

Minutes of the Regular Meeting of the  
Sanford Historic Preservation Commission  
West End Conference Room  
7:00 PM Monday, April 25, 2016  
Sanford Municipal Building

Roll Call:

Commissioners Present: Matthew Sakurada, David Nestor, Brian Mitchell, Phillip Yarborough  
Allen Gordon and Ginger Hubner

Commissioners Absent: Daniel Owens

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

Government Official Present: City Councilman, Sam Gaskins

Guests Present: Stephen Mohr, Kathy Norris

**Approval of the Agenda for April 25, 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 April 25, 2016. Commissioner Yarborough moved to approve the agenda; seconded by Commissioner Mitchell and the motion passed unanimously.

**Approval of the March 21 & 22, 2016 Minutes**

Chair Nestor called for the approval of the minutes for March 21, & 22, 2016. Commissioner Gordon moved to approve the minutes for the March 21 & 22, 2016; seconded by Commissioner Yarborough and the motion passed unanimously.

**Public Comment:**

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

**Conflict of Interest:**

Chair Nestor asked if there was any financial conflict or conflict of interest among the Commissioners pertaining to COA- 16-04. There was none.

**Public Hearings:**

At this time staff Liz Whitmore and applicants, Stephen Mohr and Kathy Norris were given the oath.

Staff Whitmore provided everyone a copy of the Rosemount-McIver guidelines that were just adopted on April 5, 2016.

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-16-04 – Application by Stephen Mohr, property owner of 219 N. Gulf Street, who wishes to remove three trees (1 tulip poplar, 2 Loblolly pines all deemed to be in good condition in 2008) in excess of 8 inches in caliper at breast height. All trees are located in the side yard between 219 and 221 N. Gulf Street. (Verbal from Mr. Stephen Mohr to staff Tuesday March 22, 2016)**

Staff Whitmore summarized COA- 16-04.

- a. It is appropriate to protect, retain, and maintain landscaping that contributes to the character of the historic district. This includes large trees and original historically significant trellises, patios, terraces and fountains. The applicant is proposing to remove three trees, one tulip poplar and 2 loblolly pines located in the side yard (Exhibits A, B and C.) The applicant is not proposing to remove trellises, patios, terraces or fountains.

- f. It is appropriate that mature, healthy trees should remain intact and undisturbed on a site, unless they are causing the deterioration of a building, accessory buildings, appurtenant features or creating a safety hazard. In 2008 a tree survey was conducted in the Rosemount McIver Park Historic District and at this time these trees were determined to be in good condition (Exhibit D.) The applicant has stated that these trees are located close enough in proximity to the main house to potentially cause damage to the main structure which may include cracks in the foundation, and damage to the roof from falling limbs.
- g. Trees which are dead or diseased should be replaced with an appropriate tree . Evaluation of the tree's condition must be made by a certified arborist, landscape architect, designated city or county resource. Historic Preservation Staff and Lee County Forest Ranger Matt Garner conducted a site visit on Wednesday March 9, 2016. Forest Ranger Garner observed that the trees are in good condition (no decline since the 2008 Tree Survey) and recommended that the trees not be removed but be pruned to remove over hanging branches that threaten to damage the subject historic resource and the resource located at 221 N. Gulf Street. Should the tree removal be approved by the Commission staff would recommend an ornamental tree be planted in the side yard. (native Dogwood)
- h. Tree removal shall be completed in a manner so that the affected area seems original to the landscape. Staff is of the opinion that the removal of these three trees, if approved by the commission, will not affect the visual quality of the area in a negative manner.
- i. Tree trimming should be done in a manner to encourage the maintenance of the neighborhood canopy. Tree topping is discouraged. Forest Ranger Matt Garner recommend that the three trees be trimmed. Should the Commission approve the tree trimming it should be done in a manner in regard to the preservation of the tree canopy in the Rosemount McIver Park Historic District. The above comments are of the opinion of staff and Lee County Forest Ranger Matt Garner and it is the Commission's discretion whether to agree or disagree and make any additions or deletions as they deem fit. Staff Whitmore stated that she wanted to point out in the new guidelines in the matrix that tree removal can be approved as a minor by staff level. (This is one of the changes that were made.) Reference: Page 81 (last page- the Matrix) of the new Rosemount McIver Guidelines. Staff Whitmore added that they are mature trees, not dead trees, they are old, they are close to the resource and the branches reach out to the adjoining properties.

