

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
West End Conference Room
7:00 PM Monday, June 27, 2016
Sanford Municipal Building

Roll Call:

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

Commissioners Absent: Daniel Owens

Staff Present: Liz Whitmore, Anne Sears, Secretary to the Board, Al Benshoff, The Brough Law Firm, PLLC.

Government Official Present: City Councilman, Sam Gaskins

Guests Present: Fedd Walker, Washington Romero & Rumary Reyes

Chair Nestor called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined
2. **Approval of the Agenda for June 27, 2016:** Chair Nestor noted that Attorney Benshoff requested that the May 23, minutes **not** be approved at this meeting; due needed revisions. Staff Anne Sears did not receive these changes prior to tonight's meeting. Chair Nestor called for approval of the agenda as amended for June 27, 2016. Commissioner Mitchell moved to approve the agenda as amended; seconded by Commissioner Gordon and the motion passed unanimously.
3. **Approval of the May 23, 2016 Minutes : N/A**
4. **Public Comment: N/A**

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

5. **Public Hearings:**

Conflict of interest:

Chair Nestor asked if there was any financial conflict or conflict of interest among all three cases being heard tonight. They are COA-16-14, COA-16-21 and COA-16-22. There were none.

At this time staff Liz Whitmore, Fedd Walker and Rumary Reyes were given the oath.

A. COA-16-14 – Application by City of Sanford, property owner of 106 Charlotte Avenue, who has installed a concrete plaza in front of the Duke Performance Pavilion with sidewalk on the east side of the pavilion and two bollards. These improvements were installed without benefit of a Certificate of Appropriateness.

In accordance with General Statutes the public hearing was advertised once a week for two successive calendars weeks prior to the meeting date and all public notifications have been fulfilled.

Staff Whitmore summarized COA-16-14

- a. **DOWNTOWN GUIDELINES IMPORTANT TO THE CASE:** Staff stated on page 24 & 25 of the Downtown Guidelines it states that Streetscape is a general term used to describe the urban landscape. The streetscape includes streets, sidewalks, plazas, advertising and identification signs, traffic signs, utility lines and fixtures, planters, and landscape plantings, awnings, street lighting fixtures, fountains

and water feature, benches, trash, receptacles, bicycle racks, bus shelters and any other sidewalk furniture. It generally includes privately-owned spaces, as well as, public spaces and right-of-ways. Staff noted the Downtown Guidelines under Streetscape on page 24 and 25 states that we should preserve and maintain any area of original historic paving material such as granite, tile, paving stone, brick and glass box. We are not aware of any of these existing in Depot Park; therefore this guideline does not apply.

- b. Paving for sidewalk and plazas shall be compatible with adjacent historic structures and new construction. Staff noted that the sidewalks located on the east side of the pavilion, the plaza area in front of the pavilion are poured concrete. The two bollards are poured concrete and are covered and capped with PVC pipe (exhibits A, B, C, and D pages 9 and 10.) Staff Whitmore relayed that Exhibit A and Exhibit B show the bollards that are covered with the PVC pipe. The bollards are about four feet tall. Exhibit C shows the concrete pad that was poured in front of the pavilion and Exhibit D is the sidewalk that on the east side of the pavilion.
- c. Guideline C states when possible, use paving stones, bricks, or other appropriate material to help break up large expanses of concrete and open paved areas. Staff noted that that was not done. Staff noted that if you look at page 11, Exhibit E shows large expanse of concrete next to Depot that has been broken up with brick pavers (Opposite of the pavilion.)
- d. Avoid gravel walkways and parking lots. There are none; so this would not apply.
- e. Avoid large expanses of paving without landscape areas. Staff Whitmore noted that even though there is a large expanse of paving, landscaping was not part of the project.

Staff analysis and comments were that Exhibit E page 11 showed the existing concrete being broken up with bricks to avoid large expanses of poured concrete. Brick edging could be added to the large plaza area and sidewalk to potentially bring them into conformance with the Downtown Design Guidelines. Exhibit F page 12 demonstrates how the bollards may be enhanced with covers potentially making them generally congruous with the adjoining features. Exhibits G and H pages 12 and 13 demonstrate how the bollards potentially can be enhanced to be public art thus making them an amenity to Depot Park. Staff shared that the comments are of the opinion of staff only and it is the Commission's discretion whether to agree or disagree with staff and make any additions or deletions as they deem fit.

