

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
Buggy Building Conference Room
7:00 PM Monday, May 20, 2019
115 Chatham Street

Roll Call:

Commissioners Present: Rebecca Whitaker, Jason Cline, Greg Stoch,
David Underwood, Allen Gordon, Brian Mitchell
& Phil Yarborough
Commissioners Absent: N/A
Staff Present: Liz Whitmore, Historic Preservation Planner II, Anne Sears,
Secretary to the Commission and Al Benshoff, Commission
Attorney

Government Official Present: Sam Gaskins

Witnesses and Guests: Jocelyn Stoch & Cathy Pascal

Chair Mitchell called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined.
2. **Approval of the Agenda for May 20, 2019:**
Chair Mitchell called for approval of the agenda for May 20, 2019. Commissioner Stoch moved to approve the agenda; seconded by Commissioner Underwood and the motion passed unanimously.
3. **Approval of the April 22, 2019 Minutes:**
Chair Mitchell called for the approval of the minutes for April 22, 2019. Commissioner Yarborough noted that he was listed as being present at the last meeting; correction is noted by Secretary to the Commission. Commissioner Whitaker moved to approve the minutes as amended; seconded by Commissioner Underwood and the motion passed unanimously.
4. **Public Comment: N/A**
Chair Mitchell asked if there was any public comment. There was None.
5. **Public Hearings:** Chair Mitchell read the quasi-judicial reference.

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the case being heard tonight (COA-19-24) and continuation of (COA-19-09).

There was none. Chair Brian Mitchell opened the Public Hearing:

At this time, staff Liz Whitmore and Cathy Pascal were given the oath.

a. **COA-19-24** – Application by Joel Williams (owner) and Cathy Pascal (applicant), who wishes to open a bakery at 228 Carthage Street and who wishes to paint the metal front façade trim black and white.

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

Staff Whitmore noted that the applicant is proposing to paint the lower trim black and the trim around the door white. At this time, applicant Cathy Pascal noted to staff Whitmore that a correction is needed. Staff Whitmore noted that the applicant, Cathy Pascal plans to paint the door black and the trim will be white. Staff Whitmore asked the board to look at (Exhibit C, page 10). Staff Whitmore stated that it would be opposite of what the picture is proposing. Staff Whitmore noted that the door will be black and the rest will be white and staff Whitmore said if you look at (Exhibits A & B, pages 8 and 9) it shows the existing condition of the building as it is today. Staff Whitmore relayed that it used to have horsehair pottery in it; and the only business in this building is in the basement, which are the Chocolate Cellar, and the Nunnery Shoe Shop. Staff Whitmore relayed that the improvements would brighten up that corner. She stated that the applicant, Ms. Pascal has applied for an awning; which can be approved at staff level and it is not before the commission tonight to be approved. Staff Whitmore stated that the Downtown Guidelines do speak to painting the metal trim downtown; however, the matrix states painting when there is a change of color is Minor Work. Staff Whitmore noted on page three that the Downtown Guidelines state:

1. The Secretary of the Interiors Standards for Rehabilitation (Exhibit C pages 11 and 12) states the following in regard to alternations of historic properties:
 - a. The historic property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided. The painting of the metal trim has come before the commission prior as an after-the-fact COA, around a year ago and the applicant was instructed to remove all paint from the metal trim. Staff Whitmore relayed that as you recall, it was a bright orange/teal color.
 - b. Changes in property that have acquired historic significance in their in their own right shall be retained and preserved. The addition of the metal trim (which is not original) was her comments are as follows: The addition of the metal trim (which is not original) was existing at the time the survey was conducted.
 - c. New additions, exterior alterations, related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. Staff Whitmore relayed that the metal trim was existing at the time the survey was done, so that it could be considered historic or it could not be historic, that it is a matter of interpretation.

