

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
West End Conference Room
7:00 PM Monday December 14, 2015
Sanford Municipal Building

Roll Call:

Commissioners Present: Matthew Sakurada, David Nestor, Brian Mitchell, Allen Gordon & Phillip Yarborough

Commissioners Absent: Daniel Owens, Ginger Hubner

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

Government Official Present: Councilman, Sam Gaskins

Guests Present: Lorie & Ronell Vance, Michael & Nancy Humphrey,
Nathan & Dorothy Weber, Stephanie Tolbert

Approval of the Agenda for December 14, 2015

Chair David Nestor called the meeting to order. Staff Anne Sears called the roll and a quorum was determined. Chair Nestor called for approval of the agenda for December 14, 2015. Commissioner Allen Gordon moved to approve the agenda; seconded by Commissioner Matthew Sakurada and the motion passed unanimously.

Approval of the November 23, 2015 Minutes

Chair David Nestor called for the approval of the minutes for November 23, 2015. Commissioner Brian Mitchell moved to approve the November 23, 2015 minutes; seconded by Commissioner Phillip Yarborough and the motion passed unanimously.

Public Comment:

Chair Nestor asked if there was any public comment. Mr. Mike Humphrey stated his name and that he resides at 503 Summitt Drive. Mr. Humphrey noted that he had previously met with city staff and received texts from Chair Nestor. Mr. Humphrey stated he was behind the HPC guidelines, but he feels like the HPC board is NOT behind the guidelines. He asked why homeowners should follow rules when the Commission does not. He stated that there is no enforcement, deterrence or policing which equates to lost property values. The Commission has lost credibility. Tree removal is a major work and 17 trees have been removed in eight month without being treated as such.

Mr. Humphrey spoke to the Commission on March 18th about parking concerns. Back then he stated that the new provisions might force people to park on the streets and that many of the city streets are not wide enough to accommodate parking on the streets. He stated that he has written up a plan and he would share it with the Commission. Mr. Humphrey stated he is totally behind not parking in front yards however, the parking regulations allow people to park in the front yard three times a year for a day period; so a fourth of the year, residents can park in the yard legally. He wondered if the regulations meet the goal and also who is going to do the enforcement. In closing, he stated in May he mentioned this to the Commission and no one got back to him.

Chair Nestor asked if there were any more public comments. Mr. Nate Weber stated that he and his wife Dorothy live at 507 Summitt Drive. Mr. Weber stated that he and his wife love their home. He states the biggest selling point other than the house was that this Commission and the protection it offers to his home and wallet. Mr. Weber does not want historic homes turned into apartments. He and his wife plan to restore the house with modern conveniences, just as it was in 1931. Everyone in the District needs to abide by the guidelines including him. He stated to the Commission that residents need it to lead.

Commissioner Allen Gordon thanked Mr. Weber for his comments; for coming tonight and he relayed that it is the goal of this Commission to make the District a beautiful place. Chair Nestor asked if there was any more Public comment and being none, public comment was closed.

Conflict of Interest:

Chair Nestor asked if there was any financial conflict or conflict of interest among the Commissioners on voting on the COA-15-85.

Commissioner Matthew Sakurada asked to recuse himself as he is a neighbor of the case tonight and he sold it to the applicant. Commissioner Allen Gordon made a motion to recuse Commissioner Sakurada, seconded by Commissioner Phillip Yarborough, it passed unanimously.

Public Hearings:

Staff Whitmore, Lorie Vance and Ronell Vance were given the oath.

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 have been fulfilled.

5. a. COA- 15-85 – Application by Lorie Vance, property owner of 310 Green Street, who wishes to remove 2 chimneys at the rear of the house which are not visible from Green Street. Fireplaces associated with chimneys inside house are wall-in, making both fireplaces and chimneys obsolete. No flashing at base of either chimney allows water to leak into the house when it rains compromising the historic structure. Chimney on west side of the house is missing bricks. Mortar is compromised on both chimneys creating a safety hazard.

