

**MINUTES OF THE REGULAR MEETING OF THE
HISTORIC PRESERVATION COMMISSION
SANFORD, NORTH CAROLINA**

The Historic Preservation Commission met in regular session in the City Council Chambers at City Hall, 225 E. Weatherspoon Street, on Monday, January 25, 2021, at 7:00 PM.

ROLL CALL

Members Present: Brian Mitchell, Chair
 Greg Stoch, Vice-Chair
 Charles Petty
 David Underwood

Staff Present: David Montgomery, Long Range Planner
 Angela Baker, Clerk to the Board
 Kevin Hornik, Attorney

APPROVAL OF AGENDA

Having noted the presence of a quorum, Chair Mitchell called the meeting to order, and entertained a motion to approve the agenda. Vice Chair Stoch made the motion, seconded by Board member Petty, the motion carried unanimously.

APPROVAL OF MINUTES

Chair Mitchell asked for a Motion to approve the November 20, 2020, minutes. Board member Petty made a motion, seconded by Vice Chair Stoch, the motion carried unanimously.

NEW BUSINESS

Administer the Oath: Chair Mitchell called all participants speaking in favor of, or against the COA's, as well as staff, to come forward to be sworn in for testimony. Applicant Cori McKee-Whipple; and Staff David Montgomery appeared and took the oath.

Conflicts of Interest: None.

- A. **COA 20-42** – Application by Nest Egg3 (Cori McKee-Whipple) owner of 304 Summitt Drive who wished to remove two (2) trees, one Willow Oak in excess of 36 inches in caliper located in the rear yard and one river Birch (clump form) located in the front yard, and will plant three trees. Two to be located in the rear yard and one to be located in the front yard..

Staff Presentation: The Historic Preservation Commission received a Certificate of Appropriateness COA-21-01, application by Nest Egg3, LLC owner of 304 Summitt Drive who wished to remove two (2) trees: 1 Willow oak (*Quercus phellos*) and 1 River Birch (*Betula nigra*), and will plant three trees. It was advertised in accordance with the General

Statutes on January 13 and 20; letters were mailed on January 11, 2021; and posted Monday, January 11, 2021.

Staff Montgomery entered Exhibits A-G; and gave background information of the subject property and surrounding area.

Guidelines:

2. Landscaping and Trees

Mature trees, shrubs and ground cover help to define and enhance the character of a historic district. Turn of the 20th Century Gardens often advocated a natural look, comfortable, settled and peaceful rather than the stylized gardens typical of the 18th century. Historic Districts are peaceful rather than the stylized gardens typical of the 18th century. Historic Districts are typically shaded by a heavy tree canopy, which adds great aesthetic appeal. At the turn of the century, trees were placed in a manner to have an impact in cooling the structure.

Lee County Forest Ranger Sam Buchanan conducted a site visit on Wednesday January 6, on Thursday, January 7, 2021 at 10:18am . Lee County Forester Sam Buchanan sent an email, Exhibit G, page 16 to Staff which states: "My recommendation is to trim both trees and do not remove".

If the Commission approves the removal of two trees the applicant has agreed to plant three (3) replacement trees. These replacement trees should be at least five to seven feet tall.

Exhibit F, page 15, 2008 Tree Survey; the 2008 tree survey identified this particular Willow Oak (Exhibits B and C, pages 11 and 12) as being in good condition. At the time, the tree survey was conducted the River Birch (Exhibits D and E, pages 13 and 14) in the front yard did not meet the minimum size requirement to be included in the survey.

Guidelines:

- 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 or historically significant trellises, patios, terraces, and fountains.
Comment: The applicant is proposing to remove two trees as described above. The removal of said trees will affect the current character of the historic district. The Lee County Forester stated via an email (Exhibit G, page 16) that these trees not be removed, however he did recommend that they be pruned.
- b. – d. Does not apply
- e. It is appropriate to maintain the existing grade on the site when technically feasible.
Comment: Should the Commission approve the removal of the two trees the applicant shall have the stumps ground and the area should be leveled and reseed or sodded to avoid erosion, until such time replacement trees are planted.
- 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.

Comment: Removal of these trees is NOT recommended by the Lee County Forester Ranger (Exhibit G, page 16).

- g. Trees which are dead or diseased should be replaced with an appropriate tree.
Comment: Neither the Willow Oak or River birch are dead. The applicant has stated that should the commission approve the removal of the two trees three trees will be planted. Two in the rear yard and one in the front yard. Selection of the variety of tree and the planting locations should be overseen by Historic Preservation staff. Replacement trees shall be at least 5 to 7 feet tall at installation.
- h. Tree removal shall be completed in a manner so that the affected area seems original to the landscape.
Comment: The applicant is proposing to remove two trees, should the commission approve the removal of said trees staff recommends that the stumps be removed and the area sodded or seeded to avoid erosion which would make the area appear original to the landscape, until replacement trees are planted. Replacement trees will most likely NOT go back in the identical spot of the tree removal.
- i. Tree trimming should be done in a manner to encourage the maintenance of the neighborhood tree canopy. Tree topping is discouraged.
- j.-k. Does not apply.