Staff Whitmore shared that this was the end of her presentation and she would be glad to answer any questions:

Staff Whitmore relayed that there have been others where the metal trim was painted in the past, and it seemed to her that it was done during the Benjamin Moore promotion of “Paint the Town.”

Questions from the commissioner are as follows:

Commissioner Yarborough asked if the location was beside the Black Box? Staff Whitmore noted that it was. Commissioner Stoch asked so we are just referring to one bay right, not all of them, and it will be the one on the right-hand side? Commissioner Whitaker reiterated that typically paint color is a minor work. Staff Whitmore shared that all the paint that was approved for the Benjamin Moore ("Paint what Matters" contest) was approved at staff level. Chair Mitchell asked if there were still paint residue on the trim and Staff Whitmore stated there was not. Commissioner Underwood's question is that he is afraid that it is going to look off balance and he wonders, since this is commercial property, if it should all be painted at the same time? Staff Whitmore relayed that it could be and she noted that it would be up to the board to determine if you choose you could make it a condition. Commissioner Whitaker asked staff Whitmore if the space would extend to the other two bays and staff Whitmore stated no that in fact, they are separate bays and if you enter the center bay, you have access to upstairs. Commissioner Yarborough acknowledged that it is right beside the Black Box and the way he sees it, that they would want to be congruous with each other. Staff Whitmore relayed that the Black Box is not really black, it is more of a gold, that they just call it the Black Box. Staff Whitmore added if you look at (Exhibit C, page 10) you can see that there are black drapes in the window and that there are a lot of props in that space, and it is more used as an experimental theater. Commissioner Yarborough's thoughts are that it may look odd and unfinished in the middle of the two bays.

Chair Mitchell asked if there were any other questions from staff? There were none.

Applicant Cathy Pascal approached the podium. She stated her name and her business address as 228 Carthage Street. She wishes to open a bakery and paint the metal front trim white and the door black. Ms. Pascal relayed that she had a picture of the awning that she is proposing on her phone. Ms. Pascal shared with the commission that the awning will match a similar awning around the corner, that her shop will be neat and she thinks it will impress everyone. She stated that the idea for the shop is that you will be able to come in, have a slice of cake, a cup of coffee, a bottle of water or a soda. She relayed that all desserts will be home-made. She said that she has not set the times and dates that her business will be opened. She said she has ordered the awning; and stated again that she plans to paint the door black and the trim white. (Exhibit C, page 10) Staff Whitmore asked Ms. Pascal to pass the phone around to show the commissioners the picture of the awning, (Exhibit E). Commissioner Gordon asked Ms. Pascal when she plans to open? She stated around the 23rd of June, but she was waiting on the plumber. Ms. Pascal also noted that she has put in new HVAC, new electrical work, added a kitchen and new hardwood floors all the way through. Ms. Pascal shared that she dropped off her plans to Building Superintendent Chris Riggins today. Commissioner Stoch asked Ms. Pascal if she was renting the whole building? She stated no, that she was only renting that one bay (228 on the first floor). Commissioner Gordon thoughts are that the color combinations look good. Staff Whitmore wanted to add that Ms. Pascal does not need health permits, that she has already gone through that process with the Health Department. Ms. Pascal added that it is baked goods, and she is considered as a restaurant, because she will have people coming in and sitting down. She stated she will not use paper products, that her plans are to use glassware. Commissioner Stoch asked Ms. Pascal if she knew what kind of paint will be used on the metal? She stated she did not; that she had left it up to the painter she has hired.

Closed for Discussion.

Chair Mitchell stated he thinks that the Commission would like for the whole building to be occupied and more uniform; but his thoughts are by having part of the building occupied; that it will look better than it currently does. Commissioner Yarborough shared that it is going to look really nice; that he likes the design, and Commissioner Whitaker said she like the image that they saw of the awning, the design, the coordinating paint colors and the fact that there was no talk of spray painting. Commissioner Stoch relayed that if it was left up to him, that he would like all three sections painted to make it a consistent look. Commissioner Stoch shared that one concern he had was that it is a unified building and that he would have had it gone through with black trim with white doors; but the fact that it is being presented as white trim and a black door, that the white would not be unbalanced. Commissioner Whitaker added that there use to be a shop on Steele Street called the Cute Closet; but it has turned over new ownership that has a similar awning that Ms. Pascal plans to put up and she likes it. Commissioners continued to shared positive comments.

