

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
West End Conference Room
7:00 PM Monday, March 24, 2014
Sanford Municipal Building

Roll Call:

Commissioners Present: David Nestor, Cheryl Myers, John Sheuring, Carla Thomann, Jonah Godfrey & Allen Gordon

Commissioners Absent: Ash Worboys

Staff Present: Liz Whitmore, Anne Sears, Susan Patterson, City Attorney

Government Official Present: Sam Gaskins

Guests Present: Bob Stevens, Jerry Stevens, Kathy Carroll & Elizabeth Suchite

Approval of the Agenda for March 24, 2014

Chair Nestor called the meeting to order. Staff Anne Sears called the roll and a quorum was determined. Chair Nestor asked for approval of the agenda. Commissioner Myers moved to approve the agenda as written; seconded by John Sheuring and the motion passed unanimously.

Approval of the January 27, 2014 Minutes

Chair Nestor entertained a motion to approve the January 27, 2014 minutes. Commissioner John Sheuring moved to approve the minutes; seconded by Commissioner Cheryl Myers and the motion passed unanimously.

There was no Public Comment.

Public Hearings:

In accordance with General Statutes the Public Hearings were advertised, once a week for two successive calendar weeks prior to the meeting date.

Staff Whitmore was sworn in at this time.

5a. COA-14-06-Applicant, Jerry Stevens, property owner of 410 Chisholm Street has removed one large tree (in the side yard on Vance Street) in excess of eight (8) inches in caliper which was removed on about October 22, 2013 without the benefit of obtaining a Certificate of Appropriateness. The Certificate of Appropriateness is to seek an after-the-fact approval of the removal of one tree in excess of 36 inches in diameter adjacent to Vance Street.

Commissioner Jonah Godfrey arrives at this time.

There was no conflict of interest among the Commissioners which would prejudice the decision making process.

Ms. Whitmore summarized the staff report for COA-14-06 (included by reference). Mrs. Whitmore indicated that all public notifications required by the general statutes had been fulfilled. She referred to the supportive material in the package submitted to the Commission which included pictures of Exhibit A, B, C, D, and E. The applicant Bob Stevens lives at the residence with his mother. Mr. Stevens had called a tree service to come and limbed the tree up because it was dropping limbs on his vehicle. At the time he called, the tree was being limbed up in accordance to the guidelines- (which allows limbs to be trimmed 4" or smaller in diameter.) The tree trimmer at this time told Mr. Stevens that the tree was rotten and that he would remove the tree for a certain amount of money on that day; or he could come back at a later time and remove the tree when it got worse; but the fee would be double. Mr. Stevens naturally felt that he knew nothing about tree removal. Staff Whitmore went to the site to speak to Mr. Stevens after he had received the violation letter that is in the packet today (Exhibit A) - Exhibit B shows where the tree was already down. The property owner Jerry Stevens does not live at the property and Bob Stevens wanted to make it clear that his brother Jerry Stevens (the owner of this property and for the record had nothing to do with the removal of the tree). Mr. Bob Stevens did not realize that he had done something wrong until he received the violation letter. Mr. Stevens has COA to plant two ornamental trees and Staff Whitmore will work with Mr. Stevens to determine suitable trees; location and planting times. (Exhibit C) Mr. Stevens also has a COA to put a new roof on the house and paint the house. See (Exhibits D, & E). Staff read the letter to the board from Quality Tree Service dated 10-22-2014 that Mr. Stevens had given to her. (Exhibit F) Chair Nestor stated for the record that the only COA that needs to be approved tonight is for the tree to be taken down because it is diseased. The other two COA's mentioned above has already been approved by staff.

Staff Whitmore asked the board if they had any questions at this time. Commissioner Thomann asked if the tree was on the right of way. Staff said it was not.

Chair Nestor closed the Public Hearing.

Commissioner Godfrey asked if the tree was already ground up and if we could inform the tree company about clients obtaining COA's in the historic district. Staff Whitmore stated the tree is gone and the tree service has been informed. Attorney Patterson asked the applicant if he would like to speak.

Public Comment was reopened.

Mr. Bob Stevens is sworn in at this time.

Commissioner Thomann stated that the homeowner seems angry every time he has to deal with the commissioners; but his home is in the historic district and he needs to be aware of what his expectations are for living in the historic district.

Mr. Stevens stated his name and noted that the tree is gone and said that Chris, the Quality Tree Service owner did not have to answer to this board; and he was not in charge of being a law keeper; he was not a cop; he did what I told him to do; he cut the tree down; he cut the limbs off it and he said it was well within the range. The tree had to come down because it was dead; it was falling on my car; it fell on my nieces car and you are telling me that I can't make that decision; well I did and I don't think you have any right to tell me that I am trying to do something wrong or I am being disrespectful to this board; I think you are disrespectful to me. Commissioner Thomann said she was sorry that he felt that way. Mr. Bob Stevens stated I do.

