Historic Preservation Commission

Regular Meeting

~ Agenda ~

,
http://www.townofboone.net/

Jane Shook
828-268-6960

Tuesday, March 5, 2024 **3:00 PMPlanning and Inspections Conference Room**

The public may attend the meeting in-person at the Planning and Inspections Conference Room at 680 West King Street, Suite C, or online via WebEx (a video conferencing software).

To participate using WebEx, either online or by phone, please email Planning and Inspections at planning@townofboone.net or call 828-268-6960, and you will be provided with an email invitation to the meeting. All requests for an initation must be submitted no later than one hour before the meeting is scheduled to begin.

I. Call to Order

II. Adoption of Agenda

III. Advisory Consultation Discussion

Revised HPC Rules of Procedure for Pre-Application Workshop

Draft HPC Pre-Application Workshop Application

IV. Approval of Minutes

January 9, 2024 Quasi-Judical Meeting Minutes

V. Public Comment

VI. Jones House Local Historic Landmark Designation Report

Jones House Local Historic Landmark Designation Report (Revised Draft) - Update by R. Ziegler

VII. Stoneman's Raid Interpretative Panel

Revised Draft of Stoneman's Raid Interpretative Panel and Suggested Media (Images and Maps)

Civil War Trails Marker Program Information and Panel Examples

Stoneman's Raid Interpretative Panels - Previously Discussed Images to Use in Panel Design

VIII. Resolution for Former HPC Member Chuck Watkins

Draft Resolution for Chuck Watkins

IX. Staff Updates

Boone Cemetery Headstone Repair

Town Council Action at February 14, 2024 Council Meeting

R.L. Clay (Rivers) House Local Historic Landmark Designation Report Update

Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments

Statement of Conformity Report

Statement of Conformity Report (as of February 26, 2024)

X. HPC Member Updates

XI. Other Discussion

XII. Adjournment

Rules of Procedure
Historic Preservation Commission
Town of Boone

Effective January 12, 2022

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Communication: Revised HPC Rules of Procedure for Pre-Application Workshop (Advisory Consultation Discussion)

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Purpose of Rules

1. What are these Rules?

These Rules of Procedures (Rules) apply when the Boone Historic Preservation Commission (hereinafter, "the Commission") acts in its quasi-judicial capacity to consider applications for Certificates of Appropriateness submitted pursuant to Section 8.03 of the Town of Boone's Uniform Development Ordinance (hereinafter, "UDO") by owners of properties designated as local historic landmarks or located within the Town's designated historic district(s).

These Rules also are designed to answer questions from people who are unfamiliar with the Commission's processes in order to provide more predictability and therefore more timely processing of applications. They are an attempt to make the procedures more understandable, to address certain details of the Commission's operation, to create uniform methods for dealing with recurring questions that arise during hearings before the Commission, to provide guidance to people who appear before the Commission so they can better prepare for Commission public hearings, and to facilitate the efficient administration of matters that come before the Commission.

2. What happens if there is a conflict or absence of authority?

In the event of conflict between or among the legal authorities governing the Commission's actions, the North Carolina General Statutes shall take precedence first, then the UDO, and then these Rules. To the extent applicable law and these Rules are silent or ambiguous as to a procedural matter, the Commission may consult the rules set forth at Chapter 35 of the Town's Code of Ordinances and Robert's Rules of procedures for small boards.

The Historic Preservation Commission

1. What is the Historic Preservation Commission?

The Historic Preservation Commission is a citizen volunteer commission established by the Boone Town Council pursuant to Articles 2 and 8 of the UDO and §§ 160D-303 and 160D-942 of the North Carolina General Statutes. The Commission acts in a quasi-judicial capacity to consider applications for Certificates of Appropriateness submitted pursuant to UDO § 8.03 by owners of properties designated as local historic landmarks or located within the Town's designated historic district(s).

The Commission also hears appeals from administrative denials of applications for Statements of Conformity for minor works. Such appeals shall be treated *de novo* as applications for Certificate of Appropriateness for all purposes under these Rules, except as may be otherwise mutually agreed by the Commission, the Town, and the applicant.

In its advisory (and non-quasi-judicial) capacity, the Commission also makes recommendations to Town Council with respect to a variety of matters related to historic resources within the Town. These Rules have no bearing on the Commission's actions in its advisory capacity.

2. What does it mean that the Commission is "quasi-judicial"?

A "quasi-judicial" commission is one that operates like a court. Commission members must make decisions on the issues before the Commission based only on evidence presented to the Commission at a hearing and standards set forth in the UDO. The Commission, just like a court, can decide what evidence it believes and what evidence it rejects. Similarly, it can choose to believe a person who

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appears before it, or it may find that the person's information or testimony is not credible and it may reject it. In some areas, North Carolina General Statutes dictate what testimony and evidence the Board is allowed to consider. (See Evidence §§ 1,3.)

3. When and where does the Commission meet?

The Commission holds its regular monthly meetings on such dates and times as has been specified by the Boone Town Council and properly noticed by the Town Clerk. Currently, meetings are scheduled on the first Tuesday of the month at 6 p.m. and the meeting location is Town of Boone Council Chambers; however, the date, time and place of the regular monthly meeting is subject to change at any time consistent with the requirements of applicable law. In addition, the Commission may continue regular meetings and may schedule special meetings as it deems appropriate, subject to the requirements of open meetings law and any other applicable law.

4. How does a case come before the Commission?

A written application for a Certificate of Appropriateness, on such forms as may be required by the Planning and Inspections Department (sometimes referred to as "Planning"), must be filed with Planning by a person who has the legal right to file the application and the application must generally be considered complete by the pertinent Planning staff.

The Town of Boone has forms for applications available on its website and in the Planning and Inspections Office. Planning and Inspections is located on the basement level of the Boone Downtown Post Office at 680 West King Street, Boone, NC 28607. The appropriate form must be fully filled out and the fees paid for Planning to process it. Planning will then set the application for hearing at the next available Commission meeting date and provide notice of the hearing to neighbors and the public as required by the UDO.

5. How many Commission members participate on each case?

A full commission is composed of five Town residents; a quorum of at least three members is required to hear a case. Commission members cannot participate in cases in which they have a fixed opinion on the case prior to the hearing that is not susceptible to change; in which they have undisclosed communications with others prior to the hearing regarding the substance of the case; in which they have a close familial, business, or another associational relationship with someone who will be affected by the decision; or in cases in which they have a direct or indirect financial interest in the outcome. (See Membership §§ 6-10)

Membership

1. What is expected of Commission members?

Sections 2.04 and 2.05 of the UDO govern the conduct of the Commission's business and of individual commission members, and shall be considered incorporated herein.

The applications that come before the Commission can be extremely important both financially and in terms of quality of life for the parties, neighboring property owners, and Town residents generally. Commission members are expected to:

A. Fully comply with all relevant provisions of the Town of Boone Code of Ethics, found at § 30.52 of the Town of Boone Code of Ordinances;

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B. Disclose to the Commission and/or seek advice from the Town Attorney in the event of any concern about a potential conflict, ex parte communication, or any other matter which could call into question the impartiality and fairness of the Commission member as to any particular matter to be heard by the Commission;

C. Review, become familiar with, and remain familiar with these Rules, the UDO, the Comprehensive Plan, and all other adopted plans of the Town of Boone that may relate to decisions by the Commission;

D. Fairly apply the UDO and any other applicable law and Town plans to the application before them, even when they personally disagree with applicable standards or policies;

E. Review and be familiar prior to the meeting with the application and staff report on each matter that comes before the Commission;

F. Advise the Planning Department if the member is no longer eligible to serve on the Commission due to a change of residence or other cause;

G. Attend all training sessions of the Commission; and

H. Recognizing the gravity of the matters that come before the Commission, conduct themselves in a manner befitting the responsibilities that have been placed upon them, including:

1. Recognizing the high costs parties may incur in appearing before the Commission, making all reasonable efforts to timely arrive for meetings of the Commission so as to avoid keeping parties, their various witnesses and professionals, and members of the public from having to wait for meetings to begin;

2. Dressing for public hearings in appropriate attire so as to communicate to the parties, witnesses, and general public that they take their responsibilities seriously, and understand and consider the matters that come before the Commission matters of serious concern to the participants and the public; and

3. Maintaining a professional and serious decorum during public hearings, including the deliberations and decision-making of the Commission, by:

    a. Avoiding all whispered conversations with each other;

    b. Refraining from interrupting other members of the Commission, parties, or witnesses, absent an appropriate reason for doing so;

    c. Treating all participants and witnesses in hearings, as well as other Commission members, with the degree of respect with which they would like to be treated;

    d. Avoiding cell phones ringing during meetings, as well as the receiving or sending of text messages during a meeting, absent an emergency; and

    e. Paying attention to the presentations by parties and witnesses and carefully listening to the comments and questions of other members of the Commission.

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2. How are Commission members appointed?

The Commission is comprised of town resident volunteers appointed by the Boone Town Council. A majority of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

3. Do Commission members receive compensation for their service?

No, Commission members receive no compensation for their service.

4. What happens if a Commission member cannot participate in a particular hearing?

The Planning and Inspections Department attempts to determine in advance of each meeting whether any Commission member should not or is unavailable to participate in any particular case, and when possible arranges for the appearance of an alternate member for the regular member who is unable to participate. Quorum requirements for the Commission are set under state law and the UDO and the Commission cannot hear a case if there are fewer than three participating members. If a Commission member is recused from the hearing after it has been called and no alternate is present leaving the Commission with less than a quorum, the case cannot be heard and will be continued to a later date.

5. When should a Commission member not participate in a hearing?

The Commission is acting in a quasi-judicial capacity when hearing a Certificate of Appropriateness case. Due process requires that a quasi-judicial decision be made by unbiased and non-predisposed decision makers on evidence appearing in the record. A Commission member should not participate in or vote on an application if the member's participation would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to:

A. Having a fixed opinion prior to hearing the matter that is not susceptible to change;

B. Having undisclosed ex parte communication concerning the matter;

C. Having a close familial, business, or other associational relationship with an affected person;

D. Having a financial interest in the outcome.

Discussion of an application in a pre-application workshop shall not constitute a violation of this section provided that the Commission member does not indicate to the applicant or other interested parties a commitment to support or oppose a particular application.

6. What is ex parte communication?

An ex parte communication occurs when a Commission member discusses with any other person, including another Commission member, party, neighbor, or Town staff, the substance of a case outside the hearing and before the decision in the case is announced. Should a Commission member receive an unsolicited comment from a party or member of the public concerning a case, he or she shall inform the person seeking to comment that discussing a case prior to the hearing is prohibited and shall end the conversation. If that Commission member then participates in the hearing on the case, the member shall disclose at the beginning of the hearing the substance and source of any such unsolicited comment in order to allow any party an opportunity to object to the member's participation in the case.

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7. What happens if a Commission member does not discover that the member should not participate in the case until the hearing has started?

Although every effort is made to avoid this, at times a Commission member may not realize until the hearing on the case has already begun that a reason exists that does or may make it inappropriate to participate in a case. As soon as a Commission member realizes that such reason exists or may exist, the member should interrupt the hearing to announce the existence of the reason and if appropriate should withdraw from the case, unless objection to the member's participation is waivable and is in fact waived by all parties. (See Membership § 9) If an alternate member of the Commission is not present at the time of such withdrawal and a quorum is lost as the result of the withdrawal, the case will be continued and shall be treated as a new case when it is next heard. At the new hearing, the Commission will be directed to disregard whatever evidence was presented to it during the initial hearing and shall base its decision only on the evidence presented at the new hearing.

8. What happens if a Commission member does not withdraw from a case, but another Commission member or a party believes that the Commission member should not participate in the case?

In the event a Commission member does not withdraw from a case, but another Commission member or a party to the case raises an objection to the Commission member's participation, the objecting person must state with specificity the basis for the objection. The Commission member whose participation is questioned shall be entitled to answer the objection, and following such response, the remaining members of the Commission, by majority vote of those participating in the vote, shall rule on the objection. The challenged member of the Commission shall not participate in the vote on the objection.

9. Can an applicant waive its objection to a Commission member participating in the hearing?

Yes, in certain circumstances an objection can be waived. The Town of Boone disfavors any member of the Commission participating in a case for which a valid basis exists for objection to his participation, as described in Membership § 5. However, in some circumstances, if the Commission member discloses the full extent of the matter or circumstances which would prevent participation, and all parties to the case express on the record their wish that the Commission member nevertheless participate in the case, the Board member may do so. However, under state law a Commission member who has, or whose family member has, a direct or indirect financial interest in the case may not participate in the proceedings even if all parties consent to the member's participation.

Pre-Hearing Procedures

1. Who is allowed to submit an application?

Either the party seeking the Commission's decision on a matter within the jurisdiction of the Commission or an authorized person acting on behalf of that party, such as an agent, attorney, employee, or other representative, can fill out an application or appeal for a matter that will be decided by the Commission, but if the person proceeding is a representative, he or she must prove the proper authority to do so.

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2. What is an optional pre-application workshop?

Prospective applicants may submit a written request to Planning and Inspections Staff for a pre-application workshop with the Commission to obtain high-level, non-binding feedback about the proposed development. Workshops will be scheduled as time allows at the regular monthly meetings.

3~~2~~. What is a staff report?

In every case which comes before the Commission, Planning staff will prepare a report summarizing the issues and at least some of the history of the matter, and including copies of documents which the Planning Department considers important to an understanding of the case. Staff reports on each case are distributed to members of the Commission in a "Board Book" which is distributed to the members prior to the hearing. Except to the extent that a party objects to material contained in a staff report and the objection is sustained by the Commission, the staff report is considered evidence in the matter and may be considered by the Commission in its decision.

4~~3~~. Who can examine a file prior to the hearing?

Files related to cases before the Commission are available for inspection by members of the Commission, parties, and members of the public. If a file is particularly voluminous, not every item from the file may be included in the staff report and Board Book. Commission members, parties, and members of the public may arrange to review the file by contacting the Planning and Inspections Department at (828) 268-6960 and making an appointment to do so.

5~~4~~. Once a case is scheduled for a hearing, can it be delayed?

Yes. Cases are generally placed on the agenda for the Commission as soon as possible once all needed materials have been submitted by the applicant. If an applicant wishes to have consideration of a case delayed, the applicant must submit a written request to the Planning and Inspections Department. Planning staff will transmit the request to the Chair of the Commission, and will notify all other parties involved in the case of the request. Unless a party objects to the request for a continuance, the Chair can either make the decision on the request or refer the request to the Commission itself for a decision. If any party objects to a continuance, it must be decided by the Commission. The Commission can also decide to continue a case on its own initiative if it determines that the case is not ready for hearing or it will not be reached at a particular meeting, but this can only happen at the hearing.

6~~5~~. If a case is delayed, will it be heard the next month?

