

**TOWN OF BEAUFORT
HISTORIC PRESERVATION COMMISSION
SEPTEMBER 1, 2009 REGULAR MEETING
TRAIN DEPOT, 6:00 P.M.**

The Town of Beaufort Historic Preservation Commission held its regularly scheduled meeting on Tuesday, September 1, 2009 at 6:00 p.m. in the Train Depot located at 614 Broad Street, Beaufort, N.C. Chairman Mamre Wilson presided.

Members Present:

Mamre Wilson, Chairman
Dan Krautheim, Vice Chairman
Wendy Davidson
Gerharda Sanchez
Les Sadler
Marnie Park
Fred McCune

Staff Members Present:

Kyle Garner, Town Planner
Michele Davis, Town Clerk

I. CALL TO ORDER

Chairman Wilson called the meeting to order and introduced the members of the commission and the town support staff.

II. PLEDGE OF ALLEGIANCE

Chairman Wilson asked all those in attendance to stand and join in the Pledge of Allegiance.

III. AGENDA APPROVAL

Member Fred McCune moved for the approval of the agenda. Member Krautheim seconded the motion with all members in favor.

IV. MINUTES APPROVAL

Member Sadler moved for the approval of the August 4, 2009 minutes. Member Krautheim seconded the motion with all members in favor.

V. ADMINISTRATION OF OATHS

Chairman Wilson entered the following documents into the record: (1) the Beaufort National Historic District Survey compiled by Ruth Little, 1997; (2) Beaufort, An Album of Memories by Jack Dudley; (3) the Beaufort Historic District Guidelines; (4) the Town of Beaufort Zoning Ordinance; (5) NC Building Code Chapter 34, Section 3407-1 on Historic Buildings; and (6) the Town of Beaufort Strategic Approach from Growth (Adopted 10/11/1999).

Chairman Wilson explained the Historic Commission is a quasi-judicial body, which requires anyone presenting testimony to be under oath. Town Clerk, Michele Davis administered the oath to the Commission members and anyone wishing to speak on any applications to be heard during the meeting.

VI. ITEMS OF CONSIDERATION

1. Sam Sellers—110 Ann Street—Roof Replacement

Chairman Wilson opened the hearing.

Mark Hannula was present to address the commission members. He explained they would like to replace the current shingles with 30 Year Architectural Shingles and the color will be Charcoal. Mr. Hannula also mentioned the minor repairs to the siding were more extensive than originally thought, so all of the siding is being replaced.

Chairman Wilson stated the application for tonight was only for the roof. She continued by saying the color change would need to be discussed at next month's meeting. Chairman Wilson stated the group only gave permission for the damaged boards to be replaced and any discussion on that will need to be at the next board meeting.

Chairman Wilson asked if anyone in the audience had any comments on this application. None were made. Chairman Wilson closed the hearing. Chairman Wilson asked for any comments from the commission members.

Member Davidson made a motion to accept the application based on the findings of fact according to the guidelines for roofing 6.1.2 and 6.1.3. Member McCune seconded the motion with the vote being unanimous.

Guideline 6.1.2 Roof Guidelines—

Preserve, maintain, and repair historic roofing details and materials such as slate, standing seam metal, and tile. Replace in-kind only if necessary due to deterioration or damage. Replace only the damaged or deteriorated portion using materials identical to the original if possible.

Guideline 6.1.3 Roof Guidelines—

New roofing materials should be compatible with either the existing or original roofing material. Match the historic material as closely as possible in color, shape, size and texture. Asphalt or fiberglass shingles are acceptable substitutes for standing seam tin, wood shingles, or metal shingles. Any distinctive patterns of shingles or slates shall be retained and/or replicated exactly. Galvanized standing seam with a large agricultural ridge, usually for ventilation, is not acceptable in the historic district. Instead, use standing seam metal with a crimped edge.

