



**Minutes
July 8, 2021**

The City of Salisbury Historic Preservation Commission met in a regular session at 5:15 p.m. on Thursday, July 8, 2021, at 217 South Main Street in the Council Chamber.

Present: Steve Cobb, Gene Goetz, Will James, Jon Planovsky, Andrew Walker, and Acey Worthy.

Absent: Marcelo Menza, Sue McHugh, and Larry Richardson.

Staff Present: Michael Cotilla, Alyssa Nelson, and Emily Vanek.

Guest Present: Natalie Anderson, *Salisbury Post*

CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order by the Chairperson, Andrew Walker. Members introduced themselves.

PURPOSE AND PROCEDURE

The purpose and procedure of the meeting was presented by Chairperson, Andrew Walker.

**EX PARTE COMMUNICATION/
CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT**

None

NEW CERTIFICATES OF APPROPRIATENESS

**H-33-2021, Bell Tower Green, 215 West Innes Street – Bell Tower Green, LLC, owner; Dyke Messinger, applicant; Allison Merriman and Jeff Mis, agents
(Parcel ID: 010 071)**

Allison Merriman and Emily Vanek were sworn in for testimony.

Request

Approval for the installation of replacement light fixtures for the park interior.

Identification of Property

Emily Vanek made a staff presentation. The site is currently under construction for the Bell Tower Green Park and has several contributing structures within its property, including the Wrenn House and the Bell Tower at 115 South Jackson Street.

Staff finds that the project is not incongruous with the character of the West Square Local Historic District because:

- 1) The applicant has requested approval to remove and replace the nineteen existing interior pedestrian-level light fixtures. The existing fixtures, Duke Energy Acorn LED fixtures, are to be replaced with Duke Energy Open Deluxe Acorn LED fixtures. The 12' poles will remain installed. The replacement fixtures are an appropriate material and traditional style for the site, which is appropriate according to Standards 4.3.9 and 4.3.10.
- 2) The proposed replacement light fixtures have an Illuminating Engineering Society of North America (IESNA) classification of cutoff while the existing fixtures are non-cutoff. The design of the proposed replacement fixtures reduces uplight. The cutoff fixtures meet the Standards in Chapter 11: Lighting on Private Property of the Land Development Ordinance.
- 3) The color temperature of the lights will be changed from 4000K, a cooler color, to 3000K, a warmer color. The International Dark-Sky Association recommends using a light color temperature of 3000K or below with a cutoff light fixture to reduce skyglow.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-33-2021 at the Bell Tower Green, within the West Square Local Historic District (Parcel ID: 101 153) subject to the following conditions:

- 1) The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies, including but not limited to a Zoning Permit from Development Services;
- 2) Commission staff shall review and approve any revisions or deviations to any other portion of the as-submitted work that qualifies as a minor work, prior to commencement of that portion of the project.

Allison Merriman reminded the Commission that this case revolved around the park interior lighting not the perimeter lighting. She assured the Commission that the new fixtures met the City's Land Development Ordinance. The new fixtures did not have glass encasements, unlike the perimeter lighting fixtures. She was not sure if the light came from the cap or the base of the proposed fixture.

Public Comment

Steve Beck, 301 West Fisher Street, spoke in opposition to the request. Mr. Beck made comments on the intrusiveness of the lighting, and felt that the applicant had not given enough evidence that

the proposed fixtures met Standard 4.3.6 which states that exterior lighting should not spill onto adjacent properties.

Deliberation

The Commission discussed if the fixtures were unobtrusive. Jon Planovsky added that the word unobtrusive referred to the fixtures rather than the emitted lighting. The Commission discussed if the proposed lighting fixtures would distribute light any differently than the existing fixtures, since the specification sheets for each fixture, the Acorn LED and Open Deluxe Acorn LED, showed identical light distribution patterns. The Commission discussed if there was enough evidence to come to the conclusion that the proposed lighting fixtures met Standard 4.3.6.