Not necessarily. A case which is continued can be scheduled for the next month's regular meeting of the Commission, it can be continued for more than one month, or it can be continued to a special meeting. In unusual circumstances, a case might be continued for more than a month.

7~~6~~. How does a person intervene as a party in a case?

The applicant and the Town of Boone are always considered parties in a case before the Commission. Other persons can also request that they be allowed to participate in a case as a party, but only a person who has a special and substantial interest in a case before the Commission will be allowed to intervene in the case as a party. In order to intervene as a party in a case, at least twenty-four hours prior to the beginning of the Commission meeting in which the case is to be considered, the person seeking to intervene must complete a "Request to Intervene" form provided by the Planning and Inspections Department. The completed form must state the name and address of the person seeking to intervene,

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and it must explain the nature of the interest such person has in the outcome of the case. Persons who own property adjacent to or within one-hundred-and-fifty feet of the property in question in the case shall, without further showing, be presumed to have a special and substantial interest in the outcome of a case and will be allowed to intervene. Other persons may establish a substantial interest by showing that the value of their property will be adversely affected by the outcome of the case, or by showing such other distinct and personal interest in the outcome of the case as to distinguish their interests from the interests of the public at large. Organizations whose members include persons with such substantial interest in a particular case may be permitted to participate on behalf of their members upon written proof that they include and are acting on behalf of such members.

8~~7~~. How does the Commission decide if a person can intervene?

When a person has filed a timely request to intervene, a hearing to determine if intervention will be allowed will precede the hearing on the merits of the case. The Commission shall consider the written application to intervene, and after hearing from the person seeking to intervene and from all other parties to the case their reasons in support of or against intervention, the Commission shall decide whether the person may intervene in the case. A decision allowing a person to intervene is by majority vote of the Commission.

9~~8~~. Can a person denied the right to intervene still participate in the case?

Yes. If an application to intervene is denied, the person can still participate in the hearing as a witness.

10~~9~~. Can a person be compelled to appear as a witness or provide documents?

Yes. Under state law, the Commission Chair has the power to issue subpoenas to require attendance of witnesses or to compel the production of documents or other evidence. To request issuance of a subpoena, the applicant, the Town, or any person with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled.

11~~10~~. How are subpoenas served?

Subpoenas are served just as they are in any normal court proceeding (see N.C. Rule of Civil Procedure 45(b)). They can be served by personal delivery by the sheriff, by the sheriff's deputy, by a coroner, or by any person who is not a party and is 18 years of age or older; or they can be served by registered or certified mail addressed to the person, return receipt requested. Service of a subpoena for the attendance of a witness can also be made by telephone communication with the person named in the subpoena, but this type of service is only available if it is done by the sheriff, the sheriff's designee who is 18 years of age older and not a party, or by the coroner. Alternatively, service can be achieved by any means agreed to by the person being served, including email.

12~~11~~. What are the procedures for issuance of subpoenas?

A subpoena will only be issued upon submission of a completed "Subpoena Request Form" provided by and returned to the Planning and Inspections Department. Any request for a subpoena by an applicant or the Town must be served on the Commission Chair and all persons who are parties to the case or have moved to intervene as a party at least 10 days prior to the hearing on the case at issue. Persons moving to intervene as a party must serve a subpoena request on the Chair and all persons who are parties to the case at least 24 hours prior to the hearing on the case at issue.

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The Commission Chair shall issue requested subpoenas that the Chair determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be immediately appealed to the full Commission. The Commission shall hear any such appeal in a duly-noticed meeting. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Commission or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

The Hearing

1. How long do Commission meetings last?

Because it is hard to predict or control how many matters will be placed on the Commission's agenda at any of its regular monthly meetings, and because the matters that come before the Commission demand its utmost attention and clarity, meetings that last too long interfere with the Commission's ability to function effectively. The Commission generally will adjourn approximately 3 hours after the start of its meeting and continue to the next meeting any cases which are not completed or heard. However, the Commission may shorten or allow lengthier hearings in its discretion, and in all other respects may adopt such other or additional rules for the length and conduct of its meeting or of a particular meeting as it may see fit, so long as the substantive and procedural due process rights of the parties are reasonably protected.

2. Who may participate in a hearing before the Commission? (Parties and Witnesses)

There are two types of participants in a hearing before the Commission: "Parties" and "Witnesses."

A. Parties. The applicant and the Town of Boone are always considered parties in a hearing before the Commission. In addition, a person who has properly intervened in the case is considered a party to the case. (See Pre-Hearing Procedures §§ ~~6~~7-8~~7~~)

B. Witnesses. At the start of each meeting, the Chair will announce the availability of sign-up sheets for any person wishing to appear as a witness in a case scheduled for that meeting. A person who wishes to testify as a witness must record his or her name on the sign-up sheet for the case in question unless the Chair or Commission allows people who have not signed up to also testify. If people who did not sign up are allowed to testify, every person who wants to be heard but did not sign up must also be allowed to testify. Parties and witnesses who are called by parties to testify are not required to sign the sign-up sheet.

Any interested person, other than a party, may participate in a hearing before the Commission by testifying and is considered a "witness." (See The Hearing § 3) Witnesses are subject to questioning/cross-examination with respect to their testimony by Commission members and the parties.

3. If I am not the person who filed the application, can I still appear before the Commission?

Yes. All hearings before the Commission are open to the public, and interested members of the public can participate in two different ways. People who wish to give testimony to the Commission about a particular matter can sign up prior to the hearing on the matter on sign-up sheets placed near the

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entrance of the room in which the Commission is conducting its hearing. (See The Hearing § 2) Since the sign-up sheets are turned into the Commission at the beginning of the hearing on a matter, it is important to arrive on time. Otherwise, you might not be able to speak. Other people can also request that they be allowed to participate in a case as a party, but only a person who has a special and substantial interest in a case before the Commission will be allowed to intervene in the case as a party. (See Pre-Hearing Procedures §§ 76-78.) A person who has intervened can ask questions of other witnesses at the hearing and can argue the facts and law of the matter under consideration, just as any other party to the case is entitled to do.

4. Who can represent a corporation, limited liability company (LCC), or other nonhuman entity before the Commission?

Only an attorney licensed by the State of North Carolina can represent a corporation, LLC, or other non-human entity before the Commission. Attorneys can argue the law and facts of a case, object to materials and evidence offered to the Commission, and question their witnesses and cross-examine other witnesses. Other types of experts, such as engineers, architects, and appraisers, can testify in the hearing on a matter, but they cannot argue the law and facts of a case, object to materials and evidence offered to the Commission, or question other witnesses at a hearing.

5. Who can represent a natural person before the Commission?

A natural person is the term in the law for a human being who is acting in his or her own name representing his or her own interests. A natural person may be represented by an attorney, or may represent himself or herself. If a natural person who is also a party chooses to represent him- or herself, that person can argue the case to the Commission by summarizing the facts and offering legal argument, can testify, and can ask questions and cross-examine witnesses who appear.

6. What happens if the applicant does not show up for the hearing?

If the party who has filed the application fails to show up for the scheduled hearing, the Commission may by majority vote either dismiss the case or continue it to another time to provide an opportunity for the party to justify the failure to appear.

7. If an application is dismissed due to the failure to show up for the scheduled hearing, can the application be revived?

Yes. Once a case is dismissed, the party may file a new application for a Certificate of Appropriateness to be considered by the Commission. Any new application requires that a party submit all required materials and pay the required fees as if no prior application had been submitted. (See The Historic Preservation Commission § 4.) No credit is given for the fees paid in connection with a case that was dismissed.

Generally, an application is evaluated against the requirements in the UDO at the time the application is filed. If the requirements of the UDO have not changed since the dismissed application, an identical application may be filed. If on the other hand, the requirements of the UDO have changed since the dismissed application was filed, it may no longer be possible to submit an identical application.

8. What is the role of the Town Attorney at hearings?

The Town Attorney attends meetings of the Commission and normally acts as the Commission's attorney. In that role, the Town Attorney can call witnesses, cross-examine witnesses offered by any

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party, cross-examine witnesses who are appearing as members of the public, answer legal questions from the Commission members, and provide direction and clarification to Commission members when he or she believes it is warranted to do so, including during the Commission's deliberations. Alternatively, independent counsel may be retained to advise the Commission.

9. In what order does the Commission hear cases or other matters scheduled before it?

Cases are placed on the Commission's agenda on a first come-first served basis, based on the order in which they reach a readiness for hearing.

10. How much time does an applicant have to present a case?

There is no time limit placed on the presentation of a case, but the Chair or the Commission may prohibit the presentation of repetitive, irrelevant, unreliable or other evidence deemed to be of no substantial usefulness to the Commission in reaching the legal issues presented. (See The Decision §§ 3-6.) Although the North Carolina Rules of Evidence do not strictly apply to proceedings before the Commission, the Commission will only consider evidence that meets at least minimal standards for reliability. (See Evidence §§ 1, 3.) As to the length of Commission meetings, see § 1 herein (How long do Commission Meetings last?).

11. What happens if a case is not reached when it is first scheduled?

If a case is not reached when it is first scheduled on the agenda and the Commission does not schedule it for hearing at a special meeting, it will be scheduled for the next regularly-scheduled meeting of the Commission and will hold its place in the line of cases to be heard.

12. What happens if an application is modified between the time the staff report is distributed and the time it comes before the Commission?

In every case that comes before the Commission, Planning staff prepares an analysis of the case for the Commission called the "staff report" that is distributed to the Commission and all parties to the case about a week prior to the meeting. (See Pre-Hearing Procedures § 2.) If an applicant has changed its plans or any other features of its application between the time the staff report is distributed and the meeting, there may be no opportunity for staff to thoroughly evaluate the revised application. Therefore, in every case in which there is a change between the application materials evaluated in the staff report and the Commission meeting, as soon as such a change becomes apparent to the Commission, it will suspend its hearing on the merits of the application and conduct a hearing to determine whether it should continue the case to a future meeting in order to allow staff to evaluate the modified application materials. The Commission may question staff and others at the hearing to help it decide whether it should proceed or continue the case. If the Commission decides it can fairly consider the case without a revised staff analysis, such as in cases in which modifications are obviously minor, it can proceed with its hearing on the case without the benefit of an updated staff report.

13. If multiple issues are involved, can the Commission divide them into separate hearings?

Yes. Upon motion of any party to a case or by motion of a Commission member, second, and majority vote, the Commission may divide a hearing by issue. For example, the Commission may first admit evidence as to whether an application is complete, hearing from each party and witness as to that specific issue, closing the hearing as to that issue, and then voting on that issue. Using this system, in the

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event a vote is taken which bars the granting of approval, as the case may be, the case will end and no further votes need be taken unless a request for a provisional vote is made and approved by majority vote of the Commission. (See The Decision § 11.)

14. Can the Commission reopen the evidentiary portion of a hearing after it has been closed?

Yes. After the evidentiary portion of a hearing has been closed, should any member of the Commission request that the hearing be reopened, upon majority vote the Chair will reopen the hearing. The Chair can also reopen the hearing on the Chair's own initiative. When a hearing is reopened, each party to the case shall be given an opportunity for response and rebuttal as to the particular information elicited, but parties may not use the reopening of the hearing to present matters which are beyond the scope of the information elicited or solicited by the Commission.

15. What happens if a case cannot be finished at a single meeting of the Commission?

When a hearing or case is not concluded in one session of the Commission, it will be recessed and continued until a subsequent regular meeting of the Commission or until a special meeting called for the specific purpose of completing the case. Absent a stipulation on the record by all parties to the case to the contrary, the same Commission members who participated in the initial meeting must comprise the Commission that hears the case at the subsequent meeting(s). If circumstances prevent identity among the Commission members at the initial and continued hearings, such as the expiration of the term of a Commission member and the naming of the Commission member's replacement, and the parties are unwilling to waive their objections to this lack of identity, the case shall be presented to the Commission at the resumed hearing from the beginning, and no evidence presented to the Commission in the incomplete hearing shall be considered by the Commission in its decision.

16. Is a recording made of the hearing before the Commission?

Yes. The Commission Secretary records all cases before the Commission. Any person wishing to record a meeting of the Commission may also do so by utilizing a certified court reporter or any recording device so long as it does not disrupt the hearing. Although a party who has filed a petition for judicial review of a decision of the Commission may obtain a copy of the recordings made at the hearing, neither the Commission nor the Planning staff shall have any responsibility to prepare a verbatim transcript of a Commission hearing unless ordered to do so by a Court of competent jurisdiction upon the financial commitment of a party to pay for the transcription in accordance with N.C. Gen. Stat. § 160D-1402(h).

17. May the Commission schedule a special meeting to take up a case or complete one?

Yes. If at a regularly scheduled meeting the Commission concludes that it will be unable to complete all cases upon the agenda, it may schedule a special meeting to complete the agenda or hear a specific case. Notice must be published to the public in accordance with UDO § 6.01.04 unless the time and date of the special meeting is announced prior to the close of the regular meeting. The Commission may not schedule a special meeting for which there is an inadequate time to provide required notice.

Presentation of a Case at the Hearing

1. If I appear before the Commission, what is expected of me?

The Commission expects people who appear before it to prepare in advance and to be truthful and respectful, not only of the Commission itself but of others who might appear on the matter, even if they

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have a different view. The Commission cannot simply consider whether people who appear before it support or oppose a particular application or decision; rather, Commission members must consider the facts of the case and apply the criteria of the UDO that relate to the matter before the Commission.

The applicant for a Certificate of Appropriateness bears the burden of proof before the Commission and is expected to present sufficient information to allow the Commission to decide all of the issues it must consider in deciding whether to grant the application. The applicant can do this through the applicant's own testimony, documents and exhibits, and the testimony of others.

In every case Planning staff prepares an analysis of the issues that staff deem to be presented by the case and that report may summarize all or some of the facts as staff sees them. This is called the "staff report." Parties should familiarize themselves with the staff report before the hearing so that they may object to any parts of the report with which they disagree. The staff report is not intended to present everything that the parties might want to have the Commission consider; it may not address each of the issues that the Commission must decide to issue a decision in the applicant's favor; and it may not present the facts or law in the same way that each party sees them. If an applicant relies on the staff report to meet its burden of proof, it does so at its own risk that the staff report may be inadequate to fully prove the applicant's case.

A person who appears before the Commission as a "witness" is expected to testify truthfully and to stick to the subject about which the witness is testifying. The Commission appreciates it if people who testify as witnesses are as concise as possible, but a witness should not leave important information about a matter out of the witness's presentation merely in an attempt to save time.

2. Who has the burden of proof in a case before the Commission?

The burden of presenting sufficient evidence to allow the Commission to decide an issue is always upon the party or parties urging a particular position. At a minimum, the applicant must provide competent evidence which addresses every material issue presented by the application.