Staff Whitmore summarized COA-15-85 staff report and added that the guidelines are important to this case. On page 17 of the current guidelines it states:

1. Preserve, protect and obtain original masonry walls and foundation: This does not address work to masonry walls and foundations therefore, this guideline does not apply.
2. Preserve, protect and retain all masonry construction features that are character-defining elements of historic buildings, including chimneys, arches, quoins, cornices and pediments. The proposal is to remove two masonry chimneys located on the rear of the house which depending on where one stands, may or may not be visible from Green Street. Ref: Exhibits A, Exhibit B, then on Exhibit C are pictures taken from Google map. Exhibit C, shows where the chimneys are visible.
3. Preserve, protect and retain historic masonry materials whenever possible. Consider substitute material if the original materials are not technically feasible. The applicant is proposing to remove two chimneys located at the rear of the house and they intend to save all bricks for future projects if needed. They do not intend to replace those two chimneys. (Exhibit A and B)
4. It is not appropriate to apply paint or other coatings to unpainted masonry elements that were historically not coated. Paint and other coatings are not proposed however the applicant is going to be replacing the roof and at that time will have flashing installed at the base of the chimneys that will remain to divert water off the roof and from infiltrating the historic resource.

5. It is not appropriate to use sandblasting on historic masonry surfaces. The scope of work does not include sandblasting; therefore this guideline does not apply.

Staff Whitmore added that the Matrix states that “Construction/Alteration/Removal of Chimneys is Minor Work and it may be approved at staff level.” Staff Whitmore said she felt that it should be heard as a Major, due to the fact that two chimneys will be removed and she wanted it reviewed by Commission.

Commissioner Mitchell asked if there is a third chimney there and staff Whitmore said yes. At this time, Mrs. Vance noted that there are four chimneys. Two chimneys will stay and two will be torn down. The one that is shown on Exhibit C is going to stay. Chair Nestor asked if we could see the two chimneys that are going to be removed. Staff Whitmore said no, they are on the very back. Chair Nestor asked if there were any other questions for staff. Commissioner Gordon said that he felt like there are some safety concerns with the loose brick and mortar and the water coming in and possibly damage there. Staff Whitmore said yes, and if you look at Exhibit A on page 8 and Exhibit B on page 9 there are bricks missing.

Mrs. Vance spoke at this time. She stated that the concern is the age of the house and the mortar in the house is one hundred years old. She shared that in order to restore the house; one of our biggest projects is to replace the roof that is aging and to stop the leakage on all four chimneys. She said that there is black mold in the attic and some mold in the house and before these projects are done; however; if they ever decided to do any remodeling and where the location of these chimneys are, that it is not feasible to open them up. These chimneys are stable. She said their plan is to have those chimneys brought down below roof level to build it up so it stays and then it will not collapse inside the home and we would reroof the entire home with composite shingles. She said our goal is to have them totally restored. She added that no fires are being burned in them; they are just not safe. The chimneys that are in the back are where the mortar is most compromised. She stated that the insurance company has said because those bricks are loose that any large amount of winds in excess of 30 miles per hour could result in dangerous activities. Mrs. Vance added that the ones that they want to be taken down are not visible. Chair Nestor asked if any of the four fire places in the house was ever used for a heating system or wood burning. Mrs. Vance said that they had four chimneys there and two fireplaces that needed to be restored. City Attorney Susan Patterson asked the applicant if she had any information from the insurance company that they wanted to include as an exhibit. The applicant said she did not.

Chair Nestor asked at this time if there is anybody speaking against COA-15-85. Chair Nestor asked board if they had any questions.

Several commissioners had comments. Commissioner Mitchell noted that since they are not visible from the streets and they are hazardous; that they needed to be removed. Chair Nestor stated that to him they sounded like they are both utility chimneys. Commissioner Gordon shared that the chimneys needed to be removed, because they are a safety hazard and the applicant wants to improve their property. Commissioner Yarborough added that since the applicant is going to remove the chimneys down below the roof line, that it will not be an eyesore.

Chair Nestor closed the Public Hearing.

FINDING OF FACTS:

Commissioner Gordon moved that the Historic Preservation Commission find as fact that the proposed project COA-15-85, 310 Green Street, if the removal of the two chimney is done in accordance with the decision by the Historic Preservation Commission is congruous with the character of the District for the reasons that you cannot see them from the street; there are four chimneys and two are to be removed; they are safety hazard and will add value to the property for the following reasons that came up in discussion that I know it is generally going to 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 Brian Mitchell and it passed unanimously.

FINAL MOTION:

Based on the preceding finding(s) of fact, Commissioner Gordon moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Lorie Vance and approve the proposal(s) as shown in COA- 15-85, 310 Green Street; seconded by Commissioner Brian Mitchell, it passed unanimously.

