandon Atkins,
Shannon Gurwitch, Mike Humphrey, &
Al Roethlisberger

Commissioners Absent: Ed Page

Staff Present: Planning Director, Bob Bridwell
Clerk, Bruno Pursche
City Attorney, Susan Patterson

Government Official Present: Sam Gaskins

APPROVAL OF THE AGENDA FOR DECEMBER 20, 2010

Chairman David Nestor called the meeting to order. Clerk, Bruno Pursche called the roll. Chairman Nestor asked for approval of the agenda. Commissioner Roethlisberger moved to approve the agenda as presented. Seconded by Commissioner Worley and the motion passed unanimously.

APPROVAL OF THE NOVEMBER 22, 2010 MINUTES

Chairman Nestor asked for approval of the November minutes. Commissioner Roethlisberger stated to Chairman Nestor that he could not vote for or against the minutes since he was not present at the November meeting. He said he wanted to abstain, and that he couldn't speak for neither Commissioner Humphrey nor Commissioner Gurwitch; but if they chose to abstain we will not have a quorum to vote on the minutes. A quorum was determined, and Attorney Patterson stated that board members can vote on minutes even if they weren't present on the day of the meeting; provided that you read them, you can vote on them. Chairman Nestor asked again at this time for a motion for approval of the minutes. Commissioner Atkins moved that the November minutes be approved. Seconded by Commissioner Worley and the motion passed.

PUBLIC COMMENT:

There was no public comment.

Bob Bridwell, Debra Fincher, and Brian Gould were sworn in at this time.

PUBLIC HEARINGS:

Review of Application for Certificate of Appropriateness COA-10-79.

Chairman Nestor stated they have an application made by Debra and Michael Fincher owners @ 305 N. Gulf Street, who wish to install carriage style garage doors on the existing garage located at the rear of their property. Chairman Nestor asked if any of the commission members had any conflict or a site visit to the property that they need to disclose. Commissioner Humphrey stated that he did drive by the site, and actually walked up to the door yesterday delivering notification of luminaries for the neighborhood. He said he has seen the project first hand, and he didn't think it had any bearing on his ability to, or not to make a decision based on the guidelines.

Mr. Bridwell summarized that COA- 10-79 staff report. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled. He also asked to enter Exhibits A and B. (Exhibits A&B are attached)

Chairman Nestor asked the applicant, Mrs. Fincher if she was ready to proceed.

Mrs. Fincher stated that she purchased the home in 2005, and it didn't have any garage doors. Mrs. Fincher did note that they could put up roll-up doors, but thinks the carriage doors look nicer, and would help secure their valuables.

Chairman Nestor asked the board if they had questions. Commissioner Humphrey asked what material will be used for the garage doors. She stated it would be wood like the building itself, and painted white to match the building. Commissioner Roethlisberger asked if they were actually carriage doors that open on hinges. Mrs. Fincher said yes, the door opens out. Commissioner Roethlisberger also asked Mrs. Fincher about the stepping stones that were showed in the picture before us, and he asked her if this was something that she planned to do. Mrs. Fincher stated it was not a picture of their property, it was an example, and the picture of those doors were cut and paste onto the picture of that garage. She shared that they have a cement driveway, and the picture of the doors that are being presented to the board tonight, will probably look like the pictures at least ninety to ninety-five percent. Commissioner Gurwitch and Chairman Nestor shared positive comments on the appearance.

FINDING OF FACT:

Commissioner Gurwitch moved that the Historic Preservation Commission find as a fact that the proposed project COA-10-79 at 305 N. Gulf St. is done in accordance with the decision by the Historic Preservation Commission, is congruous with the character of the district, for the reasons that the materials, architectural detailing, and the appurtenant features and fixtures are for the following reasons; that the

proposed doors are parliament to size, scale, proportion, texture and detail of the existing garage, and are also found in adjacent or adjoining properties in the same neighborhood, are generally in harmony with the criteria of the design guidelines and the special character of the neighboring properties and the historic district as a whole. Seconded by Commissioner Humphrey and it was passed unanimously.