Chair Nestor asked if there were any questions for staff? Commissioner Yarborough asked staff which treatment she would prefer? She added that any one that was being presented tonight would be appropriate. She noted that the bollards are very close together. Staff relayed that Fedd Walker, city employee (Facilities/ Beautification Administrator) whom is here tonight and has just assumed this new position. He did not realize that a COA was required. Mr. Walker approached the podium. Mr. Walker clarified that he was not over the department at that time and was not involved with this project. Commissioner Sakurada asked if there would be any special consideration. Staff Whitmore stated that the City would not be given any special consideration and noted solutions have been researched and alternative treatments of the plaza, sidewalk and bollards have been considered to improve the congruity of the project and if we do choose to approve it with conditions. This would be an after-the-fact Certificate of Appropriateness. Commissioner Gordon asked Mr. Walker if he had any suggestions as to what they would like to do to improve the project to ensure congruity with the downtown historic district? Staff said that she could sit down with Mr. Walker and come up with a solution. Mr. Walker said that the banding would be one of the simplest solutions. Chair Nestor commented that he attends the park concerts regularly and people dance, placing a brick band around the plaza would be nice. Chair Nestor said that he doesn't feel like the bollards are needed and he wonders if they could be cut off and have the cement patched? Mr. Walker said he thought they were placed there at the pole because there may be more traffic - people loading and unloading their band equipment. Chair Nestor added that they pull up on the back side of the building to unload. Commissioners continue to discuss what they could do if the bollards were removed to protect the light pole; one suggestion was to install a bench that would be congruous with the benches in Depot Park. Mr. Walker noted that the concrete slab in front of the pavilion would not have to be cut; if they decide to place a three brick band going around the perimeter. Chair Nestor asked Mr. Walker if saw any problems with the brick band and he said no. Staff Whitmore requested clarification as to where the brick band would begin and where it would stop. The commissioners were in agreement to carry the three brick band around the perimeter of the plaza and down the east side of the newly installed and existing concrete sidewalk. Staff Whitmore and Mr. Walker stated that they would work together to come up with the best solution for Depot Park. No were no further questions or comments. Chair Nestor closed the session. Commissioner Sakurada said he was fine with the design; but still doesn't understand how this could slip through. Staff said she and David Montgomery were not aware of the project; until it was under construction.

FINDING OF FACT MOTION:

Commissioner Gordon noted in regards to COA-16-14, Depot Park, Downtown Sanford, 106 Charlotte Street, I move that the Historic Preservation Commission find as fact that the concrete plaza, two bollards and sidewalk which were installed without benefit of a COA are incongruous with the character of the Historic District for the reasons that brick was not incorporated to break up the large expanse of concrete or to line the sidewalk on the east side of the pavilion; and it is generally not in harmony with the criteria in the Design Guidelines, the special character of the neighboring properties, and the Historic District as a whole. The Commission requires that a three brick wide band be installed surrounding the slab in front of the pavilion as well as the newly poured and existing sidewalk on the east side of the pavilion and a bench is to replace the bollards upon their removal. IF THE BRICK BANDS ARE INSTALLED AS RECOMMENDED THE PROJECT WILL BE CONGROUS. Mr. Fedd Walker will contact Staff Whitmore with any questions pertaining to the brick banding, and selection of the bench to replace the bollards that are to be removed; subject to the above referenced conditions; seconded by Commissioner Yarborough and it pass unanimously. Staff Whitmore noted that the Final Motion was included with the Finding of Fact and deferred to Attorney Al Benshoff for correctness. Attorney, Al Benshoff stated he was ok with doing the two motions together and Chair Nestor added that in the past Attorney Susan Patterson had asked the board to do them separately. Chair Nestor asked at this time Commissioner Gordon to read the Final Motion again.

FINAL MOTION:

Commissioner Gordon stated based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness for the concrete plaza, two bollards and sidewalk installed without the benefit of a COA to the City of Sanford- COA-16-14, Depot Park, 106 Charlotte Street, Sanford , NC subject to the following conditions: that a three brick wide band be installed on the perimeter of the poured concrete plaza as well as the newly installed and existing sidewalk on the east side of the pavilion. The two bollards in front of the light post on the west side of the pavilion will be removed, the concrete will be patched and repaired, and a bench will be installed in their place that is congruous with the existing benches in Depot Park. Mr. Fedd Walker will contact Staff Whitmore with any questions pertaining to the brick banding, and selection of the bench to replace the bollards that are to be removed; seconded by Commissioner Mitchell and it passed unanimously.

B. COA-16-21- Application by City of Sanford, property owner of 106 Charlotte Avenue who wishes to pour three (3) concrete pads (dimensions 4 feet x 4 feet) for three existing trashcans and replace six (6) trash cans with new ones that match what is existing in downtown and add one new trashcan for a total of seven (7) trashcans.

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.