Member Krautheim moved to issue a Certificate of Appropriateness for the project. Member Sadler seconded the motion with all members being in favor.

2. Tony Smith—616 Ann Street—New Shed

Chairman Wilson opened the hearing.

Mr. Smith was present at the meeting. Mr. Smith explained the owner of the house at 616 Ann Street is asking for permission to place a potting shed in her back yard. He continued by saying the potting shed would be a replication of the one located on the Historic Grounds. Mr. Smith stated the Commission had pictures of the potting shed. Mr. Smith stated the potting shed could be placed on the southwest corner of the lot if needed. Chairman Wilson stated according to the guidelines, it should not be seen from the street. Chairman Wilson asked if anyone in the audience had any questions.

Chairman Wilson closed the hearing.

Chairman Wilson read Guideline 8.1.13 which states *New tool shed, swimming pools and other modern yard features should be located in areas not seen from public view.*

Member Sanchez moved to approve the application based on the Guidelines 7.1.3, 7.1.4, 7.2.2, 7.2.4, 7.3.1, 7.3.3, 7.4.2, 7.5.1, 8.1.13. Chairman Wilson stressed to Mr. Smith a marker needed to be placed on the shed. Members Sadler and McCune did not consider the marker as a needed item. Member Krautheim stated the marker would date the tool shed for future reference. Member Krautheim seconded the motion will all members in favor.

Guideline 7.1.3 Building Placement

Place outbuildings and accessory structures in side and rear yards. Avoid locations that obscure the principal building's prominent architectural site features.

Guideline 7.1.4 Building Placement

Minimize ground disturbance during new construction to avoid unnecessary damage to unknown archaeological resources.

Guideline 7.2.2 Building Height/Scale

Make the scale of the proposed building compatible with the scale of contributing structures on the block or side of the street.

Guideline 7.2.4 Building Height/Scale

Use windows and doors in new construction that are compatible in proportion, shape, location, pattern and size with windows and doors of contributing buildings on the block or side of street.

Guideline 7.3.1 Materials

Keep the siding and trim material of the proposed building consistent with the materials traditionally used on the immediate block and in the historic district. Wood siding, wood shingles, and brick were common sheathing materials and should be used.

Guideline 7.3.3 Material

Use materials in traditional ways. New materials should appear as if they were applied in a traditional manner so as to convey the same visual appearance as historically used and applied building materials.

Guideline 7.4.2 Details

Provide a date brick or other exterior date identification marker on all new construction to assist future generations in the dating of buildings.

Guideline 7.5.1 Texture and Color

Create in new construction a similar degree of texture that if found in contributing buildings in the historic district. Texture is the relief on a building surface that is achieved through use and interaction of a variety of building materials and shapes. Materials such as weatherboard siding, decorative fish-scale shingles and beaded-board porch ceilings are examples of wooden architectural elements that have different physical and visual qualities and contribute to the "texture" of a building.

Guideline 8.1.13 Landscaping

New tool sheds, swimming pools, and other modern yard features should be located in areas not seen from public view.

Chairman Wilson asked for a motion to issue a Certificate of Appropriateness. Member Krautheim moved for the issuance of the COA and Member Sanchez seconded the motion. All members of the Commission were in favor.

3. Town of Beaufort—129 Turner Street—Landscaping Removal in Town Right of Way

Chairman Wilson opened the hearing. Chairman Wilson asked the representatives of the Garden Club choose three people to speak on their behalf and each person would have five minutes to speak.