3. What are the rules for decorum of participants and observers at hearings?

Whether they are parties, attorneys, representatives, witnesses or simply spectators to a hearing before the Commission, all persons are expected to conduct themselves in an appropriate and respectful manner while in the hearing chambers of the Commission. Profanity, arguments between witnesses, arguments between attorneys and witnesses or other attorneys, arguments among spectators, noise that interferes with the conduct of the hearing, and the like, shall not be tolerated. Any such behavior may result in an order by the Chair for removal from the hearing chamber of the person(s) causing or engaging in such action, interference or disturbance.

4. Determination of preliminary matters; Jurisdiction objections

Objections regarding jurisdictional issues, including but not limited to, the standing of a party, may be made to the Commission. The Commission Chair shall rule on any objections, and the Chair's rulings may be appealed to the full Commission. The Commission should address any other preliminary matters that might moot, shorten, or otherwise change the presentation of the matter, including such matters as a request to intervene, request for a continuance, determination whether a modification to an application requires that the hearing be delayed, and objection to participation by a Commission member.

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5. What is the order of a hearing on an application?

Cases generally shall proceed in the following order, although if the parties agree or there is no objection, deviations in this order are permitted and shall not impair the decision in the case:

A. Applicant is given an opportunity to object to any materials which were provided to the Commission in advance of the hearing;

B. Applicant is given the opportunity to make an opening statement;

C. Parties other than the applicant are given an opportunity to make opening statements;

D. Applicant presents the evidence in support of the application. For an explanation of the types, forms and admission of acceptable evidence, see Evidence §§ 1-3.

E. Planning staff presents evidence pertinent to the application. However, at any time before, during or after the presentation of evidence by the applicant, a Commission member, with permission from the Chair or full Commission, may request the testimony of Planning staff as to any matter relevant to the case, including their interpretation of provisions in the UDO or Comprehensive Plan or state law.

F. Other parties present evidence pertinent to the application.

G. Non-party witnesses testify and offer evidence.

H. Applicant is given opportunity to present rebuttal evidence.

I. Applicant is given the option of giving its closing summary and argument or deferring its presentation until all other parties are given the opportunity for closing summary and argument.

J. In the order they have qualified as intervenors, Parties other than the Town present their closing summary and argument.

K. Town presents its closing summary and argument.

L. If applicant has deferred presentation, applicant presents its closing summary and argument.

M. Commission deliberation begins. (See Weighing the Evidence by the Commission §§ 2-3, The Decision §§ 1-2.)

N. If, in the course of its deliberations, the Commission entertains additional testimony or other evidence from any party, the Commission shall allow all other parties and witness to address the particular subject area as to which the additional evidence was allowed.

O. The Commission completes its deliberations and issues its decision.

P. The Chair closes the case.

Evidence

1. What evidence can the Commission rely on in making a decision?

The Commission is required to base its decisions on competent evidence presented at the hearing. To be considered "competent," witness testimony requires that (a) the witness has personal knowledge of the

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subject of the testimony and (b) the subject of the testimony is relevant to an issue involved in the hearing. "Competent" documentary evidence requires that the document be authenticated by one of the following methods:

a. Certification, by signature, title and seal, of the person who is the custodian of the records; or

b. Information within the document which establishes its origin and reliability; or

c. Testimony by a person with personal knowledge of the document's origin and reliability.

The requirement that the Commission consider only "competent" evidence does not prevent the Commission from relying on evidence that would not be admissible under the Rules of Evidence as applied in North Carolina courtrooms so long as the evidence was admitted without objection or it appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the Commission to rely upon it. Evidence may include hearsay evidence, such as an affidavit or letter written by a person who is not present, in certain circumstances. (See Evidence § 5.) Commission members may also rely upon their own knowledge of the property at issue if their knowledge is fully disclosed during the hearing in order to give the parties a fair opportunity to address the knowledge upon which they intend to rely. (See Evidence § 10.)

The Commission may only rely on opinion evidence pertaining to any of the following if such evidence is offered by a person accepted by the Commission as an expert witness:

A. That the use of property in a particular way would affect the value of other property;

B. That the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and

C. Matters about which only expert testimony would generally be admissible under the North Carolina Rules of Evidence.

2. Are statements by an attorney appearing as the representative of a party considered evidence?

No. Attorneys representing parties participating in any hearing may not be sworn and their statements are not considered evidence. Statements made by an attorney representing a party shall be considered only as legal argument or a summary of evidence intended to be offered, or which has been offered by parties and witnesses participating in the hearing.

3. How is testimony (or testimonial evidence) presented?

A. MUST TESTIMONY BE GIVEN UNDER OATH OR AFFIRMATION? Yes. All testimony offered in connection with a case before the Commission must be offered under oath or affirmation administered by the Chair, another member acting as Chair, or the Commission Secretary.

B. WHAT TESTIMONY ARE WITNESSES COMPETENT TO OFFER? Testimony from non-expert witnesses should generally be comprised of factual information within the personal knowledge of the witness, as opposed to opinions. In general, the Commission cannot rely or base its decision or findings on the opinion testimony of lay witnesses. For example, a witness's testimony that "traffic will be a problem" is entitled to no weight while that same witness's

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testimony that "I watched and counted the traffic between 9:00 a.m. and 9:30 a.m. on a Friday morning and x number of cars drove past the site" is competent evidence which could be used by the Commission to help determine the facts of a case, to pose questions to a traffic engineer, and even to decide whether the testimony of a traffic engineer is credible.

C. WHAT OPINIONS CAN BE RELIED UPON BY THE BOARD? Only experts can give competent opinions concerning matters which are within the specialized knowledge of experts. If a witness is not testifying as an expert, testimony in the form of opinions or inferences is limited to those opinions or inferences which are rationally based on the perception of the witness and helpful to a clear understanding of his testimony or the determination of a fact in issue. For example, a lay witness might testify, "He appeared to be drunk." The Commission can never rely on opinion evidence when it is offered by a layperson or non-expert to establish that the use of property in a particular way would affect the value of other property, including the witness's own property, or that the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

D. WHAT OPINIONS MUST COME FROM AN EXPERT? Competent opinions regarding scientific, technical or other specialized knowledge which will assist the Commission in understanding the evidence or determining a fact in issue must be provided by an "expert." A witness can be qualified as an expert by virtue of knowledge, skill, experience, training, or education. An expert may testify in the form of an opinion if all of the following apply: (1) The opinion is based upon sufficient facts or data; (2) The testimony is the product of reliable principles and methods; and (3) The witness has applied the principles and methods reliably to the facts of the case. The Commission can never rely on opinion evidence offered by a layperson or non-expert to establish that the use of property in a particular way would affect the value of other property, including the witness's own property, or that the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

E. HOW DOES A WITNESS QUALIFY AS AN EXPERT? A person who proposes to appear before the Commission as an expert must first present the credentials which qualify the witness as an expert. Specifically, the person must explain what knowledge, skill, experience, training, or education qualifies the person to give expert opinion testimony by instilling in the witness the superior knowledge of the area to be addressed in the testimony. Once the credentials of a witness are presented, the Commission must invite all parties, should they choose, to ask questions of the witness regarding the witness's credentials and at the conclusion of the questioning, to either agree that the person is an expert or object to the person being considered an expert. If an objection is made, the party offering the objection must explain how the person's credentials do not establish the capacity for the person to give a scientific, technical or other specialized opinion which will assist the Commission in understanding the evidence or in determining a fact in issue must be provided by an "expert." Once all parties have been given the opportunity to be heard as to the witness' qualification as an expert, the Commission Chair shall render a determination as to whether the person has qualified as an expert. The Chair's determination can be overridden by the Commission, by majority vote upon

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proper motion and second. A person who is offered as an expert to the Commission may not provide opinion evidence until the Commission Chair or the Commission has accepted the witness as an expert.

F. CAN THE BOARD LIMIT A WITNESS'S TESTIMONY? Yes. At the start of a hearing or at the beginning of testimony by non-party witnesses, the Commission Chair may request an estimate of the time each party anticipates it will take to present its case, and/or the Chair may review the sign-up sheet of witnesses. At that time, or at the conclusion of the presentation of their cases by parties to the hearing, the Chair or any member of the Commission may propose that the Commission limit the time for each non-party witness to testify and may further limit the number of witnesses offering testimony on any particular point. If time limitations for witnesses are proposed by the Chair, the Commission may overrule the Chair's recommendation by motion, second and majority vote. If time limits are proposed by a Commission member, such proposal shall be in the form of a motion and second, and shall be adopted by majority vote. The Commission generally will not limit the number of witnesses or length of presentation by witnesses called by a party, except to prevent the presentation of repetitive, irrelevant, unreliable or other evidence deemed to be of little to no usefulness to the Commission in making the findings and decisions regarding the matter before it. (See The Hearing § 10.)

G. WHO CAN CROSS-EXAMINE A WITNESS? Each person who testifies before the Commission is subject to cross-examination by every party to the case or appeal other than the party who called the witness, but not to cross-examination by persons only participating in the case as witnesses.

H. WHEN CAN A WITNESS BE CROSS-EXAMINED? After a witness testifies, any party to the case can ask the witness questions. The parties take turns asking, with the party who called the witness, if the witness was called by a party, going last. See subsection I below. If the witness was not called by a party, questioning will begin with the Commission itself, followed by the Town, any intervening party, and the applicant. If the witness was called by the applicant, after questioning by the Commission, the Town will be given a chance to ask questions, followed by any intervening parties and then the applicant. If the witness was called by the Town, after questioning by the Commission, intervening parties will be given a chance to ask questions, followed by the applicant. If the witness was called by an intervening party, after questioning by the Commission, the Town will be given a chance to ask questions, followed by the applicant. If requested, the Chair can allow additional rounds of cross-examination, and each round should follow this same order.

I. AFTER A WITNESS HAS BEEN CROSS-EXAMINED, CAN A PARTY ASK THE WITNESS MORE QUESTIONS? Yes. Following cross-examination, the party who called the witness is entitled to ask additional questions of the witness ("redirect testimony"), but that triggers the opportunity for further cross-examination of the witness as to matters which first arise during the witness's redirect testimony, and such further cross-examination shall be conducted in the same order as the original cross-examination, followed by further redirect testimony, the party calling the witness always being afforded the final opportunity to question that party's own witness. As to

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witnesses who are interested members of the public, the same opportunities are afforded using the same sequence of questioners, with the Applicant or Appellant always given the final opportunity to question the witness.

J. WHEN CAN BOARD MEMBERS ASK QUESTIONS OF WITNESSES? Members of the Commission have the right, when recognized by the Commission Chair, to question any witness or party appearing before the Commission. They may do so at any time after a witness has been sworn, whether during the presentation by a party, after the presentation by a party, during examination or cross-examination of a witness called by a party or who is appearing as an interested member of the public, or even after the witness has returned to his or her seat, until the hearing is closed, and they may inquire into any matter that may assist them in reaching a decision, whether or not the matter was previously addressed by the witness in the witness's testimony.

4. What documents are acceptable for presentation?

Any evidence that might assist the Commission in deciding an issue or case may be offered into evidence. The North Carolina Rules of Evidence do not strictly apply to proceedings before the Commission, but there must be some indication of a document's reliability for it to be given any weight. Any documentary evidence relied upon by the Commission in making its decision or in deciding an issue must at a minimum be authenticated and relevant to the factual or legal issues under consideration.

5. Can the Commission consider hearsay evidence, such as a letter or affidavit?

Yes. Hearsay evidence, generally understood as a statement made by a person not present at the hearing, may be considered and given weight if the statement is made by a party or witness actually involved in the hearing in a setting that promotes its reliability, or if it contains sufficient indications of authenticity to assure the Commission that it is reliable. For example, information from the Internet should normally only be considered if the date and source of the information is disclosed, and the internet "address" is displayed on the information sought to be submitted. People who make statements against their own interests are generally considered reliable and such statements can be presented to the Commission. In general, the testimony of a person appearing before the Commission, who is thus subject to cross-examination, will be preferred over testimony contained in a sworn statement or affidavit, and testimony contained in a sworn statement or affidavit will be preferred over testimony contained in a non-sworn written statement. However, the Commission itself must ultimately determine how credible and reliable any evidence presented to it is, and it is free to reject evidence which it finds unreliable.

6. How is documentary evidence, including photographs, authenticated?

No document can be admitted into evidence until it has first been identified by the person offering it into evidence and authenticated. Authentication of a document is accomplished if it is either:

A. Certified as authentic, by signature, title and seal of a person who is the custodian of the record; or

B. Confirmed through the sworn testimony of a witness who establishes, based upon first-hand knowledge, the date and author of the document, and, if a copy is used in place of an original, that the document is a true and accurate copy of the original document.

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A photograph is authenticated by sworn testimony as to the date and place where the photograph was taken and the sworn statement that the photograph fairly and accurately represents the subject depicted at the time the photograph was taken.

7. How are the documents submitted?

Once a document has been identified and authenticated, a witness or party wishing to offer it to the Commission for its consideration must provide a copy to every other party for review, present it to the Commission Secretary to mark the document with an identifying letter or number, and then hand it to the Commission Chair. The Chair may then accept the document into evidence. If a party or Commission member objects to a document being accepted into evidence, the Commission must rule on the objection by either overruling the objection and accepting the document into evidence or by sustaining the objection and refusing to accept the document into evidence. All documents tendered as evidence by a party or witness (whether or not allowed into evidence) shall be retained by the Commission Secretary as part of the official record of the case.

8. How many copies of a proposed exhibit should be submitted?

Although the Commission may accept a single copy of a proposed exhibit, it is strongly recommended that a person wishing to submit a document into evidence bring enough copies for each of the five Commission members, the Commission Secretary, the Town Attorney, and each party to have their own copy.

9. Can proposed evidence, which has been refused, be preserved in the record?

Yes. If the Commission by its own action, or by sustaining an objection to testimony or a document that is offered to it for consideration refuses to consider evidence that has been offered to it (see Objections to Evidence §§ 1-4), the party or witness offering the evidence can make an "offer of proof." This requires that the witness or party announce "I wish to make an offer of proof" and then proceed with the testimony that has been excluded or provide the excluded document to the Commission Secretary, who will mark the document for identification purposes. Any such document shall be retained as part of the record, but it shall not be considered by the Commission in its deliberations or decision.

10. When can Commission members rely upon their own knowledge of the subject property?

If a Commission member, while inspecting the property in question, has either noted some matter or feature that may influence the Commission member's decision in the case, or, while inspecting the full departmental file in the case, has noted some document that is not included in the staff report, the Commission member can utilize such information under the following circumstances: While the evidentiary hearing is still open, the Commission member must note the matter or feature observed or document noted. In the case of a document, the Planning staff shall produce the document for review by all parties and Commission members. The Commission shall allow all parties to reasonably inspect the document before it is inspected by other Commission members, and each party shall be given an opportunity to offer evidence related to the document. When a Commission member has noted a matter or feature relating to an inspection of the property in question, all parties shall be given an opportunity to present evidence that relates to the matter or feature.