Finding-of-Facts

Gene Goetz made the following MOTION, "I have reviewed the case and all presented testimony and facts and am familiar with the property in question and, therefore, move that the Commission find the following fact concerning HPC case #H-33-2021:

1. That Allison Merriman, agent for Bell Tower Green, LLC, appeared before the Commission and sought a Certificate of Appropriateness for the property located at 201 West Innes Street and designated within the West Square Local Historic District.
2. The proposed project is detailed in the application and staff findings numbers 1-3 and incorporated herein.
3. Steve Beck, 301 West Fisher Street, spoke in opposition to the applicant's proposed lighting fixtures based on Standard 4.3.6."

Will James seconded the MOTION with a majority of members present VOTING AYE. (5-1)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (NO), Andrew Walker (AYE), and Acey Worthy (AYE).

Action

Gene Goetz continued, "I, therefore, move based on the testimony presented, the adopted Findings-of-Fact and the adopted Historic District Design Standards that the Commission table H-33-2021 to a date to be determined to allow the applicant to gather more information on the lighting fixtures and the distribution of light at the park."

Will James seconded the MOTION with a majority of members present VOTING AYE. (4-2)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (NO), Andrew Walker (AYE), and Acey Worthy (NO).

**H-35-2021, 200 South Long Street and 323 East Fisher Street – Bayhaven, LLC, owner;
Subrina and Greg Collier, applicants
(Parcel ID: 010 340 and 010 339)**

Subrina Collier was sworn in for testimony.

Request

Approval to paint the brick façade with lime wash, install window shutters, paint the front door, landscape including installation of a fence and boulder wall.

Identification of Property

Emily Vanek made a staff report. The J.W. Glover House and the former site of the Peacock Family Rental House are a contributing structure and vacant lot within the Brooklyn-South Square Local Historic District. The J.W. Glover House is a bungalow styled home with strong influences from the Arts and Crafts Movement.

Staff Findings

Staff finds the following elements of the project to be not incongruous with the character of the Brooklyn-South Square Local Historic District:

- 1) The applicant has requested approval to construct a short landscaping wall with boulders. The proposed design is consistent with the district and the structure, which is appropriate according to Standard 4.4.4. Once placed, the boulders may not impede into the right-of-way or block the sight triangle of the intersection of South Long Street and East Fisher Street.
- 2) The applicant has requested approval to repaint the front door either in a light green or an orange color. Both color choices are consistent with Bungalow architecture, according to the Standards in Chapter 3.9: Paint and Color.
- 3) The applicant has requested approval to remove the metal awnings in the front of the house and on the windows. According to Standard 4.7.13, aluminum awnings are not appropriate for historic homes.
- 4) The applicant has requested approval to install a fence at 200 South Long Street that would extend to 323 East Fisher Street. The fence would stand 42" tall on the side yard of 200 South Long Street that faces East Fisher Street and extend to the front yard of 323 East Fisher Street. The fence would increase to 6' tall on the side and rear yard of 323 East Fisher Street. The submitted design meets Standards 4.4.4, 4.4.6, and 4.4.7.

Staff finds the following elements of the project to be incongruous with the character of the Brooklyn-South Square Local Historic District:

- 5) The applicant has requested approval to use a lime wash on the brick façade. Lime wash is a paint product made from slaked lime. According to Standard 3.9.1, unpainted masonry should not be painted.
- 6) The applicant has requested approval to install wooden, operable window shutters. Standard 3.3.7 states that it is not appropriate to install window shutters where there is no evidence of earlier shutters. As of now, there has not been any documentation to prove that windows shutters once existed on the house.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-35-2021 at the J.W. Glover House at 200 South Long Street and at the Former Site of the Peacock Family

Rental House at 323 East Fisher Street, within the Brooklyn-South Square Local Historic District (Parcel ID: 010 340 and 010 339) subject to the following conditions:

- 1) Any garage addition or solar panel installation requires additional review by the HPC. The applicant must submit site plans, elevation plans, material lists, and color specifications for these projects and submit a new COA application;
- 2) The fence must be stained or painted in a color that matches the color scheme of the house;
- 3) The brick façade of the house may not be coated in a lime wash or painted;
- 4) No window shutters are installed on the house;
- 5) The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
- 6) Commission staff shall review and approve any revisions or deviations to any other portion of the as-submitted work that qualifies as a minor work, prior to commencement of that portion of the project.