Chief Steve Lewis was present at the meeting to discuss the issue. Chief Lewis stated he knew he had caused quite a stir asking for the tree to be transplanted. He stressed he wanted the tree transplanted and not cut down as had been told. The Chief continued by saying that hopefully everyone would better understand his reasoning after presenting information this evening. Chief Lewis stated this tree was in front of a jewelry store with a high end security system. He began by letting the commission members know since January 2006 the Beaufort Police Department has responded to 5 armed robberies, 849 alarm calls, 30 weapons, 41 gun shots, and 112 911 hang ups. Chief Lewis stated he wants everyone to know he appreciates everything the Garden Club has done for Beaufort. He continued by saying he does have a concern for the safety of our police officers and the safety of the citizens. Chief Lewis also stated when he sees an obstacle that could cause harm or death then he feels we have a duty to fix the problem and that is what needs to be done here. Chief Lewis stated he is concerned about officers being ambushed and innocent bystanders getting hurt or killed. He passed out pictures of Detective Troy Edwards standing behind the tree and holding different items. For each picture, he asked the Commission members to look at the pictures for approximately 2 seconds and to tell him what the detective had in his hand. Chief Lewis stated we are discussing more than a Crepe Myrtle tree; we are also talking about an officer's safety.

Chairman Wilson asked Chief Lewis if he had any ideas of where to transplant the tree. Chief Lewis informed the group he had looked at the area and right across the street may be a possibility.

Member Sadler stated the Public Works Department is in charge of all of the landscaping. He continued by asking Chief Lewis when this became a problem did he go to the Public Works Department. Chief Lewis stated he did not go to the Public Works Department first. Member Sadler asked wouldn't it be normal to go to the person in charge of it first before you came to us. It is their job to do that. Chief Lewis stated it was his job to remove any obstacles that may be a danger to his officers or the public.

Member Krautheim asked how many businesses have telephone poles and light poles right in front of their business. Chief Lewis stated he did not know. Member Krautheim continued by saying those poles are bigger than the trunk of the tree. Member McCune stated police work is dangerous work and we have other things here, poles in front of buildings, newspaper stands and bushes in front of businesses. Chief Lewis stated in a perfect world, things could be different but this is not a perfect world. Member McCune stated everything cannot be removed.

Member Sadler asked how the Chief became aware of this situation. Chief Lewis stated the store owner had called him. Member Sadler then asked if the store owner had contacted anyone else in Town. Member Davidson asked if a representative was present from the store. Member McCune stated the change in the building use is bringing about the need for the removal of the tree. Chief Lewis maintained his position was for the safety of officers.

Discussion and comments made by the Commission members brought up the question of removing light poles and banning parking on the streets in Beaufort. Chief Lewis advised the members that Police

Officers face danger everyday, but if something could be done to help ensure just a bit more safety, then we need to do so. He continued by saying he is not suggesting banning parking on the streets of Beaufort.

Chairman Wilson stated three people representing the Garden Club could now come and speak to the Commission.

Tom Steepy of 217 Rudolph Drive came up to address the Commission. He began by saying this was not just a discussion about removing a tree, but the impact on a process that started in the spring of 2000 when he was Mayor. Mr. Steepy continued by saying John Costlow's recommendation was to organize and form a Beautification Committee. That committee has evolved into the Beaufort Garden Club. Mr. Steepy stated one of the main reasons the committee was formed was to bring beautification to the first block of Turner Street and boater's alley. The work of the committee grew to include the boardwalk, town hall, the police department, the Grayden Paul Park and areas around the courthouse. Turner Street once was lined with Pine trees that were cut down and left the area stark looking. Under the direction of Al Goellner and Dick Kemp, the Beautification committee began looking at trees that could be planted along the streets that would not disrupt the infrastructure of the Town. Mr. Steepy continued by saying the efforts of this committee have been going on for ten years now. He continued by saying conscious decisions have been made to plan for the plantings and growth of the plantings. Mr. Steepy stated we did not have this problem when there was a stuffed animal shop located in the building; maybe we should ask the jeweler to move. He continued by saying why don't we move the fences, why don't we move the cars and why don't we move other shrubbery. In a final comment he stated moving the tree across the street has been considered before and is not an option due to the BHA having to bring in a landscape architect. He ended by saying if you remove one tree, then others may want trees removed from in front of their business.