FINDING OF FACT: Commissioner Yarborough moved in regards to COA-19-24 that the Historic Preservation Commission find as fact that the painting of the exterior (including all metal trim which will be painted white and with the door trim being painted black), when completed in accordance with the Downtown Design Guidelines and the decision of Commission is congruous with the character of the Historic District for the reasons that the design and color combination is generally in harmony with the criteria in the design guidelines, the special character of the neighboring properties, and the historic district as a whole; seconded by Commissioner David Underwood and it passed unanimously.

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 (COA-1924 to owner Joel Williams and applicant Cathy Pascal for 228 Carthage Street as submitted; seconded by commissioner Jason Cline and it passed unanimously.

Nomination of the Sanford Tobacco Company Redrying Plant and Warehouse to the National Register of Historic Places. Staff Whitmore asked the Commission to look at the last few pages of the packet that she had included. Staff Whitmore shared that to be placed on the National Register is an honor. She noted that we have five districts; but only two are local, the Rosemount district and the Downtown district. Staff Whitmore added that other districts are national districts, which if you are contributing, it allows you to qualify for tax credits.

Staff Whitmore relayed in order to move forward, the developer, if he wants to develop this property, may or may not choose to apply for tax credits. Staff Whitmore said that just because it is on the national register, it doesn't mean that he as the developer can or cannot do what he wants to do with the building. Staff Whitmore noted that some people still do wonderful things with their homes but sometimes they just don't want to go through the process because it is so time-consuming.

Staff Whitmore noted that it is not a hindrance to a property owner to be placed on the National Register. Staff Whitmore relayed that we have no idea who wants to purchase the tobacco

warehouse property, there no plans and we have been asked to consider this building being placed on the National Register. Staff Whitmore indicated to the Commission that the information they have in front of them was emailed to them about two weeks ago for everyone to look at. Staff noted that on the second page towards the back, is a page that requires the Chairman to sign either Yea or Nay and then it goes to the Mayor for his signature to either support or not support the nomination. Staff Whitmore shared it meets the criteria to be placed on the National Register. Staff Whitmore added that the last few pages talk about the fact sheets that speaks about what it means to be on the National Register and what the benefits are and what you can and can't do with the building. Staff Whitmore compared it to Hawkins Avenue. Staff Whitmore added that those people do whatever they want with their buildings and they have done a good job; however, they could apply for tax credits, and we would have no local oversight over them at all. Staff Whitmore explained that East Sanford is on the National Register and no-one has taken advantage of the program and about sixty percent is rental property in East Sanford. Staff Whitmore added that typically people take great pride if they are in the National Register Districts. Staff Whitmore stated again we do not know whom the purchaser is; but we do know it is for sale and there was a potential buyer and he backed out. Staff Whitmore relayed that this is something driven by Downtown Sanford, Inc. and it is within the seventeen blocks of the Downtown Business district area.

At this time staff Whitmore said she would be glad to answer any question that the commission may have.