Staff Whitmore summarized COA- 16-21. She stated that Downtown Guidelines pages 24 and 25 talk about what Streetscape includes and which guidelines are important to this case.

On page 23 of the Downtown guidelines it speaks about Paving:

- a. Preserve and maintain any areas of original or historic paving materials, such as granite, tiles, paving stones, brick and glass block. Staff said she is unaware of any original or historic paving materials in the area therefore this guideline does not apply.
- b. Paving for sidewalks and plazas shall be compatible with adjacent historic structures and new construction. The existing sidewalks or plazas are not part of this application therefore, this guideline does not apply.
- c. When possible, use paving stones, or other appropriate material to help break up large expanses of concrete and open paved areas. Staff Whitmore shared that technically 4 x4 concrete pads are large expanses of concrete.

On page 24 of the Downtown Guidelines it states that:

- a. Do not use inaccurate and inappropriate historic styles for street furniture (benches, lighting, landscape structures, etc.) and water features.

- b. Staff stated that Exhibit D on page 8 shows what the existing trash cans look like; these trash cans are going to be replaced with high gloss trash cans as shown on page 9. These will match the ones that are currently in the Downtown District.

Staff stated that these are comments and opinion of staff only and it is the Commission's discretion whether to agree or disagree with staff and make any additions or deletions as they deem fit.

Chair Nestor asked the commissioners if they had questions? Commissioner Gordon asked if the trash cans would be in the location in which they are now located. Staff Whitmore said no, that they would be spaced throughout the park. Commissioner Mitchell asked if it could be possible to install a brick border around the trash cans; but he is uncertain of their locations in Depot Park. Chair Nestor shared that Exhibits A, B and C demonstrate the locations of the three trashcans which would be place on the concrete pads. Chair Nestor shared that it would be nice to have to have brick banding around the pads shown on Exhibits A and C; but Exhibit B is questionable. Chair Nestor stated that three trash cans do not meet the needs of our downtown events. Commissioner Allen stated he could go either way and Commissioner Mitchell was in agreement. Concrete will have to be poured at both locations at the same time. Chair Nestor asked if there was any other questions for staff Whitmore at this time and being none, Chair Nestor asked Fedd Walker if he had anything to add and if commissioners had questions for Mr. Walker?

At this time Mr. Fedd Walker stated that from here forward that he hopes that it will not happen again and he stated that he would get with staff Whitmore for any questions that he may have about the COA's; so she can guide him.

Chair Nestor at this time had a question about the trashcans. Staff Whitmore said she wanted to clarify that there are six trash cans there now and they are going to add one more (total of seven.)

Chair Nestor closed the Public Session:

Discussion continued among commissioners regarding the concrete pad with brick banding and the removal of the six trash cans and installation of seven trashcans of the same, style, size and color of the existing ones in the downtown business district.

FINDING OF FACT MOTION:

Commissioner Mitchell moved in regards to COA-16-21, 106 Charlotte Avenue, Sanford known as Depot Park, that the Historic Preservation Commission find as fact that the removal the 6 (six) existing trashcans and installation of 7 (seven) trashcans of the same style, size and color as the existing ones in the downtown business district are incongruous with the Downtown Design guidelines because the concrete pads are not to be banded with brick in the submitted proposal, therefore I move that the Historic Preservation Commission find as fact that the removal the 6 (six) existing trashcans and installation of 7 (seven) trashcans of the same, style, size and color as the existing ones in the downtown business district incongruous with the character of the Historic District and generally not in harmony with the criteria in the design guidelines, the special character of the neighboring properties, and the historic district as a whole unless amended; seconded by Commissioner Yarborough and it passed unanimously.

FINAL MOTION: (MOTION TO APPROVE SUBJECT TO CONDITIONS)

Commissioner Mitchell moved based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to the City of Sanford and approve subject to the following conditions: That on the locations that is appropriate that a band of bricks be added to the concrete slabs shown on Exhibit A and Exhibit C. No brick is necessary for the concrete work shown in Exhibit B. The brick shall be congruous with the rest of Depot Park. Fedd Walker is to work with staff Whitmore for each of the locations for details on the brick bands; seconded by Commissioner Sakurada and it passed unanimously.

Mr. Fedd Walker left at this time.

- C. COA-16-22- Application by Pastor Benjamin Ramos, President, and property owner of 303 Bracken Street, who wishes to remove five trees (Loblolly pines) located in the side yard in excess (8) inches in caliper at breast height, deemed to be in good condition in 2008 located in the side yard of the property. They are located on Bracken Street not Horner Blvd.

(Note: The owner has decided to remove only four trees.)

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.