FINAL MOTION:

Commissioner Humphrey moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Michael and Debra Fincher at the end approval of the proposal as shown in COA-10-79 for 305 N. Gulf Street. Seconded by Commissioner Gurwitch and it passed unanimously.

Public Hearing was opened:

Review of Application for Certificate of Appropriateness COA-10-83.

Mr. Bridwell stated that the Historic Preservation Commission received a Certificate of Appropriateness application from Brian Gould, owner of 319 N. Gulf Street, who wishes to remove two trees (one pine and one willow oak) and install a six (6) foot high fence that tapers to four (4) feet in height where appropriate.

Mr. Bridwell summarized COA- 10-83 staff report. Mr. Bridwell indicated that all public notifications required by general statutes had been fulfilled.

Chairman Nestor asked if any of the commission members had any conflict or a site visit to the property that they need to disclose. Commissioner Humphrey disclosed that he saw the property, and several times today he had a couple of conversations with staff trying to get some clarification. Commissioner Humphrey stated he recently saw Mr. Gould at a Crime-watch meeting, and Mr. Gould indicated to him he was putting in an application. Mr. Humphrey said at this time, we didn't discuss anything, but two months earlier Mr. Humphrey heard Mr. Gould say he was having trouble with his neighbors, and he didn't know what his chances were of putting up a fence in the historic district. Commissioner Humphrey stated I did talk to Mr. Gould after that, and relayed to him that the guidelines did provide for some fencing, and asked Mr. Gould to check it out. Commissioner Roethlisberger shared that he was the applicant's neighbor at 318 Summitt Drive, and they have spoken on a regular basis about fences, and trees that he wanted to cut them down at some point, and no specifics were discussed, so I encouraged him to put in an application. Mr. Roethlisberger also stated that there wasn't any discussion or details that would affect his ability about the case. At this time, Attorney Patterson asked Commissioner Roethlisberger do you feel like any impact to his property would provide a financial benefit to you or your property. Commissioner Roethlisberger stated no. Attorney Patterson asked Commissioner Rothelisberger if he could be an impartial decision maker, and make your decision based on what information is placed into this hearing tonight. Commissioner Roethlisberger answered absolutely.

Chairman Nestor, asked Mr. Gould to proceed. Mr. Gould stated he had rented this property from his neighbors @ 315 Summitt Drive for some time, and recently purchased the property on September 1, 2010. He had lived there for ten years. Mr. Gould said his plans were to take the duplex and eventually turn it into a single family dwelling.

Mr. Gould stated that he had tree removal company assess two large hardwood trees on the 315 and 318 Summitt Drive property line which had completely grown over his roof; the limbs were trimmed back for safety reason, since he had received damage to the gutters and the roof . The two trees mentioned in the application are to the rear of the house; and the 60 foot leaning pine tree is located behind the garage and if it falls it will go through the garage. He stated there is also an effect on the foundation of the garage and the retaining wall is beginning to crack which was supposedly caused by this tree according to the tree removal company whom inspected the tree.

Mr. Gould stated the second tree to be removed is an unsightly willow oak hardwood which is touching the rear of his house and the gutters. This tree is to the rear and approximately eight feet from the building. The willow oak and a beautiful cedar tree eight feet apart are intertwining and both are about sixty-five to seventy-five feet tall. He was informed by the tree removal company it would be better to remove one tree which would allow the other a better chance of being healthy.

Mr. Gould stated he wanted to install a six foot wooden fence on the corner of Summitt Drive and Gulf Street, which would run from the rear corner of the property to the street and from the garage to Summitt Drive. He mentioned his neighbors, who are living in a rest home. They have an existing metal building, which is in bad shape, filled with junk, such as paint thinners and other toxic materials.

Chairman Nestor asked Mr. Gould to confirm the fence in the picture is what he wanted to construct and he said he did. Mr. Gould explained the property lines between his property and 200/202 Gulf Street a rental complex and stated why he wanted to fence the property. He explained that since the new tenants moved in, and since June 2010 he has called the police twenty-five times, and has had his neighbors convicted of trespassing. He and his girlfriend have been threatened by his neighbors which is a motivating factor for the fence.

