Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
Depot Park, Realtor House
7:00 PM Tuesday, March 22, 2016
Sanford Municipal Building

Roll Call:

Commissioners Present:	Matthew Sakurada, David Nestor, Brian Mitchell, & Phillip Yarborough
Commissioners Absent:	Daniel Owens, Allen Gordon & Ginger Hubner
Staff Present:	Liz Whitmore, City Attorney, Susan Patterson, & Anne Sears
Government Official Present:	N/A
Guests Present:	Jackie Ledbetter

Approval of the Agenda for March 22, 2016

Chair 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 March 22, 2016. Commissioner Sakurada moved to approve the agenda; seconded by Commissioner Mitchell and the motion passed unanimously.

Approval of the February 29, 2016 Minutes

Chair Nestor called for the approval of the minutes for February 29, 2016 minutes. Commissioner Sakurada moved to approve the minutes for the February 29, 2016 minutes; seconded by Commissioner Mitchell and the motion passed unanimously.

Public Comment:

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

Commissioner Mitchell at this time made a motion that COA-1604 for Stephen Mohr of 219 N. Gulf Street be tabled until April 25th meeting; seconded by Commissioner Sakurada and it passed unanimously.

Conflict of Interest:

Chair Nestor asked if there was any financial conflict or conflict of interest among the Commissioners pertaining to COA- 16-05. There was none.

Public Hearings:

At this time staff Liz Whitmore and Jackie Ledbetter 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-16-05 – Application by Jackie Ledbetter, property owner of 504 Summitt Drive, who wishes to remove one tree (one post oak which was deemed to be in good condition in 2008) in excess of 8 inches in caliper at breast located in the front yard. In 2008 when the tree survey was done, it was stated in fair condition.

Staff Whitmore summarized COA- 16-05. On page 3 the current guidelines states that:

1. Preserve, retain and maintain landscaping that contributes to the character of the historic district. This includes large trees, trellises, patios, terraces and fountains. While this tree has been here for

a significant time it appears that it has ceased to contribute to the character of the historic district due to the fact that it is leaning towards the historic resource and is suffering from Oak Decline. (Exhibit A and B, page 9.)

2. Remove a large tree or a hedge because of disease, storm damage, or if it is a threat to the structure only on a written certification of its condition by an arborist, landscape architect, a cooperative agent, or a city-designated agent. Replace it with a new tree or hedge of the same species. The 2008 tree survey labeled this Post Oak in "Fair Condition. Historic Preservation Staff Whitmore and Lee County Ranger Matt Garner conducted a site visit on Wednesday, March 9, 2016. Lee County Ranger Matt Garner observed that the subject tree is suffering from Oak Decline. Brochure published by NC Division of Forest Resources – in regard to 'Oak Decline states the following: Staff Whitmore said it speaks about the declining process, the symptoms and damaging agents. Staff Whitmore said that they do not put anything in writing, which is their policy. Staff Whitmore shared that the city at this time does not have an arborist on staff. Staff stated on page 4 that the Lee County Ranger Matt Garner stated that the combination of the significant lean and oak decline, that this tree should be removed from the property (exhibits A and B. on page 9) on page 10 (exhibit C) is the tree survey that was done September -2008.) This tree is the one closest to the house. City Attorney Susan Patterson stated to staff to get a written report from an arborist.

Chair Nestor asked at this time if there is anybody speaking against COA-16-05.

Chair Nestor asked the commission if they had any questions. Commissioner Mitchell asked if there was any danger of the other trees having the same disease. Staff Whitmore stated there was none at this time. This type of tree usually has a life span of a hundred years. Staff Whitmore said they have looked at the other tree and it was showing no sign of decline. Chair Nestor asked the commission if there was any other discussion. Chair Nestor did note that there has been proof of evidence of decline on the tree. Chair Nestor asked the applicant Mrs. Ledbetter if she had any comments to add.

Mrs. Ledbetter stated that the tree is old and she was afraid that it may fall on the house and she is constantly picking up limbs. Chair Nestor asked Mrs. Ledbetter was there any evidence of dead on the tree when it started to leaf out and she noted that there was. Staff Whitmore shared that when she and the forester looked at the tree while it was budding out, there were lots of areas that didn't have any buds and there was evidence of moss being present. Attorney Susan Patterson asked the board if it was required for the applicant to replace that tree. Chair Nestor stated at this time we are not requiring anyone to do so. Staff Whitmore stated that the guidelines state we should. Staff Whitmore added on page 3 under number 2 that it states to replace it with a new tree or hedge of the same species. Staff noted that if we choose to have the applicant replace the tree that she would **not** recommend it being replaced with the same type tree; that she would recommend an ornamental tree that would be more to scale with the home. Staff Whitmore noted that if the board required her to replace that tree; that she would be willing to work with the applicant on selection. Chair Nestor asked Mrs. Ledbetter if she was ok with replacing the tree with staff's recommendation. Mrs. Ledbetter said she was good with that and staff Whitmore added that it wouldn't have to be planted in the front yard; since the applicant already has two large trees in the front yard. Staff Whitmore said she would recommend planting it in the back yard. Chair Nestor asked if there were any other questions for the applicant.

Being none, Chair Nestor closed the Public Hearing.

FINDING OF FACTS:

Commissioner Brian Mitchell moved that the Historic Preservation Commission find as fact that the proposed project COA-16-05, 504 Summitt Drive, if 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 reasons that the appurtenant features and fixtures (which includes landscaping), in particular the removal of the large tree located in the front yard of the subject historic resource is congruous to other such features found on the existing structures and landscapes in the historic district because this tree is a

danger to this house and the neighbors and it has reached its life expectancy and the tree is diseased. The replacement tree should not in fact be another oak but we are requiring an ornamental tree more to scale with the house and we are waiving the need for this in writing at this time for this individual COA that is 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 Philip Yarborough and it passed unanimously.

FINAL MOTION:
Based on the preceding finding(s) of fact, Commissioner Mitchell moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Jackie Ledbetter for the removal of the Post Oak (as submitted in COA-16-05,504 Summitt Drive) located in the front yard of the property on the condition that an ornamental tree be planted in the rear yard of the property of 504 Summitt Drive; seconded by Commissioner Sakurada and it passed unanimously.

Mrs. Ledbetter left at this time.

Old Business:

a. Staff Whitmore said that the public meeting for the Rosemount McIver Park Historic District is being presented tonight at the Realtor House in Depot Park.
b. Staff Whitmore stated that artist Scott Nurkin plans to start the African American mural Thursday, March 24th. She noted that we are still waiting on the contract to come back from Hahn's Automobile in Rochester New York for the Herb Thomas Fabulous Hudson Hornet mural. Staff Whitmore stated that we continue to have discussions regarding the mural being proposed for the San-Lee Theatre.

New Business:

a. Staff Whitmore stated that there was no COA's to report this month.

Announcements:

City of Sanford Block Party will be held on Saturday, April 9 from 9am to 3 pm. Volunteers and donations needed. Breakfast, lunch and entertainment will be provided.

Chair Nestor called for Adjournment. Commissioner Sakurada moved to adjourn; seconded by Commissioner Mitchell and the motion passed unanimously. The meeting adjourned at 8:00 pm.

Adopted this 25 day of April 2016

Respectfully submitted:

Chair, David Nestor

Attest: Anne Sears
Staff: Anne Sears