Staff Comments and Analysis:

The Lee County Forest Ranger recommendation was to prune both the Willow oak and the River Birch. However, should the commission approve the removal of the two trees the applicant shall plant back three trees. Two are to be planted in the rear yard and one shall be planted in the front yard. Prior to planting replacement trees, the applicant shall consult with Historic Preservation staff as to which variety, size, and location of said trees are to be replanted on the subject site.

Board Questions

Chair Mitchell asked if the root system from the Birch tree goes down in the ground like an Oak or runs out from the tree like a Pine.

Staff Montgomery stated that he thinks that the root system goes out.

Chair Mitchell stated that he thought the tree looked really closed to the building and could cause potential damage either by falling or by the root system.

Vice Chair Stoch asked if the tree in the front was part of the 2008 tree study.

Staff Montgomery said no, that the tree was too small because there was a size condition.

Applicant's Testimony:

Cori McKee-Whipple, 2606 Marazi Trail, Apex.

Applicant Whipple stated that she is the owner of the home. She stated that the trees are causing some foundation issues on that side of the house where water is leaking in due to the roots. The sister tree to the oak in the back fell in December, so the removal of the tree in the

back is for safety. Willow oak trees are recommended to be planted 50 feet from a structure, this tree is 6 feet from the house. It is also 8-9 feet from the house located at 211 N. Horner and 10 feet away from 215 N. Horner. If the tree falls it could damage any of these homes. They intend to replace the trees with size appropriate trees of 6-7 feet tall, and they will not be in the same location. Duke Power also agreed that it would benefit the removal of the trees, due to the growth into the power lines.

Vice Chair Stoch asked if it was the trunk of the trees near the houses or the canopy. Applicant Whipple stated that the trunk is 6 feet from the house and the branches are on top of the house at 304 Summitt Drive.

Vice Chair Stoch asked if the replacement trees would be full canopy or understory trees. Applicant Whipple stated that she did not want the replacement trees to get as big or tall as the current trees. They will be full trees and will be Staff approved.

Board Discussion:

Chair Mitchell stated that the tree at the front appears to be at risk of damaging the structure and it obscures the visibility of the structure. He stated that he thought a smaller tree in the front would be better and a mid-size tree in the back. Trees would be approved by staff.

Board member Petty stated that he understood the opinion of the Forester, for the tree to be trimmed, but felt that it would be much better to be taken down.

Board member Petty stated that the trees that could fall on the house need to come down; there is an aesthetic appearance; and the applicant has a future plan. He feels the four trees seems acceptable.

Vice Chair Stoch asked if the large tree in the back yard could be milled. Applicant Whipple stated that she would be open to the idea, just need contact information. She also indicated that she would like to keep the stump in the back for a table, instead of having it ground down.

The Board discussed this idea fully, and did not see any issues. They stated that once she began the foundation repair work, the roots would need to be removed and cut to not cause further issues in the future. She would be responsible for the stump being ground, if would not work out the way she intended.

Motion: Vice Chair Stoch move that the Historic Preservation Commission find as fact that the proposed project COA-21-01, 304 Summitt Drive, if the removal of the two trees, and the planting of three trees (an understory tree in the front yard and 2 mid-size trees in the back yard as approved from staff) 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 trees are very close to the house, they are threatening the power lines, and the roots are damaging the foundation and causing water drainage issues 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. The motion was seconded by Board member Petty.

Chair Mitchell called for a vote. The motion carried.

Final Motion: Vice Chair Stoch made a Motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness to Nest Egg 3, LLC, (Cori McKee-Whipple) and approve the proposal as shown in COA=-21-01, 304 Summitt Drive, with the following conditions: Staff will approve the understory tree in the front yard and the two mid-size trees in the back yard; the stumps will be ground with the exception of the tree in the back yard which will be left to be used as a table.

Chair Mitchell called for a vote. The motion carried unanimously.

Public Comments

None

COA's

Adjournment

With no further business to come before the Board, the meeting was adjourned on motion of Board member Allen, seconded by Board member Stoch, and unanimously carried. The meeting was adjourned at 7:30 pm.

Adopted this 22nd day of February, 2021.

BY: B. Mitchell
Brian Mitchell, Chair

ATTEST:
Angela M. Baker
Angela M. Baker, Clerk