Commissioner Matthew Sakurada returned to the Commission. Mr. and Mrs. Vance and a few of the guests left at this time. A few remained.

Old Business:

- a. Staff Whitmore stated that on December 8, she gave a presentation to City Council about the revised guidelines. Staff Whitmore said that Councilman Jimmy Haire had questions about replacing windows. The guidelines states that when the repairable windows or doors are technically not feasible; the replacement design should match as closely as possible with the original window or door material. The word **material** is a questionable word. (Scale, carriage design and appearance.) Councilman Haire asked if someone come before the Commission and wanted to use vinyl windows; would that be allowed? Staff Whitmore explained that it had been approved in the past and that it has to be a Major revision and staff would not approve vinyl windows in replacement of original windows. Chair Nestor agreed that we had approved some in the past and an example was given. The type of “material” has to look comparable to the original material as closely as possible. Attorney Patterson asked the Commission if the guidelines require a replacement window to match in material or are the guidelines flexible enough so that the Commission can approve an exception. Commissioner Gordon asked to leave “material” and chair Nestor agreed. Commissioner Gordon said he hoped that there would be enough judgment amongst the Commission, so that it does not take every single word at a literal meaning. Commissioner Gordon said he would rather see some improvements than make it so cost prohibitive so that the buildings or homes that continue to be run down when we can get a very similar look.
- b. The Commission continued a discussion on the guidelines requiring the same replacement materials. Issues discussed were consistency, flexibility, credibility and ability to change the provisions in the future.

Attorney Patterson summarized that the consensus of the Commission that the word “material” will stay. The board was in agreement. Chair Nestor said he would call Councilman Jimmy Haire and explain it to him. He needs to understand that there is a rule that **materials** have to be the same. That it is in the guidelines and there is some interpretation available. Attorney Patterson stated that Council is looking to have it approved tomorrow night, December 15, 2015 on a consent agenda. Commissioner Sakurada shared that Councilman Charles Taylor had a question about consistency at the meeting. Staff Whitmore said he did mention it; but she relayed to him that they had a new review process to follow and there will be two reviewers looking at all COA reviews and approvals.

Commissioner Brian Mitchell asked if a sign could be placed in the yard for minor revisions. Staff explained that an applicant has a year to complete the project and it would not be feasible. Some people do not abide to the rule that the placard needs to be place in the window once a Certificate of Appropriateness is obtained. Staff Whitmore added that in the letter the word **Placard** is now being bold to make it more visible to the public eye.

New Business:

- a. Staff provided updates on minor and major approved (COA's) (See list included by reference)
- b. Staff Whitmore stated that she has had one Commissioner on the board that has missed eight out of eleven meetings. Staff Whitmore informs the City Clerk and then she will inform City Council and then they decide if that position needs to fill by someone else. The rule is not to miss no more than three consecutive meeting or a total of four meetings in a year. Chair Nestor asked staff Whitmore to follow up on.
- c. Meeting schedule dates were provided by staff with two conflicting dates. The meeting date of March 28 will be changed to the 21st of March and the meeting date for December 26; will change to December 19th, 2016. At this time, guests left the meeting.

Announcements:

Staff Whitmore shared that an article was recently published in the Sanford Herald regarding the murals.

Staff Whitmore said she wanted to bring it to everyone's attention that 503 Summitt Drive has put up a gate on their property that faces Summitt Drive that is taller than 42" without a COA. A notch has been cut in the gate so someone could look out of it. It is in the driveway next to 507 Summitt Drive. He previously had a gate there that was metal and it was faced with wood and it was allowed and approved in 2009. Staff Whitmore stated she had gotten several calls and emails about the gate. Code Enforcement will not enforce this. Chair Nestor asked that a letter be sent to state that he is in violation.

Commissioner Gordon gave thanks to Staff Whitmore for approving what she could at staff level. He noted that he wanted to make it as easy as he can to the customers and the City of Sanford to make improvements to their properties as they can, when it falls within the guidelines.

Staff Whitmore relayed that most of the trees that were recently removed (17 trees) were in the Public Right of way and it was a request from Public Works. Staff Whitmore said the new guidelines will allow fences to be approved at staff level no matter how tall they are. When they have a tree removal request; staff Whitmore said that she will have a Forest Ranger inspect the tree and make a recommendation.

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

Adopted this ____ day of _____ 2015

Respectfully submitted:

Chair, David Nestor

Attest: _____
Staff: Anne Sears