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Objections to Evidence

1. What objections to evidence are allowed?

The only grounds for an objection to the testimony of a party or witness are that: (1) the testimony has no relevance to the case before the Commission, (2) the answer is not responsive to the question which was asked, (3) the person offering the testimony is not competent to offer the type of information or opinion being offered, or (4) the answer contains hearsay statements that do not meet the requirements of Evidence § 4.

The only grounds for objection to documentary evidence are that: (1) the evidence is not relevant; (2) the document has not been properly identified or authenticated in accordance with Evidence § 4; or (3) the evidence is unacceptable hearsay or contains hearsay statements that do not meet the requirements of Evidence § 4.

A party may also object to the form of a question, such as that it is argumentative, a compound question, improperly leads (puts words in the mouth of) the witness, or calls for information which is not relevant to the case.

2. What evidence is "relevant"?

Relevant evidence is information that relates to a factual or legal issue that the Commission may or must decide in a particular case, including issues of credibility. Documentary evidence that contradicts the witness's testimony is always relevant since credibility of witnesses is an issue in every case. Relevant evidence should, by itself or in combination with other evidence, help the Commission determine any issue it needs to decide.

3. Who can object to evidence?

Only a party may object to the testimony of a witness, the admissibility of a document, or a question asked by another party.

4. How are objections decided?

The Commission Chair shall rule on any objections, and the Chair's rulings may be appealed to the full Commission. Upon appeal to the Commission, all participating members, including the Chair, shall vote, and any abstention by a member shall be counted as a vote in favor of the motion. In the event of a tie vote by the Commission, the objection will be overruled and the evidence considered by the Commission. If testimony is successfully objected to, a witness may make an "offer of proof" by stating those things which the witness intended to state, but such statements will only be for the purpose of preserving the record of the case and shall not be considered by the Commission. (See Evidence § 9.)

Weighing the Evidence

1. How does the Commission decide what weight to give documents and testimony?

In general, as with any court, the Commission must weigh the evidence that is presented to it. When there is conflicting evidence relating to an issue it must decide, the Commission must explicitly resolve such conflict. It may also, however, refuse to give any weight to evidence that has been presented to it – even when no conflict in the evidence exists – when the Commission determines that the evidence is not credible or relevant. In determining the weight it will give to testimony and documentary evidence, the Commission may consider such things as the credibility of a witness (based on such considerations

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as the witness' demeanor, qualifications or expertise, ability to observe the conditions about which testimony is offered) and the reliability and persuasiveness of documents that are offered as evidence. In general, the testimony of a person appearing before the Commission who is thus subject to cross-examination will be preferred over testimony contained in a sworn statement or affidavit, and in general, testimony contained in a sworn statement or affidavit will be preferred over testimony contained in a non-sworn written statement. However, the Commission may conclude that the information in a non-sworn statement is more reliable than the testimony of a person who has appeared and testified before it if it finds sufficient cause to do so.

2. Can the Commission make credibility decisions?

Yes. In making its decision the Commission may explicitly or implicitly make credibility determinations regarding the testimony of any witness or party. Where the Commission has concluded that the testimony of a particular witness is not credible or is otherwise unreliable, it is not bound to accept that testimony and may not only reject it but, if warranted, may make a contrary finding from the facts which that witness asserted. A credibility decision may be based upon such factors as the demeanor of the witness, the consistency of the witness's testimony, the consistency of the witness's testimony with other evidence of record which the Commission finds more reliable or persuasive, or any other relevant factor.

3. Should Commission members discuss their view of a case while evidence is being presented?

Private discussions among Commission members should never take place regarding a case prior to a decision being rendered. Commission members should also limit open discussion with each other during the presentation of the evidence, and should instead use the evidentiary portion of the hearing to listen to, consider and elicit evidence relating to the issues that must be decided. After the evidentiary portion of the hearing is closed and before a decision is rendered, Commission members are encouraged to publicly discuss their views of the case, including those factors that might lead them to support a particular position or outcome in the case.

The Decision

1. How does the Commission decide a case?

Deliberations may be flexible and involve open discussion of the case among Commission members or a process by which the Commission members identify proposed findings of fact and determine whether a majority of members endorse each such proposal, or a combination of the two. At the suggestion of the Commission Chair or another member of the Commission, the Commission can also conduct "straw polls" about particular issues or facts before formally adopting findings of fact or conclusions of law. The Commission may consider each of the conclusions for the type of case before it and upon motion and second, may vote on each such conclusion, and the Commission may include discussion and the adoption of findings of fact prior to any conclusion of law being adopted, or it may intersperse such discussion and adoption of findings among its actions to adopt conclusions of law. Once a motion has been made and seconded on either a proposed finding of fact or proposed conclusion of law, Commission members can offer proposed modifications to the motion, and if those are accepted by the person who made the motion and the person who seconded the motion, the modified motion will be substituted for the original one. In general, each Commission member is encouraged to explain his or

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her view of the case and the significant issues involved, particularly if the member intends to vote against a motion that has been offered in favor of an applicant. However, there is no formal requirement that each Commission member explain his or her individual view of the case.

If the evidentiary portion of the case has been closed and, during the discussion of a case, a Commission member raises an issue for which additional testimony is desired, a matter or issue that was not addressed at the hearing, information based upon the member's personal visit to the property in question or the member's review of the file and documents that are not part of the staff report and have not been addressed during the evidentiary hearing, or other good cause, the Chair may reopen the public hearing to allow evidence, argument and rebuttal evidence on that particular issue.

2. Can the Commission recess a hearing after the evidentiary portion of the case has been closed and reconvene the hearing at a later time for the decision to be made?

Yes. Upon majority vote, the Commission may recess a case between the close of the evidentiary hearing and the decision by the Commission until (but not later than) the next scheduled meeting of the Commission, to allow Commission members an opportunity to review, but not discuss, the evidence that has been submitted.

3. Can a case be dismissed before full findings of fact and conclusions of law are adopted?

Yes. If an applicant does not present evidence which at a minimum addresses every conclusion of law that must be decided by the Commission in the particular type of case, at the conclusion of the evidentiary hearing the Commission may adopt a motion dismissing the case. Such a motion must specify in what respect(s) the evidence or presentation was lacking. A dismissal of a case on this basis does not prevent the applicant from submitting a new application for the same approval unless there is some other reason that prevents that, such as a change in the requirements of the UDO.

4. What is a fact?

A fact is a description of a circumstance, event or occurrence as it actually takes place or took place, a description of a physical object or appearance as it actually exists or existed, or an actual and absolute reality, as distinguished from a supposition or opinion not provided by a qualified witness. For example, when talking about traffic, a fact might be that "in the last month there have been ten accidents" at a particular intersection, while a statement that "the intersection is dangerous" would be considered an opinion and not a "fact" unless it were established by a qualified expert, in which case it could be accepted as a "fact."

5. What is a "finding of fact"?

A finding of fact is a statement of one or more facts that the Commission decides is true and pertinent to the issues it must determine in the case. Findings of fact should be based on evidence presented at a hearing. Generally, the Commission should only adopt findings of fact that relate to the conclusions of law required in a particular case. The Commission must also make a finding of fact to resolve any conflicts in the evidence presented to it if the conflict relates to an issue material to the case. Therefore, if one person testifies, "The road is ten feet wide," and a second testifies, "The road is twenty feet wide," the Commission must make a finding as to which is correct.

DRAFT

Communication: Revised HPC Rules of Procedure for Pre-Application Workshop (Advisory Consultation Discussion)

6. How does the Commission adopt findings of fact?

Upon its deliberation following presentation of the case, the Commission members should discuss the facts presented in the case, discuss the credibility of the witnesses if such has been put at issue by a party or raised as a concern by one or more Commission members, and resolve by majority vote as necessary any contested issues of fact. Facts should be articulated in conclusory form as to what the Commission member believes has been established by the evidence, rather than a recitation of a party's or witness' contentions. For example, a finding of fact is "the road is ten feet wide," whereas a statement that "Mr. Jones testified that the road is ten feet wide" is not a finding of fact. When competent opinion testimony is provided (See Evidence §§ 3(C) and (D)), a finding of fact may be based upon that opinion. For example, the Commission may adopt as a finding of fact, "The intersection is dangerous," but such a finding must be supported by an expert opinion to that effect. Findings of fact should generally only relate to the issues before the Board that relate to the type of case before it. They may include findings regarding the credibility of witnesses. (See Weighing the Evidence § 1.) Findings of fact should always address the staff report submitted in the case, and if portions of the report or the report as a whole are not accepted as factually accurate, such should be specifically identified.

7. What is a conclusion of law?

A conclusion of law is a decision about some requirement in the UDO needed to decide the type of case before the Commission. The conclusions of law pertinent to a particular case are generally set forth as potential motions in the staff report. In approving or rejecting any particular such motion, Commission members should articulate the findings of fact upon which each conclusion of law is based.

8. What vote is needed for approval to be granted?

Approval of a Certificate of Appropriateness requires a majority vote of the members of the Commission. For the purposes of this paragraph, vacant positions on the Commission and members who are disqualified from voting on the case shall not be considered members of the Commission for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. See UDO section 6.01.03. In any event, a quorum of at least three members and the affirmative vote of at least two members shall be required for approval of any Certificate of Appropriateness.

10. Can the Commission impose conditions on an approval?

Yes. If the Commission approves a Certificate of Appropriateness, the Commission may do so subject to such reasonable conditions as the Commission concludes are necessary to carry out the purposes of historic preservation as contemplated by the UDO. See G.S. § 160D-947 (a). Conditions that simply reiterate requirements of the UDO are unnecessary and discouraged.

11. If a vote is taken that has the effect of ending the case, can the Commission vote on the other issues which would be decided if an application were approved?

Yes. For the sake of judicial and quasi-judicial efficiency, and at the request of any party, the Commission Chair, or any member of the Commission, the Commission may (upon motion, second and majority vote) issue provisional votes as to any and all preliminary or alternative issues, even though an application or permit has been denied upon some other basis. However, such provisional consideration and votes are not required, and if not made then all parties retain their rights to litigate such issue(s) following any decision on appeal that does not affirm the Commission's decision.

Communication: Revised HPC Rules of Procedure for Pre-Application Workshop (Advisory Consultation Discussion)

12. What information should be included in a motion?

A motion by a Commission member should usually include at least a brief statement of the reason(s) for the motion and may cite specific, adopted findings of fact as the basis for the motion.

13. Can Commission members discuss a case once the decision has been made?

No. Because decisions by the Commission are subject to review by the courts of North Carolina, which may send a particular case back to the Commission for reconsideration, Commission members must avoid and refrain from discussing a case even after the Commission has made its decision.

Appeal

1. May an applicant appeal a decision by the Commission?

An appeal may be made from the Commission's action granting or denying a Certificate of Appropriateness. The appeal is made to the Boone Board of Adjustment pursuant to the procedures set forth at Articles 4 and 6 of the UDO, and is in the nature of certiorari as set forth at N.C. Gen. Stat. § 160D, Article 4. The filing of an appeal is subject to a strict filing deadline and the payment of a fee in an amount set by the Boone Town Council.

The Town of Boone has forms for appeals available on the website and in the Planning and Inspections Office. Planning and Inspections is located on the basement level of the Boone Downtown Post Office at 680 West King Street, Boone, NC 28607. The appropriate form must be fully filled out and the fees paid for the Department to process it.

Amendment of Rules

1. May these Rules be amended?

These rules may be amended by the Town Council on its own initiative or upon recommendation of the Commission.

DRAFT

Communication: Revised HPC Rules of Procedure for Pre-Application Workshop (Advisory Consultation Discussion)

HPC Pre-Application Workshop Request

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Fax (828) 268-6961 ◆ Email: planning@townofboone.net ◆ www.townofboone.net

A. Recommended to be Submitted at Time of Request

Prospective applicants are encouraged to provide the information listed below to assist with the requested meeting.

- ☐ Written Description of the proposed work, including material types, color, and dimensions for materials to be used.
- ☐ Relevant and applicable historic district design standards related to the proposed request.
- ☐ Scaled site plan depicting the location of proposed changes and relationship to nearby features.
- ☐ Preliminary elevations or drawings indicating desired changes.
- ☐ Photographs of existing conditions of project location.
- ☐ Available historical documentation regarding the property.

B. Requested Meeting Date

Date of requested meeting: _____

C. Workshop Waiver

(Initial here) _____The requesting party (prospective applicant), _____, understands and agrees that a pre-application workshop meeting with HPC members is informal, voluntary, and completely non-binding. The prospective applicant is free to proceed with an application for a Certificate of Appropriateness (COA) without first having a workshop meeting with HPC members. Workshops are held by the HPC purely as a courtesy to prospective applicants to educate and facilitate the COA process. Nothing that a HPC member states in such a workshop is in any way binding on the HPC upon its subsequent consideration of a COA. Nor shall a HPC member be considered in any manner unduly biased based upon views expressed at the workshop. The prospective applicant specifically waives any claim that the conduct of the workshop impairs the prospective applicant's right to a fair and impartial hearing as to any subsequent application for a COA.

Prospective Applicant (Print)	Prospective Applicant (Signature)	Date

D. Property Information

Street Address: Watauga County Parcel Identification Number:

E. Applicant Contact Information

Complete Mailing Address (Street, City, Zip):

Phone Number: Email Address:

Official Use Only	
Permit Name *(Application or Permit Name of COA)*:	Date:
Permit Number *(Application or Permit Name of COA)*:	

DRAFT
Communication: Draft HPC Pre-Application Workshop Application (Advisory Consultation Discussion)

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
January 9, 2024, 3:00 p.m.
Planning & Inspections Department & WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Vice-Chair Bettie Bond, Vardell Smyth, Jerry Williamson, and Krystal Carter

Council Liaison: Virginia Roseman

Town Staff in Attendance: Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Advanced Planning Specialist, Mike James- Commercial Zoning Administrator, and Marlene Crosby-Board Secretary

Others in Attendance: Jim Deal-Deal, Moseley & Smith Attorneys at Law, Brent Davis-Brent Davis Architecture, John Winkler-Applicant, Luke Barber-Watauga Democrat, Jodie Feimster, and Allison Meade-Town Attorney

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CALL TO ORDER

Vice-Chair Bond called the HPC Quasi-Judicial meeting, held in person at 680 W. King Street, Suite C and via WebEx, on January 9, 2024, to order at 3:00 p.m.

ADOPTION OF AGENDA

Commission Member Williamson made a motion, seconded by Commission Member Carter, to adopt the agenda as presented.

Vote: Aye – All
Nay – None
The motion passed.

Ms. Jane Shook, Director of Planning and Inspections, joined the meeting at approximately 3:10 p.m.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment.