Staff stated that while the application states five (5) trees are to be removed that in actuality four (4) trees are being proposed to be removed.

Staff Whitmore summarized COA-16-22. She stated that the guidelines important to this case are on page 2 of the Rosemount-McIver Park. Landscaping and Trees (Private Residence) page:

- 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. Staff Whitmore noted when the applicant came in, he told her that they plan to remove five (5) trees and he would mark the five trees. Staff said when she conducted a site inspection; four (4) trees were identified to be removed (Loblolly pines.) Staff said she spoke with the applicant and he said that they only wanted to remove four (4) trees not five (5). Photographs of the trees start on page 8 Exhibit A, page 9, Exhibit B; page 10, Exhibit C and page 11, Exhibit D. Staff noted that on page 8, Exhibit A is the tree survey- on page 9, Exhibit B you can see the trees that are identified to be removed; on page 10, Exhibit C is a photo demonstrating the height of the trees in relations to the structure in question and on page 11, Exhibit D is the fourth tree slated to be removed.
- b. 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. The 2008 tree survey found these four loblolly pines were in "Good" Condition (Exhibit A.) The property owner is fearful of the size of the trees and the threat they pose to the structure in question. Staff Whitmore noted that the trees are planted on a slope and she observed minor soil erosion on the south side; potentially compromising their stability. C. Trees which are dead or diseased should be replaced with an appropriate tree. Visually these trees appear to be in good health and have not declined since the 2008 tree survey (Exhibits B, C and D.)
- c. Tree removal shall be completed in a manner so that the affected area seems original to the landscape. Staff noted should the Commission approve the removal of the four (4) well-established Loblolly pines the affected area will NOT seem original to the landscape. Appropriate trees should be planted in an attempt to mitigate the appearance of the original landscape. Staff stated she recommends that the applicant and owner meet with staff on site to determine the variety of tree that will be most beneficial to the site (small ornamental or understory tree would be appropriate for this site.)
- d. Tree trimming should be done in a manner to encourage the maintenance of the neighborhood canopy. Tree topping is discouraged. The proposal does not include tree trimming, therefore this guideline does not apply.

Staff Whitmore noted that this is the analysis and comments of staff only. The City of Sanford is recognized as a Tree City USA and maintaining the tree canopy is important in meeting the requirement for the city to receive recertification, should the canopy of the City of Sanford not be maintained the city could lose their Tree City status. Staff Whitmore recommends that the commission approve the removal of the four (4) Loblolly pines and four (4) replacement trees be planted to maintain the tree canopy, in scale with the subject structure. Staff will meet with the applicant on site to discuss and determine what type of tree should be planted to replace the four (4) Loblolly pines. Commissioner Mitchell asked if the sidewalk was cracking and staff Whitmore stated she did not observe any cracks in the sidewalk and also stated that she did not look carefully at the sidewalk to see if it had been compromised. Chair Nestor stated he had several questions. Chair Nestor asked staff how long can a Loblolly pine live? Staff stated between 150 to 300 years, depending on the reference consulted. Staff shared that if you remove one pine the others lose their support system and this makes them vulnerable in wind, storms and it makes them more susceptible to fall or snap. Therefore, Staff recommends all four (4) trees be removed. Chair Nestor noted that there is a fifty feet right-of-way going through there and the road uses about thirty feet of it with ten on each side. Those trees are close to the property line anyway and if not actually on City property. Staff Whitmore noted that on page 11, Exhibit D the subject trees are behind the sidewalk and the telephone poles which in general means that the right-of-way does not extend beyond those two features. Commissioner Sakurada asked how many cases have we have previously approved removal of trees in the Rosemount-McIver Park Historic District? Staff Whitmore said that she maintains a record of all the trees that are taken down and that at least 20 to 30 trees have been

removed since the tree survey was conducted in 2008. Chair Nestor asked staff what type of tree would she recommend for replacement. Staff suggested an understory/ornamental tree (Examples would be smoke trees; dogwoods, etc.) These types of trees generally reach a mature height of thirty (30) feet and would be enough height for the tree canopy to remain intact. Staff recommended that replacement trees be 2 ½" caliper and between 7 to 10 feet tall and a six (6) month window in which to plant the trees. We need to give the applicant ample time to plant the trees to give them the opportunity to plant them in the fall which will increase their rate of survivability. Commissioners were in agreement to remove the trees and replant understory/ornamental trees.

Chair Nestor asked the applicant if she was ok with planting understory/ornamental replacement trees, she stated yes. Ms. Reyes was asked to come to the podium to speak.