Questions among the Commission were as follows: Commissioner Yarborough asked staff Whitmore so as far as the Historic Preservation Commission is concerned, what about W. B. Wicker School? Staff Whitmore noted that it was designated as a local landmark. Staff Whitmore shared that when we have a local landmark, that brings it under our purview. Chair Mitchell asked so the wheels are already turning into making this happen and Staff Whitmore stated yes. Commissioner Whitaker asked do we as the commission have to make a Finding of Fact? Commission Attorney Al Benshoff stated that it is not a Certificate of Appropriateness, that it is just a recommendation. Commissioner Stoch asked if this is part of the downtown district? Staff said it was, that it is not the historic district, but part of the downtown business district. Commissioner Stoch also asked if this building is one that is under consideration that could be rolled into the National Register district and staff Whitmore said no, that it was too far away. Commission Gordon asked how far out it is? Staff Whitmore noted it was on the same street side as Sanford Rent All. Commissioner Gordon said that he felt like there has been a lot of interest in the property and they seem to think it would be a good idea to nominate the building to be added into the National Register. Staff Whitmore stated that it was advertised in the paper, and the current owners did receive a register and regular letter in the mail. Commissioner Yarborough asked what would be the advantage, other than less tax money? Commission Attorney Al Benshoff explained that it is not even less tax money from us locally, you will get tax breaks. Staff Whitmore provided an example by saying if you have \$100,000.00 of tax credits, the taxes on it and you owe \$25,000.00, then you can write off that \$25,000.00 off that \$100,000.00, which leaves you \$75,000.00 left over and you can use that over a five-year period. Commissioner Gordon shared that if and when the building is revitalized it will enhance our downtown area. Commissioner Whitaker noted that under its current condition that it is a bit of a monstrosity; however, she didn't realize the significant

historic value to our town. Staff Whitmore shared that it is one of the reasons that the tobacco mural was placed on the wall at Sanford Rent All, because of the Tobacco Redrying Plant and the Warehouse across the street and the mural complement's that building. Staff Whitmore also reinforced that this doesn't affect anybody with what to do with their property, only if they wish to get tax credits they can. Commissioner Stoch asked so is Council lending towards this approval as is? Chair Mitchell said that we see buildings like this turned into apartments and so forth and he thinks this would be an appropriate use of that space for this building. Councilman Gaskins relayed that the previous person that came and looked at this building had in mind to place several commercial storefronts in the bottom and then in building A, they were proposing apartments on the top, and then the rear building was potentially supposed to be parking and a library on the lower level. Mr. Gaskins shared that the possibilities for renovating it has been thoroughly evaluated and he noted that there have been others interested in purchasing this building. Commissioners continued to share their thoughts, and Commissioner Stoch asked whether a motion is needed. Commission Attorney Al Benshoff stated that a motion is needed.

Commissioner Greg Stoch stated that we the Sanford Historic Preservation Commission, have reviewed and discussed the nomination for the Sanford Tobacco Company Redrying Plant and Warehouse and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, recommend that the property be submitted for listing in the Register; seconded by Commissioner Whitaker and it passed unanimously.

c. COA-19-09)- continued from April 29,2019 meeting. Application by David Lind of 520 Sunset Drive who wishes to replace the original wood windows with vinyl windows.

Staff Whitmore relayed that she had spoken to David Lind on Friday before the meeting tonight and reminded him what he was supposed to bring. Staff relayed at that time he didn't commit whether he would come to the meeting. Commission Attorney Al Benshoff shared that if the Commission doesn't do anything, it will be a pocket approval. Commissioner Whitaker asked can he reapply when he is ready, and staff Whitmore said he could. Staff Whitmore said he was supposed to, but he had sent her an email and said he could not make it, that he would come to the next meeting and he requested that he continue it; and it was granted. Staff Whitmore added that she did not call and remind him to come tonight; because of their lengthy conversation on the Friday before. Staff Whitmore reiterated that he was going to inventory of all the windows and provide photographs and Staff Whitmore said she asked Mr. Lind; but he has not done any of what was requested of him. Commissioner Whitaker stated she had a question for Mr. Benshoff and she asked if there was a way, we could make a decision on his application for lack of evidence rather than based on finding of fact, since we don't have a whole body of evidence to base the finding of fact on? Commission Attorney Al Benshoff noted that it is the applicant's responsibility to present evidence to the commission to allow you to make a decision, and then the burden is on them, so you have the application and whatever he submitted before and that is all you have to base your decision on. He continued to say it would be a case where you could say that he has not met his burden to show the commission that his application meets the standards of the Rosemount-McIver district. (Commission Attorney Al Benshoff said it is the long way in saying yes.) Commissioner Stoch shared that for him and what he and his wife Jocelyn Stoch are doing with