Chair Nestor asked at this time if there is anybody speaking against COA-16-04. There was no one.

Chair Nestor asked staff Whitmore how wide the driveway in the rear yard was and if the trees are taken out; Chair Nestor understood staff to say that an ornamental tree could be planted in the back yard. Staff Whitmore stated the driveway was very narrow only about six foot wide. This property extends from Gulf to Vance Street. Commissioner Mitchell asked if the trees are visible from Green Street. Staff Whitmore said it was if you looked really hard. Another concern Chair Nestor had was that the Terra Cotta roof on the King house could be damaged. Commission Gordon asked if neighbors had any issues with the trees. Staff Whitmore noted that letters were sent and the site was posted and no-one had contacted her about the property.

Chair Nestor asked the commission if they had any questions for staff. Commissioner Mitchell asked if the forest ranger had checked the other trees. Staff Whitmore said no, they had only checked the trees that were identified. Commission Sakurada asked staff if the adjoining neighbor (Greg Stoch) had contacted her and if he supported cutting the trees. (Staff said that it was only hearsay) Mr. Stoch did attend the meeting on March 22, 2016 to speak, but the case was tabled until tonight's meeting. There were no other comments from the commissioners. Chair Nestor asked Mr. Mohr if he would like to speak.

Mr. Mohr said that the forest ranger clearly stated that the trees were still valuable and he was ok with them being trimmed back; but not enough to kill the trees and he wanted to know who was going to police that situation. Mr. Mohr stated he would like to do some roof repairs; but the limbs that overhang the roof need to be trimmed first. Chair Nestor said he didn't have an issue with the trees coming down and staff Whitmore was in agreement. Commissioner Sakurada asked the applicant if they would rather just take them down. Mr. Mohr said he really doesn't want to take them down, but forest ranger Matt Garner noted that if the trees are trimmed too harshly that they could die in a couple of years. Chair Nestor asked Mr. Mohr if he had any issues with planting additional trees in the back. The applicant said no. The commissioners agreed for all three trees to come down. Chair Nestor asked if there were any other questions for the applicant.

Being none, Chair Nestor closed the Public Hearing.

## **FINDING OF FACTS:**

**Commissioner Sakurada moved that the Historic Preservation Commission find as fact that the proposed project COA-16-04, 219 N. Gulf Street, if 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 reasons that it doesn't change the look of the landscape or the appearance and it protects the historic structure and the trees are causing deterioration of the building, accessory building appurtenant fixture or are creating a safety hazard according to 2(f) of the regulations, provided that appropriate trees be planted (two) are for the general reasons, 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 Yarborough and it passed unanimously.**

## **FINAL MOTION:**

**Based on the preceding finding(s) of fact, Commissioner Sakurada moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Stephen Mohr for COA-16-04 219 N. Gulf Street for the removal of three trees (one Tulip poplar and two Loblolly pines) with the condition that at least two ornamental trees be replanted that are appropriate for the site; seconded by Commissioner Yarborough and it passed unanimously.**

Mr. Mohr and Kathy Norris left at this time.

## **6. Old Business:**

- b. Staff Whitmore relayed that the Rosemount-McIver Guidelines were adopted April 5, 2016. Staff has emailed Chair Nestor the letter that was drafted between herself, Marshall Downey, Director and David Montgomery, Senior Planner. Staff relayed that this letter along with the guidelines will be mailed out to all residents and property owners. Attorney Susan Patterson had a question about the Matrix on page 81, #14 of the guidelines that states removal of mature **or** dead/diseased trees was considered a minor. Mr. Gaskins said it went back to page 32. Attorney Patterson shared that she feels like it is a typo; she is concerned the way it is written it could confuse the applicant, staff and the board. She asked if any mature tree that is in the historic district gets to come down; is it considered a minor. The board said no. It used to be that any mature tree was a Major. Attorney Patterson said she wanted to get it clear that it is the intention of the board that mature trees that are not dead and diseased can be removed as a minor. Chair Nestor said that the wording was intentional. Chair Nestor mentioned that they had left it up to staff and they have asked staff Whitmore to exercise good judgment. The matrix is a quick view of the guidelines. After discussion among the commissioners it was decided that they would leave the guidelines as is, for a year. Staff Whitmore noted that there are two matrixes' now; one for downtown and one for Rosemount-McIver.
- c. Staff Whitmore stated that the contract for the Fabulous Hudson Hornet Mural should be signed tomorrow. The mural will be placed on the Advantage Auto building on North Steele Street facing the Coca Cola signage on the other side. The African American mural is going very well; near completion. Artist Scott Nurkin shared with staff Whitmore that he has received several positive comments and emails that he has passed along to staff Whitmore. She read these to the board. Mr. Nurkin will also be painting the Fabulous Hudson Hornet mural. Staff Whitmore stated an RFP went out a couple weeks ago for the World War II glider pilot mural. It is already funded and it will be placed on the wall of Dossenbach's building.