Commissioner Gordon welcomed Ms. Reyes to the meeting Commissioner Gordon noted that he was aware that the applicant was concerned about them falling on the structure and causing damage and he asked the applicant Ms. Reyes if the commission does agree to take the trees down; if they were ok with replanting trees with help of staff and Ms. Reyes stated yes. Commissioner Gordon asked the applicant if they plan to park in the space after the trees are taken down and Ms. Reyes stated no. Chair Nestor asked the board for any further questions and there was none among them; but Chair Nestor wanted to clarify to the applicant, Ms. Reyes that you do want to remove the four trees down because they are not safe with limbs falling, etc. and she said yes. Commissioner Mitchell spoke about the tree survey showing some dogwoods on the property on Horner side if they are still there? Staff Whitmore shared that these dogwoods are no longer present on site. Chair Nestor asked the applicant Ms. Reyes if they had to spend an additional \$500.00 to plant more trees along with the cost of having the trees removed would that be a problem? Ms. Reyes turned to applicant Washington Romero and translated to him the question Chair Nestor had asked about the trees and he said there would be no problem spending an additional \$500.00 to replant trees. No other comments from the applicant.

Chair Nestor closed the Public Hearing.

At this time, Attorney Al Benshoff asked the witness Ms. Reyes what her relationship is to this church, for the record. Ms. Reyes stated that she is the daughter of the applicant and the gentleman Washington Romero, whom is with her tonight, is the pastor of the church. The owner lives in New York and Ms. Reyes dad works for the owner.

Chair Nestor closed the Session. Commissioners discussed the case COA- 16-22 among themselves.

FINDING OF FACT MOTION:

Commissioner Yarborough moved that the Historic Preservation Commission find as facts that the trees are unsafe and if the proposed removal of four Loblolly pine trees is done in accordance with the Historic Guidelines it will be congruous with the character of the district as a whole; seconded by Commissioner Mitchell.

FINAL MOTION:

Commissioner Yarborough moved based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Pastor Benjamin Ramos, President for COA-16-22, 303 Bracken Street and approve the removal of four trees with the following conditions:

Four (4) replacement trees either ornamental or understory trees approximately 2 ½" "in caliper, growing approximate in height of thirty feet shall be installed. The applicant/owner shall consult with staff Whitmore and the trees shall be installed by October 30th, 2016; seconded by Commissioner Sakurada and it pass unanimously.

Mr. Washington Romero and Rumary Reyes leave at this time.

6. Old Business:

a. ACTION ON REVISED ROSEMOUNT MCIVER PARK HISTORIC DISTRICT

GUIDELINES: Staff Whitmore stated that last month the commission talked about the removal of some language on page 32 of the new guidelines that were adopted – (g) which stated: Trees which are dead or diseased should be replaced with an appropriate tree. Staff stated that last month the

commission agreed to strike "Evaluation of the tree's condition must be made by a certified arborist, landscape architect, designated city or county resource."

Staff Whitmore told the commission that you have to discuss it first and then take action the following month. Commissioner Sakurada moved to remove the last sentence on page 32 g of the new guidelines and it was seconded; by Commissioner Yarborough.

- b. DISCUSSION ON POTENTIAL VIOLATIONS: Staff Whitmore read the list of violations to the board. Commissioner Gordon asked staff and suggested having a Yard of the Month. Staff Whitmore relayed that it was something that Appearance Commission has already started. It would include residential and commercial property. Chair Nestor stated that they had gift certificates to Smoke and Barrel that they could put with the Month of the Yard Award.

7. New Business:

- a. MURAL CELEBRATION: Staff Whitmore noted they have changed the name on the African American mural to Visionary Builders honoring W. B. Wicker and Link Boykin. Staff Whitmore stated they are looking to have a celebration for the Sanford Spinner, WWII and Visionary Builders Murals mid to late September. Staff added plans are to have music and an ice- cream social in Depot Park.
- b. MEETING DATES: Staff Whitmore stated she has conflicts with July and August meeting dates. The board scheduled July's meeting for July 18th and August meeting will be changed to August 15th. Staff Whitmore shared that we will have three new commissioners coming on board in July. Election of officers will also be done at the July's meeting. Staff stated she would e-mail everyone the updates.

c. STAFF UPDATES:

- 1. CERTIFICATES OF APPROPRIATENESS: Staff Whitmore provided updates on minor and major approved (COA's) (See list included by reference)

8. Adjournment:

Chair Nestor called for adjournment. Commissioner Sakurada moved to adjourn; seconded by Commissioner Mitchell and the motion passed unanimously. The meeting adjourned at 8:35 pm. Adopted this ____ day of _____ 2016

Respectfully submitted:

Chair: David Nestor

Attest: _____
Secretary to the Board: Anne Sears