their house, that he has visited many architectural salvage yards and that windows and window sashes are available. Commissioner Stoch read that Guidelines (page 3- 8 a) states that it is appropriate to preserve, protect and retain original window and door elements such as sash, glass, sills, frames, casings, hardware, weather stripping, lintels, architraves and shutters. Commissioner Stoch continued to read that when the repair of a window or door is not technically feasible, the replacement design should match and he stated that he didn't think we had enough information to determine that it is sufficient and meets the guidelines. Commissioner Whitaker shared that she doesn't want to set a precedent as a commission that every single homeowner in the district has to go through the lengths that commissioner Stoch and his wife Jocelyn are going through. She relayed that they were doing an amazing job, and she added that she thought the vast majority of the rest of the neighborhood does not have the interest, time or financing to do the things that you guys are doing and I know that we don't look at that with regards to the applications that come forth and that I will be a lot more comfortable not making a Finding of Fact on this particular one, especially since we haven't received a supplemental packet of evidence that Mr. Lind was going to bring. Commissioner Whitaker continued to say that the applicant has not met his burden with regards to evidence on which to base a decision. At this time, Commissioner Yarborough shared that Commissioner Stoch and his wife Joycelyn house is a very historic looking house and that he wasn't for sure if the house that Mr. Lind is proposing on 520 Sunset Drive was historical, that it looks more like it was built in the 1960's. Commissioner Yarborough shared that his thoughts are that if you were to drive by that house at 520 Sunset if you could tell a difference? Commissioner Yarborough noted that you could get all kinds of replacement sashes and sash kits and if you were looking at the window from the outside, you can't tell if it is a replacement window, because it doesn't have any trim around it and the window opening looks just as big as the day it was made and that would make a difference. Commissioner Yarborough continued to say that it made it hard with the weights and chains, etc. and he said it was somewhere in between that there was a minimum way of doing it. Commissioner Gordon said he agreed with what Commissioner Whitaker had to say and his thoughts are that we want to improve the district and to keep the historical look as much as possible, but he doesn't want to make it a burden on any homeowner not being able to fix their property. Commissioner Yarborough noted that we want the houses to look nice, that we don't want people saying, well we got to do this and then give up. Commissioner Whitaker added that she thought the direction that they are going with last time, was maybe moving towards the potential of meeting in the middle type situation where we were hoping that he would come up with a better solution than the vinyl that he had currently selected or maybe some other options that weren't quite on that end of that spectrum, but maybe not the complete opposite end of the spectrum. Staff Whitmore relayed that the house is a contributing house to the district and it is circa in 1940. Staff Whitmore added that not all of the windows in the house are original, some have already been replaced and that was why we asked for an inventory. Commissioner Whitaker added that she had two more comments to share with the board. Commissioner Whitaker referred to what Commission Attorney Al Benshoff stated that not that our decision has no precedential value in the way that public court has precedential value, but we do have a concern of people coming in and saying that my neighbor got to do this so why can't I? Commissioner Whitaker added that she has been looking at windows and even though she is not ready to do anything yet; that she has contacted contractors whom were not interested in doing work in the historic district.; but there is also specialists that she has found that will do work in Sanford, and her thoughts are that the commission may be dealing more and more with questions like this. Commissioner Yarborough said his point is that you could go to Lowe's and