Subrina Collier was available for questions. She said the 42” fence would be a traditional, open picket fence and the 72” fence would be a privacy fence. Ms. Collier said she had not found any evidence of previously existing window shutters. She said that the location of the fence in the front yard was flexible, but she wanted protection from car crashes, as the house has been damaged in an accident in the past.

Public Comment

Mike Cotilla, Code Enforcement Manager, said that he would check where the sight triangle was to ensure the fence would not block any part of it.

Deliberation

The Commission believed the boulder wall fit in with the house, as did both proposed door colors. The metal awnings should be removed. The Commission discussed the height of the fence. With the lots separate now, the 72” fence would extend into the side yard of 323 East Fisher Street. If the applicant wanted to have a 72” privacy fence on the side perimeter of 323 East Fisher Street, they would need to first combine the lots. Then the fence would be in the rear yard of 200 South Long Street. The fence color should be approved in a Minor Work Certificate of Appropriateness. Planting the unpainted brick would be in direct conflict with Standard 3.9.1. There was no evidence of previous window shutters, but if the applicant found holes for shutter hardware when they remove the awnings, that would constitute proof of previous shutters.

Finding-of-Facts

Steve Cobb made the following MOTION, “I have reviewed the case and all presented testimony and facts and am familiar with the property in questions and, therefore, move that the Commission find the following facts concerning HPC case #H-35-2021:

1. That Subrina Collier, owner, appeared before the Commission and sought a Certificate of Appropriateness for the properties located at 200 South Long Street and 323 East Fisher Street and designated within the Brooklyn-South Square Local Historic District.
2. The proposed project is partially incongruous as detailed in the application and staff findings number 1-6 and incorporated herein;

3. The findings-of-fact are subject to the 6 conditions recommended by staff and incorporated herein;
4. Additionally, the applicant must receive a Minor Works Certificate of Appropriateness for the color of the fence. The 42" fence as detailed in the application is to be a traditional, open picket styled fence. The 6' fence on the side yard of 323 East Fisher Street is conditionally approved, assuming that the lots, 200 South Long Street and 323 East Fisher Street, are combined. If the applicant provides evidence of earlier shutters on the house, they may return to the Commission with a new Certificate of Appropriateness application for the installation of shutters."

Jon Planovsky seconded the MOTION with all members present VOTING AYE. (6-0)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Andrew Walker (AYE), and Acey Worthy (AYE).

Action

Steve Cobb continued, "I, therefore, move based on the testimony presented, the adopted Findings-of-Fact, and the adopted Historic District Design Standards that the Commission approve H-35-2021 subject to the conditions detailed in the Findings-of-Fact.

Jon Planovsky seconded the MOTION with all members present VOTING AYE. (6-0)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Andrew Walker (AYE), and Acey Worthy (AYE).

H-36-2021, 420 South Jackson Street – Walter Omar Garcia Valenzuela – owner/ applicant (Parcel ID: 010 072)

Request

Approval to install windows and siding.

Identification of Property

Emily Vanek made a staff presentation. This bungalow house within the West Square Local Historic District was built in the early 20th century. It is classified as non-contributing to the district.

Staff Findings

Staff finds the following element of the project to be not incongruous with the character of the West Square Local Historic District:

- 1) The applicant has signed an Intent to Repair form. Code Enforcement has given the applicant 90 days to bring the dwelling into complete compliance. All exterior work must be complete and the house must have running power and water to come into compliance.
- 2) The applicant has requested approval to use Hardie Board planks as siding for the house. The house has some wooden siding remaining that the applicant has stated is unusable. The proposed Hardie Board planks are lap siding and have Cedarmill texture. The planks are

0.312" thick, 6.25" wide, and 144" long, with a recommended width exposure of 5". Standard 3.1.10 states that the use of Hardie Board can be reviewed on a case-by-case basis.

- 3) The applicant has requested approval to replace the cedar shingles on the second floor with asphalt shingles. Staff has recommended that the applicant instead replace the shingles with siding to match the rest of the house.