Commissioner Roethlisberger questioned two other oaks in the picture to the right corner of the property (Exhibit I attached) which are up against the retaining wall, and may damage the wall as they grow and what action the applicant may take (not a part of this application), the applicant stated he did not know at this point what he will do.

Commissioner Gurwitch stated she expected pictures of actual damage caused by the tree to the foundation or written documentation by a tree expert for the removal of the trees. Mr. Gould replied he had not made repairs to the foundation of the home or the garage wall damage which exists. Chairman Nestor referred to Exhibit G (attached) showing the site plan indicating the two trees and confirming their actual placement on the property in regards to the structures. Chairman Nestor, Commissioner Gurwitch and Commissioner

Humphrey agreed that a tall, spindly, skinny tree pictured in Exhibit A & B (attached) needed to be removed. Mr. Gould confirmed the trees which were to be removed on the annotated Exhibit A (attached).

Commissioner Humphrey and Commissioner Roethlisberger commented on the fence as described in Exhibit G (attached) and criteria set forth in the guidelines, Commissioner Gurwitch requested clarity in regards to the fence diagram; and Mr. Gould was agreeable to any modification by the Commission to get the fence up.

Chairman Nestor asked the applicant to explain the word tapered in regard to the fence description; and Mr. Gould referred everyone to Exhibit G (attached) as he described the workings of the fence on his property as applied for.

The Public hearing closed. Attorney Patterson questioned the deliberation since the public hearing had not been formally closed.

There was a discussion among the board members regarding the fencing as applied for. Commissioner Roethlisberger exhibited some concerns with the guideline description of a corner lot and placement of the fence. Staff made a recommendation for the applicant to be in compliance with the UDO and that Planning could assist with the decision and site plan.

Chairman Nestor requested to move this case along; discussions by commissioners continued regarding height, setbacks, open fence and the pros/cons to be considered.

The Public Hearing was reopened.

There being some confusion, Chairman Nestor had the applicant readdress some issues to the Commission. Mr. Gould stated the stairs to be removed are not attached to the house. The applicant again referred to Exhibit G (attached) and explained his fence proposal from the back corner of his property to the tree and the tree to the street; and then he continued to explain the fence from the back corner of his property to the garage and garage to the street. The retaining wall and culvert where installed for erosion purposes and should be removed to allow the fence to be properly installed. Commissioners addressed to the applicant to provide for proper drainage to keep runoff away from the house.

The Public Hearing was closed.

Before the Finding of Fact, Chairman Nestor, clarified to the members that what we are looking at with the fence to Summitt to six foot type board fence up to the back wall of the house, and from that point on a 42 inch fence that would be an open fence in design, and then fence to Gulf, and it would be a solid fence up to the tree, and then from the tree on, it would an open 42" fence to the sidewalk or whatever Permitting will allow.

Commissioner Gurwitch made a motion to divide the motion. Seconded by Commissioner Humphrey and it passed unanimously.

Right now the drawing is inaccurate, but they will go ahead and make reference to this in the minutes.

FINDING OF FACT:

Shannon Gurtwitch moved that the Historic Preservation Commission find as fact that the proposed project COA-10-83 @ 319 Summitt Drive if the proposed fencing is constructed as modified to include a six foot tall type board section of fencing extending on the Summitt Drive from the garage to the rear of the home is six (6) foot high type board fence stepping down to a forty-two (42) inch open board fence which will then extend the remainder of the way to Summitt Drive; and if the section of fencing extending from the East property line to Gulf Street is constructed such that it is a six (6) foot high closed board fence from the East property line to the tree which sits on the back property line and from the tree continuing on to the sidewalk on the Gulf Street side of the property is forty-two (42) inch open board fence and the concrete culvert and steps which are also along the Summitt Drive proposed fence on the East property line are removed, that the project is congruous with the character of the district, for the reasons that the height setback, placement, materials, and general form and proportions are, for the following reasons: That the changes made on the side of the property on the Summitt Drive side will bring that fencing into conformity with the current guidelines and on the rear side of the property which extends from the east property line of the property to Gulf Street will represent the best fit compromise and lack of guidance by the guidelines are generally in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole. Seconded by Commissioner Roethlisberger, and passed unanimously.