Steve Rice of 109 Carrot Island Lane came up to address the Commission. He began by saying testimony has not been given or demonstrated that the landscaping in front of the store is a potential security concern. He continued by saying Chief Lewis has been dramatic in his presentation of information this evening and surprised the information was not given to staff nor was the opportunity provided for other people to look at it tonight. Mr. Rice continued by saying if landscaping is such an issue, then we need to cut down every tree in the Town of Beaufort. He continued by saying although we all appreciate the Chief and his staff for what he does, the Town Board should be ashamed of themselves for asking him to come up here and waste his time with this request. Mr. Rice stated this is a quasi-judicial meeting and there has been no testimony given that demonstrates the request of the removal of the landscape meets the Town's ordinance. He continued by saying he had a copy of the design guidelines and during the meeting you considered various guidelines within the ordinance. He continued by reading Guideline 8.1.1 which reads *Preserve and maintain historic public and private landscapes that contribute to the character of the historic district, including open spaces, streetscapes, and yards.* Mr. Rice also read Guideline 8.1.2 which reads *Preserve and maintain the individual components and historic features that contribute to Beaufort's historic character, including: mature trees, ornamental trees, and hedge rows.* Mr. Rice also read Guideline 8.1.9 which reads *Planting strips between the public sidewalks and the street edge shall be preserved and remain predominantly ground covers or tree plantings. Small walkways will be permitted on these strips if the proposed walkway aligns with the walkway leading from the front door or main entrance of the structure to the sidewalk. New walkways shall not exceed a width of four (4) feet. Paving, filling, or otherwise altering this strip within the district is not appropriate.* Mr. Rice informed the Commission members those are the guidelines they were suppose to take testimony on and not the theatrics of the Chief. There has been no testimony what so ever that meets the guidelines. He asked for the Commission to deny the request.

Cheryl Young, President of the Garden Club, addressed the Commission members. She began by saying she respected everything the Chief has done for the Town of Beaufort and we pray for the safety of our

officers more than anything. She continued by saying she is not satisfied with his proof the tree is a safety hazard. Like has been said, the light pole is bigger than the tree. Ms. Young stated the Beautification Committee would have trimmed the tree this past May but with it being under appeal they could not touch the tree. We do want the tree to be trimmed. She informed the Board members by next year the canopy would be above the roof line and the tree trunks do not need to be trimmed. As far as the shrubs go, they definitely need to be trimmed on the street side and the sidewalk side. Ms. Young continued by saying to her the safety issue was the little shrubs not the big tree. She continued by saying she was afraid if this tree was allowed to be removed a flood gate would be opened for other businesses wanting trees removed in front of their stores so their business shows more prominently. She also stated she wants to know what makes this one owner feel his business is more important than other businesses that have been here longer. His idea of having a high end jewelry store would hurt my feelings if I was a business owner in Beaufort because my business is just as important as his business and the police officers security is in jeopardy going into other businesses just as it is this man's business. She continued by saying she did not think enough thought has been put in to this and this has been a rash decision without taking time to think about the situation. She also stated she hated to see the Town of Beaufort spend money for lawsuits for other business owners coming before you and being denied. She asked about the houses on Ann Street, Orange Street and Broad Street. These are historic houses and filled with antiques, what is to keep them from coming to request a tree on the right of way to be cut down. Ms. Young stated they were interested in saving this one tree and the shrubs, but they were also interested in saving the Town of Beaufort from other cases since once it is done it is done. She continued by saying with the economy the way it is, she hoped this man could stay in business, but what if not and he leaves then what. Ms. Young stated things can change and would like for everyone to consider that. She asked if anyone had any questions of her.

Member Park asked about the tree in front of the Net House with the canopy being above the door. Member Park asked if the tree in question could be trimmed in the same way. Ms. Young stated by next year the tree canopy will be above the door. Ms. Young stated she was going to let Susan Johnson answer the specifics of the growth and survival of the tree.