Staff finds the following element of the project to be incongruous with the character of the West Square Local Historic District:

- 4) The applicant has requested approval to install new windows. The house currently has one gable window that appears to be an original, wooden window and another window on the front façade that appear to be an aluminum replacement window. The applicant has proposed the installation of vinyl, six-over-six simulated divided light panel windows. These windows are inappropriate according to Standard 3.3.3 because they do not match the original windows in material or style. Based off the house's remaining original window and previous COAs, the original windows were likely wooden, five-over-one true divided light panel windows. In 2017, HPC approved the use of wooden windows for the house.

Staff Recommendation

Based on the preceding findings, staff recommends that the Commission approve H-36-2021 at the House located at 420 South Jackson Street within the West Square Local Historic District (Parcel ID: 010 072) subject to the following conditions:

- 1) All replacement windows be constructed of wood and match the original window in panel division or are a design that is compatible with the bungalow style. Appropriate replacement windows must be reviewed by HPC staff before installation;
- 2) The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;
- 3) Commission staff shall review and approve any revisions or deviations to any other portion of the as-submitted work that qualifies as a minor work, prior to commencement of that portion of the project.

Walter Omar Garcia Valenzuela brought in a sample of the Hardie Board he has proposed to use on the house. He also brought in a diagram for wooden, one-over-one panel windows that he would like to include in his application. He said that he would have artificial muntins fabricated and install them on the windows to give the appearance of divided panel windows to match the original. Mr. Valenzuela specified that the cedar shingles on the second floor façade would remain intact.

Public Comment

Mark Soeth, 227 West Monroe Street, spoke in opposition to the request. He said he believed that 90 days would not be enough time to complete the house's exterior.

Michael Cotilla, Code Enforcement Manager, told the Commission that the 90 day compliance order would be enforced.

Deliberation

The use of Hardie Board was discussed. The proposed planks were about 1/8 the thickness of the existing wooden siding. The proposed Hardie Board does not meet Standard 3.2.3 for material, size, or scale. The snap in muntins were not an adequate replacement for true divided light windows, as detailed in Standard 3.3.8. The applicant could receive staff level approvals for wooden siding and wooden replacement windows.

Finding-of-Facts

Jon Planovsky made the following MOTION, "I have reviewed the case and all presented testimony and facts and am familiar with the property in questions and, therefore, move that the Commission find the following facts concerning HPC case #H-36-2021:

1. That Walter Omar Garcia Valenzuela, owner, appeared before the Commission and sought a Certificate of Appropriateness for the property located at 420 South Jackson Street and designated within the West Square Local Historic District.
2. The proposed project is incongruous as detailed in the application and staff findings numbers 1-3 and incorporated herein.
3. Additionally, Mr. Valenzuela said that the cedar shingles on the second floor would remain. He is also proposing the use of wooden, one-over-one panel windows with snap in muntins.
4. Mark Soeth, 227 West Monroe Street, added that he believed 90 days would not be enough time to complete the necessary work. Michael Cotilla, Code Enforcement Officer, said that the 90 day Order of Compliance would be enforced.

Will James seconded the MOTION with all members present VOTING AYE. (6-0)

Roll Call: Steve Cobb (AYE), Gene Goetz (AYE), Will James (AYE), Jon Planovsky (AYE), Andrew Walker (AYE), and Acey Worthy (AYE).

Action

Jon Planovsky continued, "I, therefore, move absed on the testimony presented, the adopted Findings-of-Fact, and the adopted Historic District Design Standards that the Commission deny H-36-2021, based on Standards 3.3.8 and 3.2.3.

Will James seconded the MOTION with a majority of members present VOTING AYE. (4-2)

Roll Call: Steve Cobb (NO), Gene Goetz (NO), Will James (AYE), Jon Planovsky (AYE), Andrew Walker (AYE), and Acey Worthy (AYE).

OTHER BUSINESS

- Minor Work Report

The Minor Work Report was received by consensus.

- Standards Update Subcommittee

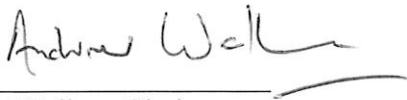
The Standards Update Subcommittee will meet on July 15, 2021 at 4:00 p.m. in the City Council Chambers at 217 South Main Street.

APPROVAL OF MINUTES

The June 10, 2021, minutes were approved as submitted.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

A handwritten signature in cursive script, appearing to read "Andrew Walker", is written over a horizontal line.

Andrew Walker, Chair