FINAL MOTION:

Commissioner Gurwitch moved based on the preceding findings of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Brian Gould and approve the proposal as modified in COA- 10-83 for 319 Summitt Dr. by the Historic Preservation Commission during this hearing on November 20, 2010. Seconded by Commissioner Roethlisberger and it passed unanimously.

Recess is taken at this time @ 9:15 – 9:25.

Based on the preceding findings of fact, I move the Historic Preservation Commission grant a Certificate of Appropriateness to Brian Gould and approve the removal of the trees as shown in COA-10-83, 319 Summitt Drive.

2nd Part of FINDING OF FACT:

Commissioner Atkins moved that the Historic Preservation Commission find as fact the proposed project COA-10-83, @ 319 Summitt Drive, that the tree removal is done in accordance with the decision by the Historic Preservation Commission is congruous with the character of the district, for the reason that the trees are a hazard to the property, specific to the pine tree that is growing at an angle; there is a potential for that to fall on the garage, the effect it has on the rear wall of the garage from cracking unto this place, especially the brick; and number two specific to the willow oak branches have fallen and done damage to the gutters, potential for more damage and potential damage to the cedar, and that if it is removed it will be in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole. Seconded by Commissioner Humphrey and it passed unanimously.

FINAL MOTION:

Commissioner Atkins moved based on the preceding findings of fact, that the Historic Preservation Commission grants a Certificate of Appropriateness to Brian Gould and approves the removal of the trees as shown in COA-10-83, 319 Summitt Drive. Seconded by Commissioner Gurwitch and it passed unanimously.

Old Business:

Chairman Nestor stated to Commissioner Humphrey that they were still looking at recommendations for committee members to work on the Guidelines, and asked if he had done anything at all. Commissioner Humphrey said that everyone that he has spoken too has agreed to come back with the exception of one. He also mentioned that he had previously served on that committee, along with Commissioner Roethlisberger, and he wasn't sure how the board is going to look at that as well. Chairman Nestor asked Commissioner Humphrey to go ahead and forward those names by e-mail, along with a name that Commissioner Humphrey had received who would like to sit on the board. Commissioner Roethlisberger questioned that when this new committee is formed how are we going to provide them initial feedback. Chairman Nestor stated it was too much to try to work on at our regular HPC meetings, but he would like to see as the committee works through it to have it available on line. Commissioner Humphrey stated he would like to see it on line as well, so we as board members can sit down at our leisure time and go through it, and make recommendations, and shoot the ideas back and forth, and try to make it work. Commissioner Roethlisberger stated he prefers to have a deadline to meet. He suggested everyone read as little or as much of the current version that exist today, and provide essential point of feedback, so when the new committee wants to resolve it, we will at least have a list of concerns. He stated again that the committee is going too be made up entirely of the people that wrote the ones that we have now. Chairman Nestor was in agreement, and Commissioner Humphrey stated they do need some direction. Chairman Nestor said that is a great request out of the committee, to tell us what you want right off the bat, and I think that is a good statement, so well said. At this time, Chairman Nestor asked everyone to go through the proposed guidelines that

everyone has, and see if you have any recommendations or anything in there, that you think is completely off the wall, or things that you feel that are right on. Commissioner Humphrey asked Chairman Nestor if he would like for him to invite the previous committee members to come to our next meeting, and Chairman Nestor replied he didn't think so, we have already taken enough of their time.

NEW BUSINESS:

- Mr. Bridwell summarized the minor work COA's for the month of December (sheet attached)
- Commissioner Roethlisberger shared that Mr. Finche, past away last summer; and that his estate went into an estate with Miller Boyles, and that the house has been sold. The new owners plan to restore the home and then resell it as a single family dwelling.
- Next schedule meeting date is January 24, 2011, cutoff date for any submittal of COA's is January 3, 2011.

Chairman Nestor called for a motion to adjourn. Commissioner Roethlisberger made a motion to adjourn, and seconded by Commissioner Gurwitch. The meeting adjourned at 9:40 and it passed unanimously.

Adopted this _____ of _____

David Nestor- Chairman

ATTEST: _____

Bruno Pursche, Clerk Note: (Anne Sears- absent HPC mtg. 12-20-2010)