buy a replacement window for one hundred and fifty dollars or you can go somewhere else and buy a replacement sash kit that will go into that window for about two hundred dollars and twenty five dollars or you can go to a specialist, such as Anderson and get all the bells and whistles and you will pay six hundred dollars. Commissioner Yarborough noted that replacement windows can be expensive especially if they have several to replace and you cannot expect everyone to pay six hundred dollars per window, that he thought somewhere in the middle range of three hundred would be more appropriate. Chair Mitchell noted that the reason why the commission wanted to see the additional information from Mr. Lind is because we wanted to know if these windows were broken and if they don't open, then that does provide some element of safety hazard that you would feel much more comfortable saying that these windows need to be replaced. Commissioner Stoch said that he understood and that the guidelines are the guidelines and we could say that Mr. Lind is a local and lives here all his life, but what happens when the next people come before us? Commissioner Stoch asked where do we draw the line between someone that we have known for twenty years and then a house flipper that wants to change all the windows and he wanted it to go on record that he thinks it is a dangerous precedent to go down that road, especially when the guidelines say (refer to page 3 under Guidelines 8 a). Commissioner Stoch added that the investors are here. Commissioner Whitaker noted that she lived on Green Street and there are several homes in that area for sale and she had not seemed anyone in over a week looking at these houses. Commissioner Gordon shared that when we started these things that these are the guidelines and he referred to what Commission Attorney Al Benshoff said earlier, that whatever the commission says then that is what it is. Commissioner Stoch said that he just wanted the commission to be careful and Commissioner Whitaker and Commissioner Yarborough agreed. Commissioner Whitaker noted that it would almost be like issuing an advisory opinion at this point; because Mr. Lind hasn't come and shown any interest in moving forward with the COA.

Commissioner Whitaker moved that the Historic Preservation Commission for lack of evidence on which to base a decision, deny the Certificate of Appropriateness for David Lind of COA 19-09 of 520 Sunset Drive; seconded by Commissioner Stoch. At this time staff Whitmore asked Commission Attorney Al Benshoff if we should put in the motion that at the March meeting that Mr. Lind agreed to bring in an inventory of the windows and he has not done that so that it will be very clear that he didn't follow up. Commission Attorney Mr. Benshoff said he thought it was optional. Staff Whitmore said she was fine with it. Commissioner Greg Stoch seconded the motion and it passed unanimously. Commission Attorney Al Benshoff noted at this time that it wouldn't hurt to say something like based on the preceding Findings of Fact, the record before the Historic Preservation Commission is insufficient and the COA is not granted. Commission Whitaker at this time redid the motion.

Commission Whitaker moved that the Historic Preservation Commission not grant a Certificate of Appropriateness to Mr. David Lind and denied the proposal as shown in COA-19-09, 520 Sunset Drive, seconded by Commissioner Greg Stoch and it passed unanimously. Staff Whitmore noted that it was denied, however he can resubmit and Commission Attorney Al Benshoff stated that was correct, that any applicant that is denied, can also go to the Board of Adjustment. Commissioner Yarborough shared his thoughts about how it will not go away, that there will always be changes and different types of materials will be allowed and brought before the Commission. Commissioner Whitaker shared that it was hard finding trades people to work on historic homes.

6. **Old Business: N/A**

7. **New Business:**

a. Staff update:

1. **COA's-** Staff Whitmore provided updates on Minor and Major COA's included by reference.
2. **Citizens Guide to the COA process.** Staff Whitmore noted that she and David Montgomery has planned to reword and do some changes to the brochure and she will email that out again next week.

Announcements: Chair Mitchell announced Anne Sears retirement date of June 28, 2019.

8. **Call for Adjournment:**

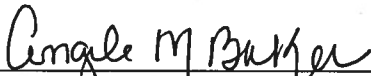
- Vice- Chair Stoch called for adjournment. Commissioner Gordon moved to adjourn; seconded by Commissioner Whitaker and the motion passed unanimously. The meeting adjourned at 7:45. Staff Whitmore noted that Angela Baker will be taking the minutes.

Adopted this 24 day of June 2019

Respectfully submitted:



Chair: Brian Mitchell - Vice Chair – Greg Stoch.

Attest: 

Secretary to the Commission: Anne Sears/ Angela Baker