Vice-Chair Bond swore in Mr. Mike James, Commercial Zoning Administrator.

CASE A23-0547 PORTOFINO HOTEL – MODIFICATION TO PREVIOUS COA

John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the alteration of a previously issued Certificate of Appropriateness for the construction of a new hotel at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) in the Downtown Boone Local Historic District. The proposed alterations from the previously approved plan include replacing double windows in the second-story guest rooms with either French doors or larger single windows. The total heated square footage of the building would increase from 11,421 to 12,036 square feet, and the building height would increase from 20 feet to 21 feet, 1 ½ inches.

Vice-Chair Bond asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change; if any commissioner had a conflict of interest regarding this case, including any financial interest in the outcome of the case or a close familial relationship with any person affected by the outcome of the case. There were no answers in the affirmative.

Communication: January 9, 2024 Quasi-Judical Meeting Minutes (Approval of Minutes)

Vice-Chair Bond asked if any commissioner had engaged in undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Vice-Chair Bond swore in Mr. Brent Davis and Mr. John Winkler.

Vice-Chair Bond asked the applicant if they had any objection regarding the meeting materials in the meeting packet, and Mr. Jim Deal stated no on behalf of the applicant, Mr. Winkler.

Vice-Chair Bond asked Mr. Deal if he would like to make an opening statement on behalf of the applicant, and Mr. Deal replied yes. Mr. Deal explained that the applicant, Rivers Street Ventures, owns the property, formerly the Portofino Restaurant. He said the old building there probably went back to the 1930s. He continued that to tear that building down, the applicant had to go before the Board of Adjustment to get approval to remove the part of the building in the creek and restore the creek bank. He added that the applicant came before the Historic Preservation Commission to get approval to tear down the old building, and the HPC approved that. Then, the applicant had to go before the Town Council for Conditional District Zoning approval, which allowed for a height increase over the pre-existing building approved under the Conditional District Zoning. He said the next step was the applicant presented to the HPC a concept of the appearance of the exterior of the building, which was a finish of wire-cut brick with a recessed area in the middle of the building. He stated that the HPC approved the exterior appearance along the River Street footage. He said Mr. Winkler began working with Mr. Davis on the architectural drawings once the conceptual exterior appearance was approved. He stated when the drawings were completed, it led to certain changes, which led the applicant to this meeting to discuss those proposed changes and request a modified Certificate of Appropriateness (COA). He said Mr. Davis was prepared to present those proposed changes at this meeting.

Vice-Chair Bond asked the Staff if they had an opening statement for this case. Mr. James said the opening statement for this case was a recap of the board packet; there was no additional information to be presented for an opening statement. He pointed out that the application for this case began on packet pages four through six, the applicant's narrative began on packet pages seven through eight, and the proposed renderings were on packet page nine. He added that the staff report was on packet page 15. He then noted that the prompts for action to be taken on this case by the HPC were located on packet page 37.

Vice-Chair Bond asked the applicant if they had evidence to present in support of this application. Mr. Deal said yes and called on Mr. Davis to state his name and occupation. Mr. Davis stated his name as Brent Davis and that he is an architect. Mr. Deal asked Mr. Davis if he was familiar with the proposed application, and Mr. Davis replied yes. Mr. Deal asked Mr. Davis to explain his role in this proposed application as this project has unfolded. Mr. Davis explained that his firm had worked with Mr. John Winkler since the beginning of this project. Mr. Davis pointed out that the primary focus of this application was on the rear elevation of the Howard Street side of the building. He explained that the hotel guests liked patios or balconies, which led the applicant to propose French doors with a guard rail instead of double windows. He said this way, the hotel guests could look out of the back of the building, see the creek, and feel like being on a balcony.

Mr. Davis noted that the current COA application was dated November 21, 2023. Then, he explained that the conceptual building elevations were presented in the previous COA application dated June 24, 2022. He explained that after numerous meetings with Mr. Winker regarding the construction drawings, he and

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Mr. Winkler realized they needed to reconfigure the changes to the guest and ancillary rooms to support the hotel operation. He said that in this process, they learned they needed to address the locations and the number of windows because, as you redesign the interior of a building, the windows tend to shift one way or the other. He noted that the window dimensions stayed the same, which is 36" wide x 60" deep. He said they changed some single windows to double windows and vice versa. He explained that the B-1 Downtown Core area requires a window ratio of 20% to 40%, and the proposal is 18.2%. He stated that he had communicated with Mr. James regarding the windows. He said they propose using an E Series Anderson wooden window with exterior metal cladding. He noted that the materials must be non-combustible because the building is located in the Downtown Fire District. He described the windows as having simulated divided light, which means they are thermal-paned windows, and the muntins are attached physically to the interior and exterior face. He explained that they proposed that type of muntins because of the historical profile of the building. He described a window requirement to have a light transmission of 72 percent to let sunlight into the room, which is in the proposed windows.

Mr. Davis referred to packet page seven and explained the modifications that were made to the rear of the building since the HPC submittal dated June 24, 2022. Commission Member Williamson asked if the windows were designed to be opened. Mr. Davis replied that the windows are double-hung with both sashes.

Mr. Davis explained that he had prepared options A and B to present to the HPC for this application. He presented Option A and referred to packet page 10; he compared the June 24, 2022, and November 21, 2023 submitted elevations. He pointed out that the window configurations are not the same but are similar based on the guest room layout. Additionally, he had to locate the windows based on the appropriate spaces in the rooms. He said they are proposing to exchange the double windows for two French doors that open into the room with a guard rail, similar to the rails on the front of the building on the veranda. Vice-Chair Bond asked how deep the balcony was, and Mr. Davis responded that it set back the thickness of the brick, which is four inches. Mr. Deal commented that the railing Mr. Davis referred to was the same as on the King Street side of Mr. Deal's building. Mr. Davis reiterated that the French doors and the railing are only being proposed on the rear of the building, not on the front or two ends. He added that the window ratio percentage is 18.2 and included in Option A.

Mr. Davis presented Option B to the HPC. He referred to packet page 11 and compared the two elevations. He explained that in this rendering where the two French doors were proposed, they are double windows. He said in the original proposal that they were using a roof area for air conditioning equipment; they decided it was unnecessary and removed it from the rendering. Vice-Chair Bond noted that they had kept the rear door entrance, and Mr. Davis said it led to a corridor inside the hotel. Mr. Davis pointed out that they had removed the window beside the rear exit door in Option B. He said the only proposed changes are the windows and doors.

Vice-Chair Bond began the discussion on the presentations of Option A. She referred to packet page 30 and Section 6. Windows, Doors, and Awnings and she read from Section 6.1:

> **Commercial Properties within the District, 6. Windows, Doors, and Awnings, Section 6.1:**
> …Furthermore, it is imperative that the fenestration pattern of the door and window opening on the building and the doors and windows themselves (muntin width, number of lights per sash, etc.) be maintained when repairs to or replacement of elements is underway. It is never appropriate to introduce new features, such as vents, bays, windows, or door openings, in the exterior walls if they diminish the historic character of the wall or damage historic materials.

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She thought the proposal was a great plan and noted that this area was a warehouse district. She pointed out that the proposed hotel had the appearance of a more modern building, and along with the proposed balconies, the appearance does not fit the period of significance and is not appropriate for a warehouse district because it does not have a warehouse front, but that proposed appearance would fit in the historic district. Mr. Deal responded that the applicant agreed with Vice-Chair Bond. He said maybe later he would comment on what they would like this area to look like now versus 50 or 60 years ago. Vice-Chair Bond commented that they liked the appearance of the Portofino Hotel on the Rivers Street side because it echoed the appearance of the Dan'l Boone Hotel. She added that the HPC has a certain obligation to keep the feel of the warehouse district on the Howard Street side of the hotel.

Mr. Deal stated that Mr. Davis had completed the presentation to modify the previous COA application. He noted that Mr. Winkler was available to answer questions from the HPC if needed. He explained that they proposed Option A and Option B because they recognized that Option A does not necessarily fit the district's historical character.

Vice-Chair Bond asked the Staff if they would like to present any evidence pertinent to this application, and Mr. James stated no, and referenced to the Staff Report provided. Mr. Deal said the applicant accepted the Staff report and had no objections.

Commission Member Williamson asked Mr. James to explain window-to-wall ratios. Mr. James explained that you want the proper ratio of brick and glass on the upper floor facades. Commission Member Williamson asked if the revision was under the standard. Mr. James said it was before and explained that not all of the B-1 Downtown Core is in the historic district. He said the 20 percent is from the B-1 Downtown Core standards in UDO Article 14. He explained the Historic District standards, and if there is a slight difference in the standards, the Historic District standards trump the B-1 Downtown Core standards in UDO Article 14. He said this is the case in this proposed COA modification.

Ms. Meade stated there would have to be an inconsistency for the historic district standards to apply rather than the general guidelines. She asked the general applicable standard in this zoning district for the percentage of windows. Mr. James replied it is 20 percent to 40 percent. She asked Mr. James what the proposed window percentage is, and Mr. Davis replied 18.2 percent. She pointed out that this is new construction, and the proposed percentage must meet the 20 percent threshold. She asked if Mr. Davis could explain what it would take to meet that standard or if it would be difficult to change the window sizes to meet the standard. Mr. Davis explained that he looked at the calculations carefully and determined they were 90 square feet short in the window area. He said they have six locations where they can put six windows that are three-foot by five-foot windows, which would bring them to 20 percent. Ms. Meade asked Mr. Davis if there was an argument to be made that the applicant needed to be slightly under the standard to be in harmony with the general character of the historic district and was this discussed at a previous meeting. Mr. Deal responded that this topic was not discussed at a previous meeting. In a recent communication, Mr. James stated that he informed Mr. Davis of this issue. Mr. James said the Staff discussed it and thought it would not apply because the HPC had approved the previous plan, the window-to-wall ratio was not changing significantly, and the HPC approval would trump the historic district standards. Ms. Meade said this understanding should be taken for this particular case. She pointed out that going forward, this issue should be discussed by herself and Staff.

Ms. Meade stated that she disagreed with Vice-Chair Bond's point about the French door's openings and the railings. She referred to packet page 30 and Section 6.1 and stated that it should not have been

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included in the Staff report because it refers to the current pattern and arrangement of windows for existing historic buildings. She said because the Portofino Hotel is new construction, this standard does not apply to this case.

Ms. Meade referred to packet page 31 and said the following standards would apply to this case:

> **Commercial Properties within the District, 6. Windows, Doors, and Awnings:**
> **Section 6.16:** New construction, additions, and renovations to existing historic buildings or properties within historic districts should maintain established proportions and spacing of window and door openings. Ms. Meade noted that it could be argued that this section does not make sense when applied to new construction.
>
> **Commercial Properties within the District, 14. New Construction of Commercial Buildings within the District**
> It is inevitable that new commercial buildings will be constructed within the District. The intention of these design standards is not to prevent such changes but to ensure that new construction is compatible with and complementary to the integrity and architectural character of the District. While new commercial buildings should not attempt to replicate existing historic properties, they should mesh with and support the historic design principles of the other commercial properties in the District. These standards are intended to preserve the integrity of the District while also encouraging sensitive and appropriate new construction.
>
> **Section 14.1** New commercial construction within the District should not seek to duplicate historic buildings in the District or mimic their appearance. That said, new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Thus, new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District.

Ms. Meade continued that this text states that new construction should be respectful and in harmony with the historic district and its architectural standards. She said this text also says that it is not desirable that new construction mimic the historical architectural detail of historic buildings. She referred to the text of Section 14 for New Construction, specifically the first paragraph and third sentence. She then referred to Standard 14.1, and stated that new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Further, she stated new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District. She concluded that the text is clear that while the construction needs to be harmonious and respectful and compatible, it should not mimic architectural details and specific character of the historic district.

Vice-Chair Bond opened the floor for the HPC to comment on the information that Ms. Meade presented. Ms. Meade clarified to the HPC that she wanted to express to them the clear intent and meaning of the language before them and not that it compelled a particular decision from the HPC.

Vice-Chair Bond explained that she did not think the applicant had tried to mimic the Daniel Boone Hotel, but the appearance of the proposed Portofino Hotel softens the warehouse look and fits with the standards. She reiterated that she had an issue with the balconies. Mr. Deal used the term French doors instead of balconies, and he stated that the French doors and the railings are features that would soften

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the appearance of the rear of the building rather than having the appearance of a solid brick wall. He said these proposed added features would make the rear of the building appear more attractive, particularly with the plan to redo Howard Street, and it would be more beneficial to the Town. He explained this is why they presented Option A for the HPC to have the option to consider. He added that if the HPC says they wanted Option B, the applicant would use it for the rear of the building.

Commission Member Smyth stated that initially, he had questioned the ratios, but Ms. Meade resolved that question. Vice-Chair Bond asked Commission Member Smyth for feedback on the French doors and railings versus the windows on the rear of the building. Commission Member Smyth stated that he had walked around the location of where the Portofino Hotel would be and loved the idea that the windows on the building would open. He agreed that the appearance of the proposed French doors would make the hotel look more attractive from Howard Street. He said the goal is not to try to create the appearance of a warehouse district. He liked the proposed brick and approved of its design of it.

Commission Member Williamson stated that he liked the appearance of the French Doors. He asked if the old Portofino Restaurant was in the creek. Mr. Deal replied yes, but the Portofino Hotel would not be in the creek. Commission Member Williamson asked if he would be able to see the creek when the French doors were opened, and Mr. Deal replied yes. Commission Member Williamson agreed that the proposed French doors and railing would enhance Howard Street, and the appearance of the front of the hotel would enhance Rivers Street.

Vice-Chair Bond asked if there were any other interested party who is here to speak or present evidence in support of this application? Is there any other non-party witness who is here to speak or present evidence in support of this application? Is there any interested party who is here to speak or present evidence in opposition to the application? Is there any other non-party witness here to speak or present evidence opposing the application? There were no answers in the affirmative.

Vice-Chair Bond asked the applicant if they would like to rebut any evidence presented for this application, and Mr. Deal replied no. She asked the applicant if they would like to give a closing summary, and Mr. Deal replied no. He added that they were available to answer any questions if needed.

Commission Member Williamson noted that he had read the minutes of the previous meeting about gate access to Howard Street from the Portofino Hotel. Mr. Deal responded that it would depend on how the Howard Street plan is laid out and whether gate access would come in and out of the Portofino Hotel parking lot. He added that no vehicular traffic will come in and out of that parking lot. Commission Member Williamson asked if there would be pedestrian access to Howard Street from the Portofino Hotel, and Mr. Deal responded yes. He clarified that the pedestrian access would be to the left of the Portofino Hotel building. Vice-Chair Bond clarified that vehicular traffic would come in and out of the Portofino Hotel from Rivers Street.

Vice-Chair Bond asked if any interested party wished to give a closing summary, and Mr. Deal replied no. She asked the Staff if they wished to provide a closing summary, and Mr. James replied no.