Staff Whitmore added that she received a call this afternoon about a tree at 310 Green Street and she wants the board's opinion. Staff provided photographs. The photographs shows a big sink hole at the base of the tree and it appears to be about four feet deep, full of bricks and it is compromising the tree. The Commission came to a unanimously decision that the tree can and should be removed and approved at staff level.

## **7. New Business:**

- a. Staff provided updates on minor and major approved (COA's) (See list included by reference) Staff mentioned that a cement pad has been poured at Depot Park in front of the bandstand area and bollards were installed. Staff said there was no COA applied for and it should have been brought to the board as a Major. Staff Whitmore said they would like to see the bollards treated as public art and modified as such. Chair Nestor asked staff

Whitmore to contact the DSI board and asked them to bring it forward to the board as a Major. Chair Nestor added that he would contact DSI Director, Jennifer St. Clair.

Chair Nestor said he has asked Mayor Mann to contact city engineer, Paul Weeks to see if our streetscape contractor Fred Smith Construction could help get our downtown cleaned up before our Downtown Open House schedule on April 30<sup>th</sup> and May 1<sup>st</sup> and the Arts and Vines Festival which is being held at the Dennis Wicker Civic Center the same date. Staff Whitmore wanted to relay that the Makepeace building that has subsidized housing does not allow their patrons to smoke within 25 feet of their building's front door. It has been brought to Staff Whitmore attention that the bench has been moved to within five feet of front door of Illusions and the owner is not happy about the location. Chair Nestor shared that the drainage cuts are not complete at the corner of Steele and Carthage.

Commissioner Sakurada asked about enforcement of the guidelines. Staff Whitmore stated she has been instructed to start a data base for everyone that we believe that is in violation and once it is complete, it will be reviewed by Director Marshall Downey and Senior Planner, David Montgomery and however Staff Whitmore is directed to address these potential violations that are what Staff will do. Commissioner Yarborough asked staff Whitmore about our ghost signage downtown being redone. Staff Whitmore noted that the ghost signage is all done by private donation and we have very few property owners that are willing to contribute. Attorney Susan Patterson explained that many of the older historic ghost signs weren't allowed to be redone, because they didn't advertise a product for the building or they didn't meet the sign ordinance. Chair Nestor shared that they are allowed now and all it takes is money.

**Announcements:**

Chair Nestor noted that the Arts and Vines Festival is this weekend, Saturday, and Sunday, April 30<sup>th</sup>-thr May 1, 2016. On Saturday, Taste of Sanford is from 6-8 pm. Chair Nestor shared that there will be 17 restaurants involved and for \$20.00 you can sample food from all of these and a winery and brewery is participating. Two hundred and fifty tickets were sold. The Lee County Orchestra has sold \$2,800.00 worth of tickets and all of the proceeds will go to them. Volunteers and donations are needed. Breakfast, lunch and entertainment will be provided. It should be an awesome event.

Commissioner Hubner noted that she turned in her resignation today and she has moved to Topsail Island. Her term ends in June. Commissioner Sakurada also stated that he will be leaving the end of June. He is moving to Kure Beach. There will be one vacancy on the board at the end of June.

Chair Nestor called for Adjournment. Commissioner Sakurada moved to adjourn; seconded by Commissioner Hubner and the motion passed unanimously. The meeting adjourned at 8:30 pm.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2016

Respectfully submitted:

\_\_\_\_\_  
Chair, David Nestor

Attest: \_\_\_\_\_

Staff: Anne Sears