Susan Johnson, 204 Marsh Street addressed the Board members. She informed the members the tree will get taller and can be limbed up meaning the bottom limbs can be trimmed so that you can see beneath the canopy of the tree. She continued by saying in another year it will be so that no foliage will cover the door. She stated we could trim the bushes to be down lower. She stated she believed in front of the Net House was a different kind of tree.

Member McCune asked what the ideal height of the Indian Hawthorne should be. Ms. Johnson stated another foot could be taken off of the bush. Ms. Johnson stated to move the tree it would probably cost a couple thousand of dollars and the survival rate would probably be twenty percent. Member Park asked about the cost of the tree say at 6 foot. Ms. Johnson stated the cost would be between \$500 and \$1000 dollars. Ms. Johnson stated the Garden Club would have trimmed these already if not for everything going on and she would be happy to go and do it next week.

Chairman Wilson asked if anyone else from the Garden Club would like to speak. No one from the Garden Club asked to speak.

Guy Robert of 117 Chelsea Circle asked to speak regarding this matter. Mr. Robert began by saying he appreciates what Chief Lewis does for this Town and 99.9% of the time he agrees with him, but this is the time he shows he is a human being and he is simply wrong on this issue. He stated we live in an age of enlightenment and that is what you have been exposed to today. He stated he appreciates the danger of shoot or don't shoot, but you can take that to other places in Town. He continued by saying there is a Crepe Myrtle tree in Front of First Citizens Bank and there is a tree in front of Stampers which has high

end jewelry also. He also informed the members there is a tree in front of Handscapes Jewelry. He continued by saying there are things all over town that can be cut down. Mr. Robert stated he hoped reason prevailed and this is denied. He continued by saying the Chief is good, but this is enfrightenment and your opinion should not be based on it. He closed by saying he did not believe this was a safety issue.

Chairman Wilson asked if anyone else would like to make any comments. No one came forward. Chairman Wilson closed the hearing.

Member Davidson stated that in the matter of security there has not been any attendance of the store owner. She stated she felt it was important because the Chief has given information of the possibility but not of the probability. She stated she would like to have had information from the store owner about the probability of problems. She closed by saying she was of the mind to deny the application due to not having enough information.

Member Sanchez stated the pictures the Chief showed are all staged to show the maximum possibility of concealment. She rather doubted the occurrence of such a scenario. She asked how the responding officers would approach the situation. She continued by saying since the Garden Club was promising to trim the shrubbery, she too would be against the removal of this tree.

Member Krautheim stated he goes to the Beaufort Historic center every Saturday and he has watched the owner of the store sell jewelry on the street. He continued by saying we have been told this is a high end jewelry store. He continued by questioning the high end status. Member Krautheim stated he voted for this the first time, but he did not have all of the facts and did not understand the nature of the obstacle. He continued by saying there is no obstacle and he would vote in opposition.

Member Sadler stated he shot his mouth off about this at the last meeting. He continued by saying he would like to see a better job in Town Hall of coordinating things like this so they do not come to us without having gone to Public Works or other departments concerned. Member Sadler stated he did not want to get in the middle of an internal conflict.

Member Park stated she felt the question was the canopy. It is shorter and fuller than any of the other Crepe Myrtles on that side of the street. She continued by saying if she could be assured it can be trimmed so it does not block the doorway then she would be satisfied and the bushes be trimmed.

Member McCune agreed with Member Sadler that a little internal coordination is a good idea. He continued by saying there was a big eight year old Elm on Turner Street that was removed and we never heard anything about that. He continued by saying Turner Street did suffer a great loss when the trees were removed. He also stated the Garden Club has done the best they can to work on the area. Member McCune also stated the guidelines do say we are to preserve and maintain these landscapes.