Vice-Chair Bond closed the testimony for this case.

Vice-Chair Bond opened the floor for the HPC to discuss any conditions for approval. There were no additional conditions added to this application.

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Motion and Vote:
Commission Member Carter made a motion, seconded by Commission Member Williamson, that Option A, as presented for the proposed development, is congruous with the special character of the Downtown Boone Local Historic District and is approved subject to the following automatic conditions of approval:

- Where there is a conflict between the application information and the plans (November 21, 2023), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or its representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
- The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Vote: Aye – All
Nay – None
The motion passed.

With no further discussion, Vice-Chair Bond closed this case.

Vice-Chair Bond suggested naming the bar in the Portofino Hotel "The Tasting Room," she stated that someone mentioned an old tobacco scale that may be in a Town storage area that could be added to the hotel. Mr. Deal noted that there were three tobacco warehouses, and he wondered if that old tobacco scale came out of one of those warehouses that used to be located near Walker Hall, Watauga County Library, and the Jewish Temple. Council Liaison Roseman told Vice-Chair Bond that Mr. Mark Freed from Cultural Resources might have a tobacco scale.

At approximately 3:48 p.m. Mr. Winkler, Mr. Deal, and Mr. Davis left the meeting.

Other Discussion
Discussion ensued on Stoneman's Raid. Ms. Mitchell informed the HPC that Dr. Eric Plaag, Former HPC Chair, had shared additional resources to consider as they continue to work on the Stoneman's Raid project. She said the additional resources would help the HPC to research the history of Stoneman's Raid event. Additionally, she suggested that the HPC carefully review the Civil War Trail's guidelines. She noted that these guidelines were included in the HPC Advisory January 2, 2024 meeting packet. She explained that there are specific ways that the text is to be written with a specific style for the program. She said as well as the additional resources, it was suggested for the HPC to consider that the fighting in North Carolina continued until nearly the end of April. She added that at the last meeting, it was mentioned that the war ended on April 9. She said it is good to consider that while this was the date that General Lee surrendered to General Grant it was neither the end of the war nor the end of combat hostilities, fighting in North Carolina continued until nearly the end of April, including parts of Stoneman's Raid. She explained that she wanted to give the HPC this additional information as a redirect from the discussion at the last meeting and for those who wanted to work on the draft for the February HPC meeting. Ms. Mitchell explained a note provided on the resources by Dr. Plaag that there are errors within the resources. She continued that in the official records resource, there was an error in the correspondence mostly related to the misunderstanding of North Carolina's terrain and geography. She asked the HPC to review the information and correct those errors. She stated her plan to send the HPC an email with the additional

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resources, include the meeting packet links that contain the previous Stoneman's Raid draft documents from last July, and the draft PDF version that Commission Member Smyth presented in person at the January 2, 2024, advisory meeting.

Ms. Mitchell asked the HPC how they would like to move forward with their discussion of the Stoneman Raid's draft at the February advisory meeting. Vice-Chair Bond stated that she looked forward to receiving the earlier draft material. Commission Member Smyth noted that in his draft, he wanted to write about the event and what happened after it. He stated that he appreciated receiving the additional resources. He said that the HPC had agreed for him and Commission Member Williamson to work together on the proposed draft to present at the February advisory meeting. Commission Member Williamson clarified that he and Commission Member Smyth would work on the already completed research. Commission Member Smyth explained that he hoped to spend a couple of hours with Commission Member Williamson on the research they already have available. Vice-Chair Bond asked Ms. Mitchell when she could provide the additional resources and links to the drafts. Ms. Mitchell responded that she would share the information via email. She explained based on Commission Member Williamson's question that he would consider revisions based on following the Civil War Trails guidelines. She said if there are any significant revisions made, it would be encouraged to check those revisions with the resources that will be provided. She added that if new information were added to the draft, it would need to be verified through research. She suggested to review the draft presented in the January advisory meeting packet and Commission Member Smyth's draft to make them fit the Civil War Trails guidelines. Commission Member Williamson stated that he would work with Commission Member Smyth on the draft. Ms. Mitchell said the deadline to submit the proposed draft to Staff would be Friday, January 26, 2024, so it could be included in the meeting packet for the HPC meeting on February 6, 2024.

Ms. Mitchell discussed the timeline for completing the Stoneman's Raid interpretative panel. She said the initial drafts could be accomplished in the next few months. She said a completed panel would not be done by April or May because once the HPC completes its draft, she would have to present it to the Civil War Trails representatives to review and then continue at some point.

Commission Member Williamson said he gathered that the Stoneman's Raid panel would be located in front of the Post Office building. Ms. Mitchell replied yes, and she explained the location would be at the bulb out at King Street and Linney Street. She informed the HPC that the bulb out is outside the NC Department of Transportation (NCDOT) right of way.

Vice-Chair Bond stated that she still wants the Stoneman's Raid marker, which is located near the Watauga County Courthouse, to be removed. Ms. Mitchell said that the marker could not be necessarily moved, but the language on that marker could be modified with the State of North Carolina, but she has yet to research this possibility.

There was consensus from the HPC for Commission Members Williamson and Smyth to work on the proposed draft for the Stoneman's Raid Interpretative marker and have it ready to present at the HPC Advisory meeting on February 6, 2024.

Vice-Chair Bond reminded the HPC about the Boone Next event that would be held on January 18, 2024, from 6 p.m. to 8 p.m. at the Hardin Park Elementary School. Ms. Mitchell expounded on this topic and explained that this would be the first public workshop for the Comprehensive Plan update and process. She noted that a flyer was mailed with the Town water bills to help advertise the meeting. She said that she and Ms. Shook had also emailed the Town's boards and commissions to inform them of this event.

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She said the Town had hired consultants to work on the Comprehensive Plan, and those consultants would do a presentation that evening. She said there would be stations set up and manned by Staff and the consultants. She said the HPC was invited to attend this event and to participate.

Vice-Chair Bond reminded the HPC that on Thursday, January 25, 2024, at 5:30 p.m., the Watauga Historical Society will have its monthly meeting at the Watauga County Library, and Dr. Eric Plaag will give a presentation on the Boone Cemetery.

Adjournment

Commission Member Carter made a motion, seconded by Commission Member Williamson, to adjourn the meeting at 4:11 p.m.

Vote: Aye – All
Nay – None
The motion passed.

_____ _____

Bettie Bond, Vice-Chair **Marlene Crosby, Board Secretary**

BOONE HISTORIC PRESERVATION COMMISSION

Local Landmark Designation Report, Second Rough Draft

The John Walter Jones House

604 West King Street,

Boone, NC 28608



Prepared by Riley Ziegler Prepared by Riley Ziegler, with assistance from the Boone Historic Preservation Commission

January 2nd, 2023

Communication: Jones House Local Historic Landmark Designation Report (Revised Draft) - Update by R. Ziegler (Jones House Local Historic

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Cover Image: The front (south) exterior of the John Walter Jones House, August 2023, image courtesy of Riley Ziegler

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Local Historic Landmark Designation Report

Jones House

Boone, Watauga County, North Carolina

I. General information

1. *Common and Historical Property Names*

   John Walter Jones House

2. *Physical Address or Location*

   604 W King St, Boone, NC 28607

3. *Tax Parcel Identification Number (PIN)**

   2900-89-5144-000

4. *Current Owner(s) Name(s)*

   Town of Boone

5. *Current Owner(s) Mailing Address(es)*

   567 West King St., Boone, NC 28607

6. *Appraised Value of the Land*[1] *(a copy of the most recent tax card will suffice)*

   1,426,500

7. *Appraised Value of the Building*

   204,460

8. *Date of Construction*

[1] "The term “appraised” is standard NC State Historic Preservation Commission (NC SHPO) language listed in their required formatting for local landmark designation reports, but the listed figures do not reflect any formal appraisal by a licensed appraiser. These figures are assessed values pulled from Watauga County tax cards, as required by the NCSHPO."

The John Walter Jones House was originally built in 1908. After the death of John Walter Jones, his wife, Mattie, added an expansion to the rear of the home. It is unknown when this expansion occurred.

9. *Historical Significance*

Areas of Significance:

Criterion B: Association with John Walter Jones (1876-1925)

Criterion C: Architecture

Period of Significance: 1908-1925

II. Brief Statement of Significance

The John Walter Jones House exterior, one of the oldest surviving, residential, Queen Anne-influenced properties in Downtown Boone, has remained largely unchanged since its initial construction in 1908. It was built as a family home for Dr. John Walter Jones, one of Boone's first physicians. The house is significant at the local level under Criterion B because of its association with John Walter Jones (in Boone from 1876 to 1925). The John Walter Jones House is also significant under Criterion C as a rare and outstanding example of Queen Anne-influenced architecture within the town limits of Boone.

The Jones House retains an impressive amount of historical integrity, given its change in hands throughout the years and its loss of many acres on the original property. The house retains its original form and appearance, sans an addition added by the wife of Dr. Jones. In select cases where new materials have been added, the materials match the original foundation of the house. While there are also important interior elements that are reflective of the Jones House's period of significance, damage

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to some of these elements has had an adverse impact on their integrity. While these interior elements are noted here for their historical importance, the proposed local landmark designation applies only to the exterior elements of the building.

The proposed designation includes the exterior of the John Walter Jones House, the house's adjoining grounds, and the two large, Civil War-era, sugar maple trees at the front (south) edge of the parcel on the bluff overlooking King Street.

III. Architectural Description

The Jones House is positioned to the east of Grand Boulevard and overlooks King Street from the north. It is a classic example of a Queen Anne-influenced building. It is a cube-shaped home featuring projecting bays on three sides and an added extension to the rear. A pyramid-shaped roof with gables to the sides and front covers the top of the building. The extension of the house is not covered by the same pyramidal roof but by a gabled roof. The exterior of the house is clad in horizontal wood weatherboard and the roof is constructed of asphalt shingle not thought to be original to the house.

The Jones House originally was sited on six acres of land. However, due to expansions made to King Street and sales of parcels of land, the Jones House is now seated on a one-acre lot with many features scattered across the lawn. The lawn at the front (south) of the house features iron-clad gates extending across the property's extreme front (south) end. Two plastic picnic tables can be found on the southeast and side (east) sides of the house. Two large, historic, sugar maple trees dating to the American Civil War period occupy the bluff over King Street at the extreme front (south) end of the property. These trees were previously part of a group of six, but have since been cut down to two due to the poor health of the other trees and reductions made to the property. To maintain the health of the trees, cables have been added to the two remaining trees to support the larger branches. A quarried stone and mortar retaining wall separates the property from the sidewalk along King Street. The lot on which the Jones House resides steeply rises about six feet above the retaining wall before leveling off.

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There are two entrances to the home: a door on the front (south) first-floor elevation and a door on the rear (north) first-floor elevation. One-over-one, double-hung sash wooden windows decorate the front (south), side (east), rear (north), and side (west) first and second-floor elevations. One of the most notable alterations to this home is the extension to the rear (north) elevation. Based on photographs of the home found in Digital Watauga's Mazie Jones Levenson Collection, we can estimate this expansion was built sometime between 1925 and 1930.[2] As Mrs. Jones frequently housed boarders after the death of her husband, it was most likely added to accommodate these boarders.



Earliest known image of the full Jones House. A notation on the back says "about 1910", but this is probably too early. Standing on the front porch looks to be Mattie with a young Mazie, so possibly 1915 or 1916. Note the open porch on the back of the house and the barn in the east yard. Image Courtesy of the Mazie Jones Levenson Collection, Digital Watauga Project.

[2] Digital Watauga Team. *Mazie Jones Levenson Collection*. Digital Watauga, 2023

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The first-floor elevation at the front (south) of the house features a semi-circular wooden porch enclosed by wooden railings that present turned spindles for decoration. This railing has been cut at the sides to allow the removal for live outdoor music and locks in place with metal latches. A double staircase constructed of wood allows access to the east end of the porch. The staircase is enclosed by wooden railings and hosts a center wooden railing, neither of which is thought to be original to the house. Six wooden column posts serve as support for the roof. The porch itself sits on a red brick support that has been covered by a white lattice. This brick is not original. It was replaced in August 1985, matching the original brick both in color and dimension. The first-floor bay features a large, wooden one-over-one double-hung sash window divided unevenly from top to bottom to provide a better view from the parlor. It is centered by two single, one-over-one, double-hung sash wooden windows on either side. A paneled wooden door flanked by another single, one-over-one, double-hung sash wooden window, provides entrance to the side (east) of the house. The wood door features three small vertical panels at the bottom and two horizontal panels above and below a square glass opening. The door frame features indents for the number 124 which has since been painted over but remain visible.

The side (west) elevation features two single, one-over-one, double-hung sash wooden windows on both elevations on the projecting bay, which shows water damage that has since been repaired and painted. The gable extending over these windows is notably off-center and includes a single, one-over-one, double-hung sash wooden window, as well as painted wood shakes underneath the gable. North of the projecting bay, the secondary elevation of the house features a single, one-over-one, double-hung sash wooden window. The first floor, on the other hand, features four wooden one-over-one, double-hung sash windows lined in a row. These windows lie at the north end of the elevation where the porch had previously been filled in. Hooks lined above these windows once held a screen or awning that no longer exists. It is unsure exactly what these hooks may have held, but the best guess is an awning to provide outdoor shade. Another noticeable feature of the front west (side) of the home is a passageway leading through the bushes to what is now the Mast General Store.

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The Jones House in the snow, after the cutting back of the embankment for the widening of King Street. 1939. Image Courtesy of the Mazie Jones Levenson Collection, Digital Watauga Project.

The rear (north) end of the house is most likely an extended addition made by Mrs. Jones after the passing of her husband. It features a shed roof portico supported by columns. The second floor presents two single, one-over-one, double-hung sash, wooden windows. These windows do not fall in line with the overarching gable above them. The gable features a single, one-over-one, double-hung sash at the center and painted wood shakes underneath. At the lower elevation, the rear (north) end of the house features a wooden door capped by a transom in the center of the first elevation. To the east of this entrance is a concrete accessibility ramp extending towards the parking lot located at the rear of the house. To the side (west), there's a wooden storage area not original to the house.

The side (east) elevation features a projecting bay in the center of the elevation, covered by an off-centered gable that features a single, one-over-one, double-hung sash,

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wooden window, and painted wood shakes underneath. The bay features three wooden one-over-one, double-hung sash, wooden windows on both the first and secondary elevations, flanked by a single, one-over-one, double-hung sash, wooden window on either side that serves as stairwell windows. To the southeast corner of the first elevation is a single, one-over-one, double-hung sash, wooden window.