Being no other discussion; the public hearing was closed.

FINDING OF FACT:

Commissioner Myers moved that the Historic Preservation Commission find as fact that the proposed project COA-14-06 at 410 W Chisholm Street proposed removal of the tree that has already been removed due to the fact that it was diseased, dying and a hazard basically to the neighborhood was done in the accordance with the decision by the Historic Preservation Commission is congruous with the character of the district with the reasons that it was not in the right of way; it was in the way of his driveway and the tree was actually dead and for those reasons the removal of the tree is in general harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole. Commissioner Sheuring seconded. Commissioner Carla Thomann opposed.

Final Motion:

City Attorney, Susan Patterson asked that the Final Motion be read as amended.

Commissioner Myers moved based on the preceding finding of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness after the fact as amended to Jerry Stevens and approve the proposals as shown in COA- 14-06, at 410 W. Chisholm Street. Commissioner Sheuring seconded and the motion passed unanimously.

Staff Whitmore, Kathy Carroll and Elizabeth Suchite are sworn in at this time.

5b. COA- 14-10 Elizabeth Suchite, property owner of 308 Summitt Drive, who wishes to remove four trees that are located in her rear yard in excess of 8 inches in caliper at breast height.

Ms. Whitmore summarized the staff report for COA- 13-42 (included by reference). Ms. Whitmore said the issue with this property is that while the trees are not located next to their house; one of the trees shown on page 8 (Exhibit A) that the roots have extended over, reference (pages 9, Exhibit B) and page 10 Exhibit C) shows where the roots have cracked the foundation of the home and where the air-conditioner sits. Ms. Whitmore noted on page 8 it shows a brick wall that runs down the common property line of their neighbors and this large tree next to the property is starting to undermine this wall. These trees have dropped limbs on her home and this wall. On page 11 (Exhibit D) shows a group of trees that are too close to the wall; and the applicant she wishes to have those removed. On page 12 (Exhibit E) there is a Loblolly pine she wishes to have removed. Ms. Whitmore noted on page 17 (Exhibit F) starting in the center of the page is the tree survey that was done in 2009. Some of the trees look like they are on the wrong property. Attorney Patterson asked staff to identify them in relation to the house. Staff stated the appropriate location and names of the trees. Ms. Whitmore noted that a part of the applicant's problem is that part of the property slopes to the rear and there is a drainage ditch there. The applicant cannot grow any grass back there; it is too shady and it is a mess when it rains. Staff stated she has concerns about the wall and the air-conditioning unit.

There is no conflict of interest among the Commissioners which would prejudice the decision making process.

Public hearing was reopened.

Chair Nestor asked if the applicant, Elizabeth Suchite, if she would like to make a statement. Ms. Suchite stated that she bought the house in October; this was her first home and she had big ideas for her home. She had hope that her two children would be able to run and play without tripping or getting muddy and she would like to have a garden. She feels like it would be very unfair **not** to take down the trees. Commissioner Thomann asked the applicant how she knew to come and get permission to cut the tree down. Ms. Suchite said that she wasn't aware of any of that; until she called to get an estimate with Lett's Tree Service and they told her that she was in the historic district and a COA would be required.

Kathy Carroll, whom has lived at 304 Summitt Drive for seventeen years stated that the previous owners used to have a beautiful garden there. In the past a tree was struck by lighting and they would have branches fall into their back yard.

The Public Hearing closed.

Commissioner Thomann shared positive comments about the home.

Finding of Fact:

Commissioner Sheuring moved that the Historic Preservation find as fact that the proposed project COA-14-10,308 Summitt Drive that the tree removal is done in accordance with the decision of the Historic Preservation Commission is congruous with the character of the district for the reason that the trees are interfering with the house and the air-conditioning and that they are also in poor condition and the limbs are contributing in excess to the yard and the root structures are destructive to the foundation of the house as well as the retaining wall and 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. Commissioner Thomann seconded and the motion passed unanimously.

Final Motion:

Commissioner Sheuring move that based on preceding findings of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Elizabeth Suchite and approve the proposal as shown in COA-14-10 Summitt Drive. Commissioner Godfrey seconded and the motion passed unanimously.

Applicants, Elizabeth Schuite, and Kathy Carroll leave at this time.

Chair Nestor stated that Mr. Jose Norato was not present for tonight's case COA- 14-11 and he asked that it be tabled until next month's meeting and he asked for a motion. Commissioner Sheuring made a motion to tabled COA-14-11 until April's meeting. Commissioner Myers seconded and it passed unanimously.