Chairman Wilson stated she is concerned about the safety of the officers which is the primary reason the Chief came to us the first time and this time and she understood that. She continued by saying she also understood that if the Garden Club or whoever, the Town owns the property, and the Garden Club has been planting on that property because they have been asked to do that. She continued by saying this is property owned by the Town and the BHA has nothing to say about what is planted in that strip. Chairman Wilson stated that personally the safety of the officers is an issue and if the Garden Club can prune it up so it will be way up there so that anything can be seen, then she was willing to make the recommendation that we leave the tree there so long as the canopy is trimmed as high as possible.

Chairman Wilson asked for a motion on the application for approval or denial with suggestions.

Member Sadler made a motion on the findings of fact that this request is in violation of 8.1.1, 8.1.2 and 8.1.9. Member Krautheim seconded the motion. All members were in favor.

Guideline 8.1.1 Preserve and maintain historic public and private landscapes that contribute to the character of the historic district, including open spaces, streetscapes, and yards.

Guideline 8.1.2 Preserve and maintain the individual components and historic features that contribute to Beaufort's historic character, including: mature trees, ornamental trees, and hedge rows.

Guideline 8.1.9 Planting strips between the public sidewalks and the street edge shall be preserved and remain predominantly ground covers or tree plantings. Small walkways will be permitted on these strips if the proposed walkway aligns with the walkway leading from the front door or main entrance of the structure to the sidewalk. New walkways shall not exceed a width of four (4) feet. Paving, filling, or otherwise altering this strip within the district is not appropriate.

Member Sadler made a motion to deny this application based on the findings of fact. Member Krautheim seconded the motion with all members in favor.

Chairman Wilson asked for a motion to rescind the original Certificate of Appropriateness. Member Krautheim made a motion to rescind the previously approved COA. Member Davidson seconded with all members in favor.

Chairman Wilson thanked everyone for being here and stated it has been a tough judgment.

VII. DISCUSSION OF RULES OF PROCEDURE OF THE BHPC

Chairman Wilson stated the next thing on the agenda is to discuss the Rules of Procedure. She asked if anyone had any changes. Chairman Wilson stated she did have a few spelling items and would send those to the Town Clerk.

Member Sanchez asked the state statues concerning the historic district be provided also. She continued by saying she would like to see something stating who takes precedent the Historic Commission or the Town Ordinance. Member Sadler stated the Town Ordinance takes precedent. Chairman Wilson stated the rules state the Commission should be governed by the historic district ordinance contained in the code of ordinances and by the terms she just read.

Member Davidson stated it has always been interpreted that the Historic Commission overlays the Town Ordinance. She continued by saying that is the ruling of the State Historic Guidelines. Member Krautheim explained that overlay means the Town Ordinance comes first and then we respond.

The Commission members discussed the actual rules and how they would like for the motions to be made based on the findings of fact. Town Planner, Kyle Garner asked each commission member to please go through the information and get back with staff about the changes to be made.

Member Park left the meeting at 7:55 pm.

Member Sadler asked about adding a section to deal with changes to the procedures or guidelines. Chairman Wilson stated she had talked with the Town Attorney and had been advised this was not needed.

Being no further discussion of the Rules of Procedure, Chairman Wilson informed the group the Historic Commission will be working on designating the old Post Office as a Historical Landmark.

Town Planner, Kyle Garner informed the Commission members of a Sign Committee meeting this Thursday night. He also stated he and Chairman Wilson had looked online to find out about the Historic Preservation Conference to be held in October and no information is available.

Mr. Garner continued by saying the members of this Commission have requested to have more information regarding minor repairs that need to be made. Mr. Garner stated he has three requests from Gerry Sadler for minor repairs. He provided the information to each member.

IX. ADJOURN

Chairman Wilson called for a motion to adjourn. Member McCune moved for the meeting to be adjourned. Member Davidson seconded the motion with all members being in favor.

Mamre Wilson, Chairman

Michele Davis, Town Clerk