IV. Historical Background

The Jones House is significant at a local level for its use in the modern day as a cultural center and as one of Boone's few remaining examples of pre-WWI architecture. It also retains added significance for its association with Dr. John Walter Jones, a prominent physician in the town of Boone and a native of Alleghany County, North Carolina. Dr. Jones moved to Boone after attending Chattanooga College of Medicine. He intended to practice medicine with Dr. Thomas Blackburn, a member of one of Boone's most prominent families. It would be through the Blackburn family that Dr. Jones would meet his wife, Mattie Mae Blackburn.

Dr. Jones and Mattie Blackburn were married in May 1907. At this time, the newlywed Jones couple began their search for a place to build their home. They would come to select six acres near Boone's commercial district, eventually revealed to be one of the oldest sites in Boone, to build their home. The site had previously been occupied by a member of the Green family.[3] It had also been home to George N. Folk, a local lawyer.[4]

Building materials for the house were obtained through the bartering of materials for medical services. The Watauga Democrat[5] reported that the house was quickly completed and that Dr. and Mrs. Jones intended to move into their newly constructed home in April of 1908. After Thomas Blackburn's move to Hickory, Dr. Jones had taken over the practice they had started together. This successful practice is what funded Dr. Jones' changes to the home to subscribe to new trends and needs. Some of these

[3] John Preston Arthur. *A History of Watauga County, North Carolina: With Sketches of Prominent Families*. Richmond, VA: Everett Waddey, 1915.
[4] Ibid.
[5] *The Watauga Democrat.* April 28, 1908.

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additions included technology such as running water, an ice house, a barn, and a stable (following the purchase of livestock).[6] Dr. Jones also invested in electricity as soon as was available. Dr. and Mrs. Jones would go on to raise two children in this home.[7]

In 1924, Dr. Jones became ill with what would be diagnosed as pneumonia. He was taken to Knoxville, Tennessee to receive treatment, but would ultimately end up dead on January 14, 1925.[8] Sales of portions of the six-acre lot of the Jones House began as early as 1920. This wasn't enough to keep the family afloat, however. Following the death of her husband, Mattie Jones began taking in boarders.[9] She would continue this practice well into the 1960s, when she became unable to handle the household chores involved with running a boarding house. The Jones House property would continue to decrease in size, with one of the most important sales being that of two and a half acres behind the house in 1939.

V. Additional Historical Background

In the 1930s, the Jones family began to go their separate ways. John Jones, Jr., son of Dr. and Mrs. Jones, joined the Navy and died in 1938 following a failed operation. Mazie Jean, daughter of Dr. and Mrs. Jones, completed her bachelor's degree at Appalachian State Teaching College and then pursued her graduate degree at other institutions. Eventually, she and her husband, Harold Levenson, would live in Greensboro, North Carolina. The Jones House continued to be used by Mr. and Mrs. Levenson as a summer home after Mattie Jones moved to a nursing home in Greensboro[10] and after her death in 1978.

The Town of Boone purchased the home in 1983 in hopes of slowing rapid development in Boone's commercial downtown district. Several restrictions were placed on the house by Mazie Levenson, including the requirement to use the property as a

[6] Rosalie Dorsey. "The Old Timey: Interview with Mazie Jones Levenson". *Mountain Living*, 1973.
[7] Ibid.
[8] *The Watauga Democrat*. January 15, 1925.
[9] Rosalie Dorsey. "The Old Timey: Interview with Mazie Jones Levenson". *Mountain Living*, 1973.
[10] Ibid.

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cultural or historic center or park. Since then, restoration work has been completed on the house to help maintain its historic integrity.

VI. Historical Significance

The John Walter Jones House is significant at the local level under Criterion B for its association with John Walter Jones, one of Boone's first physicians who was a part of Boone from 1876 to 1925. A native of Alleghany, Jones moved to Boone after attending Chattanooga College of Medicine. He practiced medicine with Dr. Thomas Blackburn, a member of one of Boone's most prominent families at that time[11], from the early 1900s until he died in 1925.

Jones purchased the six acres of land on which the home resides in 1907; construction was completed shortly after in 1908.[12] Originally, Jones ran his practice out of his home until he later moved to a professional office above the Mast General Store.[13] When Thomas Blackburn moved to Hickory, Jones took over the practice they'd built together which allowed him to earn enough to make improvements to the home. These improvements, such as running water and electricity, helped modernize the home. Some might argue that Jones' office is the most obvious and direct representation; given that the office no longer stands with a maintained historic integrity[14], the John Walter Jones House is the most obvious and direct representation of Jones' life and influence within the Town of Boone, thus justifying its designation as a local historic landmark based on their association with John Walter Jones.

The Jones House is also significant under Criterion C for its representation of the domestic architecture of historic Downtown Boone during the late nineteenth and early twentieth centuries and its distinction as the only true Queen Anne-style home remaining in Boone. There are a variety of homes in Boone that contain Queen

[11] John Preston Arthur. *A History of Watauga County, North Carolina: With Sketches of Prominent Families*. Richmond, VA: Everett Waddey, 1915.
[12] *The Watauga Democrat*. April 28, 1908.
[13] Rosalie Dorsey. "The Old Timey: Interview with Mazie Jones Levenson". *Mountain Living*, 1973.
[14] Watauga County Records: Deed Books 47-308 qne 48-519

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Anne-style elements; one such example is the Frank A. Linney House[15], noted for its wraparound porch and belonging to Frank Linney in the late nineteenth century. However, homes such as the Linney House aren't considered "true" Queen Annes, as these features were later improvements to the pre-built original building. Other homes in the Queen Anne style, such as the Green Park Inn in Blowing Rock, are not within the downtown district of Boone. The Jones house is a true Queen Anne-style home in the heart of downtown Boone in that it was originally built with features such as spindles, front-facing gables, and bay windows and maintains these features today.[16]

A few major adaptions were made to the Jones house after its initial construction, including an addition to the rear of the home by Mattie Jones after her husband's death. The ground floor to the rear of the home originally housed an open porch covered by a second-floor enclosed space with a roof. [explain evolution of change here]. These major adaptions were done tastefully. Each was constructed using materials original to or similar to those included in the home. As a whole, the home maintains exterior historic integrity in terms of design, architecture, materials, feeling, and association. The house appears largely as it did at the time of Jon Walter Jones's death and retains most of its original materials.

V. Property Included in the Local Landmark Designation

The property to be designated includes the parcel containing the John Walter Jones House, which incorporates one acre of land divided from King Street by a retaining wall and the Queen Anne-style house residing there. The house has undergone minimal exterior alterations in the years since it was sold to the Town of Boone and overall maintains its historic integrity.

VI. Bibliography/Source Citations

[15] Eric W. Plaag. *Comprehensive Architectural Survey of Downtown Boone, North Carolina, FINAL REPORT.* Boone, NC: Boone Historic Preservation Commission. February 2021.
[16] Ibid.

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The Watauga Democrat. Boone, Watauga County, N.C., 12 Feb. 1925. Chronicling America: Historic American Newspapers. Lib. of Congress. <https://chroniclingamerica.loc.gov/lccn/sn82007642/1925-02-12/ed-1/seq-7/ >

The Watauga Democrat. (Boone, Watauga County, N.C.), 05 March 1925. Chronicling America:
Historic American Newspapers. Lib. of Congress.
<https://chroniclingamerica.loc.gov/lccn/sn82007642/1925-03-05/ed-1/seq-7/ >

VII. Photographs

Riley Ziegler took the attached photos while surveying the property in August 2023

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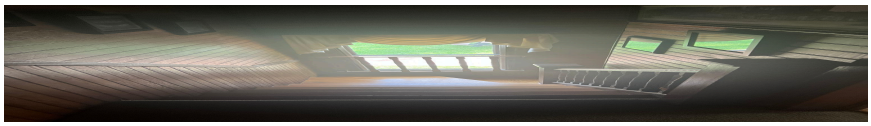


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Wording version 3.1, from Vardell
267 words including title, which leaves a little wiggle room

STONEMAN'S RAID

Riding from the west (your left) on the afternoon of March 28th, 1865, the first of almost six thousand of General Stoneman's Union Cavalry, led by Maj Myles Keog's 12th Kentucky Union Volunteer Cavalry entered town.

They surprised the Confederate Home Guard, who had been assembled at the Watauga County Courthouse, 1000 feet west of here. A shot was fired, and the Union Cavalry charged. The Home Guard fled, with several taking up positions at the home of James W. Councill, which stood directly in front of you. They fired on the advancing Union Cavalry, who returned fire, quickly ending the conflict.

Ultimately two Home Guard were killed, five injured, and 68 captured as prisoners. Stoneman's forces, which included at least 13 Union sympathizers from Watauga and surrounding counties, reported no casualties.

Union Cavalry continued to pour into town for the rest of the day, with Gen Stoneman himself briefly requisitioning the Councill house for his headquarters. The Union pastured their horses two miles southeast of here, where the CURRENT County Recreation Center is.

Most of Stoneman's cavalry quickly moved out of the mountains, with orders to avoid battles and "dismantle the country", destroying rail lines and materials that could be used by the then retreating Confederate Army, and to liberate Union Prisoners held in the Confederate prison in Salisbury.

On April 6th, Col. George W. Kirk's 2nd and 3rd NC Mounted Infantry arrived and occupied Boone for several weeks, with orders to blockade Deep, Sampson, and Watauga gaps to control major routes through the mountains. They also burned the jail, and looted the courthouse.

Recommendations for maps and graphics

1) Image of Maj Keogh (on hand)
2) Angelo Wiser map (on hand)
3) Campaign map of the SE United states with general movement and disposition of forces around the end of March 1865. The goal is to show how Stoneman's raid fit into the larger civil war and a general idea of what was happening. Big arrows on a map with a few major landmarks, state borders and a few cities.
    a) Lee's Forces
    b) Sherman's Forces
    c) Grant's Forces

    d) Stoneman's Forces
4) Hyper local simple map (a few miles radius) of Councill's Store (what is now Boone) denoting the following
    a) Main road (now King Street US 321/421)
    b) County Courthouse (same place as it is today)
    c) James W. Council House (you are here)
    d) Location of calvary pasture site off US 321
5) The general location of Deep Gap, Sampson Gap, and Watauga Gap which Kirk's forces were there to secure.
    a) This could be incorporated into item 4 above, and could be as simple as three directional arrows and labels (i.e. ----> Deep Gap) on the three main roads leading out of Boone, as each one leads to a gap in the mountains.



THE TRAIL GUIDE

★ ★ ★

New Sign Procedures

CIVIL WAR TRAILS

Civil War Trails, Inc.
P.O. Box 1862
Williamsburg, Virginia 23187

CivilWarTrails.org

757-378-5462

Civil War Trails, Inc., is a 501(3)(c)
not-for-profit educational corporation.

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid Interpretative Panel)

Adding a Site to the Civil War Trails (CWT) Program

STEP 1: Submitting Your Application

The following will be provided by the applicant:

- Proposed text of no more than 275 words, see page 5.
- Media to be included on the sign, see page 5. (photographs, sketches, draft maps, etc).
- List of community stakeholders that contributed to the text (including contact information).
- Sponsor and property owner forms, pages 3 and 4.
- Explanation of significance of proposed site. Why is the guest standing here?

STEP 2: Review by CWT Staff and Board

- CWT reviews the proposed content and media.
- The CWT team returns an edited text to the applicant and stakeholders.
- After applicant and stakeholders approve final text, the CWT team will move to design.
- The final design/layout is provided to the applicant and stakeholders as a PDF file for minor feedback/edits.

Best Practices

Civil War Trails puts the traveller in the footsteps of history. Is the reader standing where the event took place?

With a limit of 275 words, detailed troop movements can be streamlined by drafting them onto a map. Please include a rough draft of any maps that might be necessary for your panel.

STEP 3: Final Steps

- Once the PDF is approved, the CWT team schedules the installation.
- Prior to the installation, the applicant calls in utilities marking at the proposed site.
- CWT installs and coordinates any DOT work necessary.
- CWT updates all relevant fulfillment pieces to reflect the new site.
- CWT helps coordinate a press release after the installation.

Maintenance Procedures

STEP 1: Partner informs the Civil War Trails (CWT) team of needed maintenance

- Partner provides current image of CWT sign/site in question, as well as a description of the needed work.
- For signs needing revised content, partner provides suggested new text Including:
  - Proposed new text of no more than 275 words or line edits to current text
  - New media to be included.
  - List of community stakeholders consulted, including contact info.
- Partners update sponsor and property owner forms, pages 3 and 4.

STEP 2: Content Review

- The CWT team reviews the proposed updates.
- The CWT team returns comments to partner.
- After partner approves revised text, the CWT team designs the new panel.
- The final design/layout is provided to the applicant and stakeholders as a PDF file for minor feedback/edits.

Perks of Membership

The annual CWT membership fee covers both maintenance and marketing.

Maintenance requests cover both the interpretive and directional signage.

STEP 3: Final Steps

- Once the PDF has been approved, the CWT team schedules maintenance.
- Prior to the site visit, the partner calls in utilities marking at the proposed site (if the sign is being moved).
- CWT performs required maintenance.
- CWT updates all relevant fulfillment pieces to reflect any changes.
- CWT helps coordinate a press release after the work is complete.

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid Interpretative Panel)

Membership Form

(Please type or print neatly)

LOCATION INFORMATION

Name of Proposed Sign(s):

Location (physical address, GPS, and/or landmarks):

SPONSOR INFORMATION FOR INITIAL COSTS ($3,000)

INITIATING ORGANIZATION

PRIMARY CONTACT (NAME)

ADDRESS

PHONE EMAIL

SIGNATURE DATE

SPONSOR INFORMATION FOR ANNUAL MEMBERSHIP FEE ($200)

MEMBER ORGANIZATION

PRIMARY CONTACT (NAME)

ADDRESS

PHONE EMAIL

SIGNATURE DATE

I understand that should membership lapse, Civil War Trails, Inc. retains the right to remove/edit infrastructure associated with this project.

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid Interpretative Panel)

Property Owner Agreement

(Please type or print neatly)

Permission is hereby granted this _____ day of _____, 20___, by:

_____

_____

to *Civil War Trails, Inc.*, and its contractors to enter upon that portion of my/our land to install and/or maintain sign(s) as part of the Civil War Trails program. I/we understand that I/we will be contacted prior to said installation and that I/we will have the final authority as to the marker's placement and location.

I/we understand that *Civil War Trails, Inc.*, or its contractors will maintain those sign(s) as long as it remains on my/our property, is sponsored, and that the sign(s) will be moved or removed by the *Civil War Trails* team at anytime in the future if so requested by me/us or my/our successors or *Civil War Trails* should the sign sponsor/membership lapse.