OLD BUSINESS:

6. a. Staff Whitmore gave an update on the Rosemount McIver Park Historic District Guidelines Final Draft. Staff said she has a question about the application that is attached at the back of the booklet. She wanted to know if one application would be acceptable for all the districts or if the application itself even needs to be included in the Guidelines and if so may it be only for the applicant to review before

applying. City attorney, Susan Patterson asked why the application itself is in the guidelines. She noted if you remove a name it would require a vote. Mrs. Patterson felt like by just having one form for all the historic districts would be appropriate; it doesn't matter whether it would be site specific or not. Mrs. Patterson asked everyone to look at the new application provided in the packet. The application shown in the guidelines does not state what the project is nor does it ask for a description of the project. Recommendations were made to the staff and board on how it should or should not be written and what it should include. Staff Whitmore shared that applicants sometimes have difficulty filling out the application and they need staff's assistant. Mrs. Patterson suggested that the Design Review Checklist might be more helpful if it could be moved towards the front; then you could check whether it is going to be a minor or major and a block to show which district they are in. Chair Nestor asked each member to e-mail staff Whitmore of any typos or changes.

Staff Whitmore said she felt like she had all the information needed to make the corrections for the application. Staff asked Mrs. Patterson what steps are needed to get the Guidelines approved. Mrs. Patterson noted that a public hearing would have to be held and then this board would make a recommendation to City Council to adopt the new set of guidelines. Mrs. Patterson asked that she be given an opportunity to read it first and she encouraged the board members to do the same. She asked that a letter be sent to the people in those districts saying that the Historic Preservation Commission is proposing for Council to adopt new guidelines. Then someone from the HPC board would have to present it to Council. Mrs. Patterson noted that a community meeting be established by the board and then they could schedule a date for the meeting at the next meeting in April.

6. b. Parking: Mrs. Patterson said she has put together a proposed draft for a parking ordinance; but has not had the time to review or note the changes. The board needs to determine whether it is going to be city-wide or only in the historic district in East Sanford and if the ordinance should say **thou shall** and if you don't is there a penalty? She added that an ordinance is a parking regulation; it is not part of the guidelines. Commissioner Myers had a question about #3 under (b) Regulations; and then A-3. It read as: That no more than 33% of the front, rear, or side yard area may be delineated, with a physical edge that is and/or drives. The board and staff decided it should be written as: No more than 33% of the yard area may be delineated for parking and/or drives. The board will have to make a recommendation to the Council for their decision. Mrs. Patterson suggested it states it is unlawful to park in the front unless you are on a hard surface. Chair Nestor added that there are plans to include the Rosemount-McIver district. Mr. Gaskins stated that the Council would probably be more supportive if one district was approved at a time. The final rewrite that Mrs. Patterson recommended was that it should read: (Parking is unlawful in a residential area; unless it is a hard surface; such as concrete; asphalt, concrete or brick; whatever that does not take up more than 33 percent of the yard area for the area delineated by the historic boundaries; then there will be a penalty for violation.

NEW BUSINESS:

- a. Ms. Whitmore gave everyone a copy of the Proposed Tax Reform Act to read.
- b. Charlie Watson Lane Signage Dedication was held on April 19 @ 10:00 beside the alleyway of A Few Nice Things and the Womble building. Benjamin Moore donated the sign.
- c. Ms. Whitmore stated that Chris De-Lambert, Chairperson for the Mural Arts Project has written a letter to Kenneth Laughinghouse, Chairman of the Appearance Commission to inform the board of the locations that were chosen for the murals. Property owners have

already consented. The locations selected were: Moore Street facing Wenger's, the Wild Bill wall; Depot Park wall, the corner of Moore and Wicker; and the wall facing Horner (Ram Farmah's building). This is a great way to get Sanford on the map and to honor Sanford's history and heritage.

- d. Ms. Whitmore has e-mailed everyone about a CLG Workshop that will be held on April 24th and it is included in your packet tonight. Two members are needed to go in order to meet our government training certification. It is an all-day event. Member Sheuring agree to go and Member Myers said she would go if needed. Commissioner Myers last meeting is in April; her term is up in June. Ashely Worboy resigned; he has been deployed.
- e. Staff provided updates on minor and major COA's (see list included by reference).

8. Announcements:

Staff Whitmore stated that Arbor Day will be held on April 9th at B. T. Bullock School at 1:30. Five fifth grade classes are participating and six trees will be planted. Staff ordered Arbor Day bracelets and the kids will be singing the Song of Lee County and recite poetry. Jennifer Rall from the state will be there to present us with our Tree City USA plaque. Several foresters from Lee County will be attending.

Chair Nestor shared that Second Sunday's has started and will end in the month of November. The participation has been great; merchants are pleased and thirty vendors are participating.

ADJOURNMENT:

Chair David Nestor called for adjournment: Commissioner Sheuring made a motion to adjourn. Seconded by Commissioner Myers, the motion passed unanimously. Meeting adjourned at 8:35 PM.

Adopted this 19 of May, 2014.

Respectfully submitted,



Chair, David Nestor

ATTEST: Anne Sears

Clerk, Anne Sears