_____

TITLE OF SIGN

_____

LANDOWNER SIGNATURE DATE

_____

LANDOWNER ADDRESS

_____

LANDOWNER PHONE EMAIL

_____

INITIATING ORGANIZATION SIGNATURE DATE

_____

INITIATING ORGANIZATION ADDRESS

_____

INITIATING ORGANIZATION PHONE EMAIL

_____

SIGNATURE OF SPONSOR/MEMBER DATE

_____

EXECUTIVE DIRECTOR, CIVIL WAR TRAILS DATE

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid Interpretative Panel)

Sign Style Guide

WHAT MAKES A GOOD CIVIL WAR TRAILS SITE/SIGN

- Are you standing where the event took place? If not, can you see the historic location from the proposed site?
- Why is the visitor standing here?
- Is the site welcoming?

TEXT SPECIFICATIONS/RECOMMENDATIONS.

- Sign text should be 275 words maximum, including main text and any captions, sidebars, or quotes. Submitted in Microsoft Word.
- Whenever possible, start with a sentence that places the sign in context for the reader: ie., "You are standing in the heart of 19th-century Staunton …" or "Early in the afternoon of November 23, 1862, the river in front of you was filled with celebrating Union sailors"
- Use active voice: For example: "The cavalrymen charged the artillery battery." is preferable to: "The artillery battery was charged by the cavalrymen."

MEDIA, IMAGES

- Images should be 300ppi or better.
- Civil War Trails does not pay for image rights.
- Images that are not from a public domain source may be used with permission of owner.
- Credits for images should be included: ie., "Courtesy Library of Congress" or "Courtesy Dana B. Shoaf Collection."

GENERAL BEST PRACTICES

- Does the sign fuel your imagination?
- Does it give the reader a sense of place? Does it make you look up?
- Does the stakeholder group who helped write the sign represent your entire community?
- Is the site ADA compliant?

Text Guidelines

Civil War
(not War Between the States, etc.)

African American and **Black** are both acceptable

Battle of Gettysburg, etc.
(Capitalize "B")

Siege of Chattanooga, etc.
(Capitalize "S")

Capt., Col., Lt., Maj., Pvt., Lt. Col. are the proper use

Gen. is the proper use for any rank of general

Eastern Theater, Western Theater, etc.

C.S., Confederate, Southern
(not Rebel, unless in a quote)

U.S., Federal, Northern
(not Yankee, unless in quote)

U.S. Colored Troops first reference, **USCT** thereafter



CAUGHT IN THE CROSSFIRE

★ ★ ★

Shrivers' Home Becomes Sharpshooters' Nest

PENNSYLVANIA CIVIL WAR TRAILS
CivilWarTrails.org

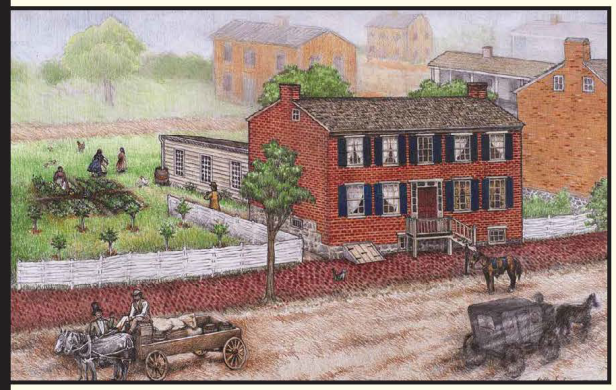
Imagine having to flee your home because the largest battle of the Civil War roared onto your doorstep. That is exactly what happened to Hettie Shriver and daughters, Sadie (5) and Mollie (3). George and Hettie Shriver moved into this new home in 1860, where he planned to establish his new business: Shriver's Saloon & Ten Pin (Bowling) Alley. War, however, soon pulled George away when he joined the Union Cavalry in 1861.

On July 1, 1863, as thousands of retreating Union troops rushed by here, Hettie sought safety at her parents' farm for herself, Sadie, Mollie, and young neighbor, Tillie Pierce. As they passed through Evergreen Cemetery, Tillie wrote Union troops warning they were "in great danger of being shot by the Rebels." After a frightful three-mile trek, they arrived at the Jacob Weikert farm, which sits at the base of Big and Little Round Tops.

Confederate sharpshooters, meanwhile, occupied the Shrivers' home, knocking holes through the south attic wall to fire on their adversaries. Eyewitnesses reported Union gunfire killed at least two sharpshooters in the attic. Hettie returned home on July 7 to find her house in shambles.



George Shriver, Hettie, and daughters Sadie and Mollie.
All images courtesy Shriver House Museum



In 1863, the Shriver House had an open yard to the south offering Confederate sharpshooters a clear view of Cemetery Hill. Today, the south side of the house is pocked with Union bullet strikes.

"My native townsmen ... had suddenly thrust upon them the most gigantic battle of modern times. They ... were totally unprepared for such an unthoughtof [sic] experience."
—Tillie Pierce, neighbor

Tour the Shriver House to learn how the family was affected by the Battle of Gettysburg. During an award-winning restoration, ammunition, medical supplies, and bloodstains were discovered in the sharpshooters' nest in the attic.

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid

CONFEDERATE ESCAPE

★ ★ ★

Union Troops Enter the Town

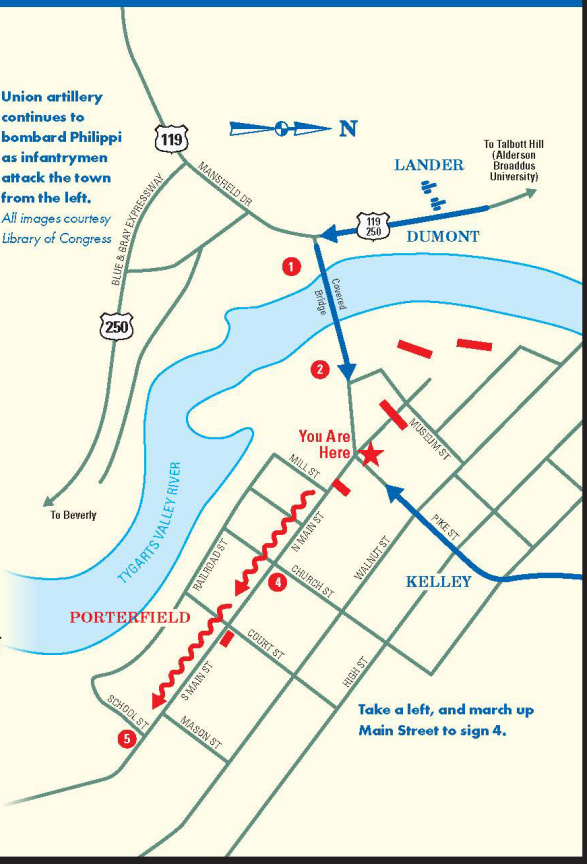
WEST VIRGINIA CIVIL WAR TRAILS
CivilWarTrails.org

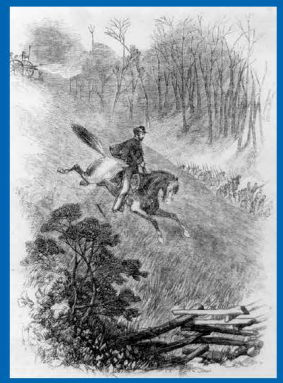
You are standing in the epicenter of the battlefield. Federal artillery shells rained down on this spot, and two Union infantry charges were converging here. Col. Dumont's 1,400 troops thundered across the bridge to your left just as another 1,600 soldiers under Col. Benjamin F. Kelley raced into town on your right.

The two columns planned to trap Porterfield's Confederate troops in Philippi.



Union artillery continues to bombard Philippi as infantrymen attack the town from the left.
All images courtesy Library of Congress





LANDER'S DARING RIDE

Col. Frederick Lander was on Talbott Hill with the Union artillery. When he saw Gen. Kelley arrive in the wrong location, Lander spurred his horse down the steep hill in front of you and dashed up Main Street to Kelley, who had already been shot. Lander then chased down and captured the man who wounded Kelley. The story of Lander's daring ride at Philippi soon found its way to Northern papers.

Kelley's troops took a train east to Thorton, to act as if they were leaving the area. His men were supposed to arrive on the east end of town to cut off the Confederate escape route, but took a wrong road and arrived here instead.

Virginia infantryman James E. Hall remembered the "shells fell thick and fast among us, wounding a few. Col. Porterfield immediately ordered a retreat." Porterfield saw an avenue of escape, ordering his Confederates to retreat to Beverly down Main St. Their pell-mell escape was dubbed the "Philippi Races."

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid



FAITH DURING WAR

★ ★ ★

A Jewish Seder in the Wilds

WEST VIRGINIA CIVIL WAR TRAILS
CivilWarTrails.org

At the top of the hill here a community came together to help Jewish soldiers keep their faith in the midst of war. In early April 1862, Pvt. Joseph A. Joel and 20 other Jewish soldiers in the 23rd Ohio Infantry asked Col. Rutherford B. Hayes, a future president, for relief from duty to observe the upcoming holiday of Passover. The request was granted, but they still had the arduous task of preparing for the week-long holiday.



Star of David, excavated from a 1862 Union camp at Stafford Heights in Virginia
Courtesy Robert Marcus

Many of the items needed to observe Passover were not readily available in West Virginia or in a military camp. The regimental sutler, possibly G.W. Forbes, was also Jewish and was able to retrieve the soldiers' order of Matzos from Ohio. The soldiers were surprised to find the sutler had slipped prayer books and Haggadahs into the boxes of unleavened bread. With these gifts in hand, the soldiers decided to build a log hut and forage for the symbolic foods and supplies to hold their Seder, a ceremonial dinner that marks the beginning of the Passover holiday.

A PROPER PLATEFUL

Each Seder dinner item symbolizes a part of the story recounting the Hebrews' liberation from Egypt. For example, Charoset, a sweet relish meant to symbolize the clay the enslaved Hebrews were forced to make into bricks. Here is the soldiers' menu.

TRADITIONAL MENU	ADAPTATIONS
Matzos	Matzos
4 cups of wine	Cider
Shulchan Orech – Passover feast	Cooked Chicken
Beitza – roasted eggs	Roasted Eggs
Zeroa – lamb shank bone	Whole Lamb
Maror/Chazeret – horseradish	Ramps (assumed)
Karpas – parsley	Ramps
Charoset – sweet relish	A brick



A sutler token from G.W. Forbes of the 23rd Ohio Infantry
Courtesy Robert Marcus

The dinner occurred on April 14, and Joel recounted his experience in the March 3, 1866, issue of the *Jewish Messenger,* saying, "there is no occasion in my life that gives me more pleasure and satisfaction than when I remember the celebration of Passover of 1862."



Pvt. Joseph A. Joel
Courtesy Rutherford B. Hayes Presidential Library & Museums

"There, in the wild woods of West Virginia, away from home and friends, we consecrated and offered up to the ever-loving G-d of Israel our prayers and sacrifice."
—Private Joseph A. Joel

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid

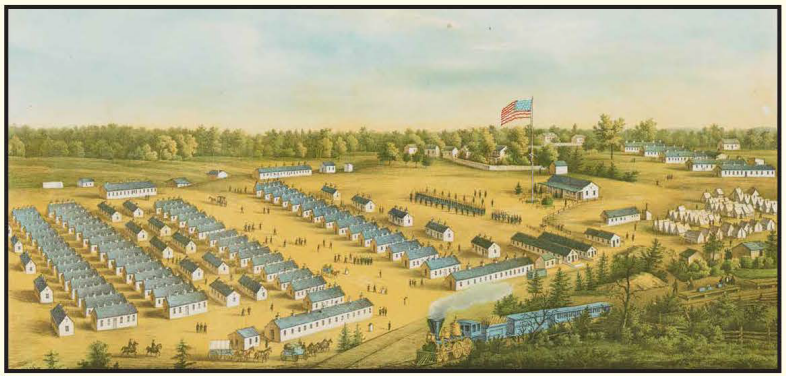
WHAT'S IN A NAME?

★ ★ ★

Parole's Civil War Origins

MARYLAND CIVIL WAR TRAILS
CivilWarTrails.org

You are standing in the midst of what was a sprawling, noisy, and congested camp of Union soldiers who were actually "paroled" Confederate prisoners. The concept of parole meant that soldiers captured in battle were sent back to their side after taking an oath not to fight until they had been exchanged for an equal number of enemy troops.



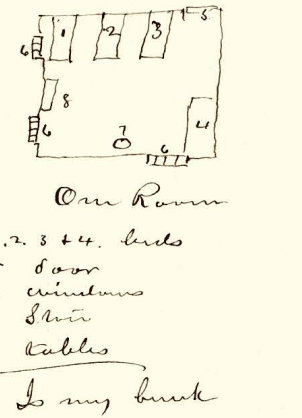
An 1864 depiction of the third Camp Parole, built on this location. You are standing where the large flagpole is located. The camp had 60 wooden barracks to hold 7,000 men, 20 kitchens, three large storehouses, a hospital, and various other buildings and tents. Most of the men held here were from New England and Middle Atlantic states.
Courtesy The Huntington Library



The photographer of this soldier stamped his name and studio on the back; "L.L. Winner, Camp Parole Station."
Courtesy Dan Toomey

Beginning in 1862, three increasingly larger parole camps were established in the area. The first two were on the U.S. Naval Academy Property and St. Johns College and the third and largest was placed at this location in August 1863. The sprawling camp held thousands of paroled prisoners, and hundreds of Union soldiers and African Americans administered the camp.

The system of parole and exchange was eliminated by 1864, and the camps disassembled when the war ended. The name Camp Parole remained attached to the community that grew here. Parole was annexed to Annapolis in 1951, its unique name an echo of its Civil War origins.



In December 1864, Lt. John W. Sturtevant sketched his barracks room at Camp Parole. His bunk is labeled "3."
Courtesy Special Collections, University of Maryland Libraries

A BOOST TO FREEDOM

Many formerly enslaved and free African American worked at Camp Parole in support positions. When Camp Parole was closed, many of these former employees used the lumber and other materials from the disassembled camp to construct homes for their families. They eked out a living as farmers and tradesmen during the difficult transition to freedom. Parole's first U.S. Post Office opened in the 1920s with a female African American postmistress.

Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid

CUSHING'S NEW RIVER RAID

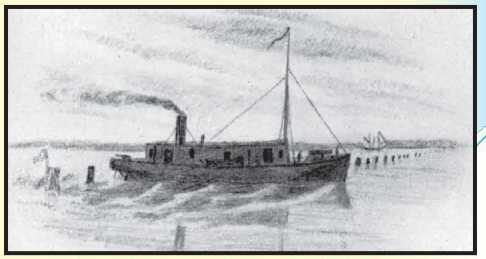
★ ★ ★

USS Gunboat Ellis

NORTH CAROLINA CIVIL WAR TRAILS ★★★ CivilWarTrails.org

Early in the afternoon of November 23, 1862, the river in front of you was filled with celebrating Union sailors. They had just completed a successful and unopposed raid on Jacksonville. Little did they know, the action had alerted local Confederate forces and their luck was about to turn.

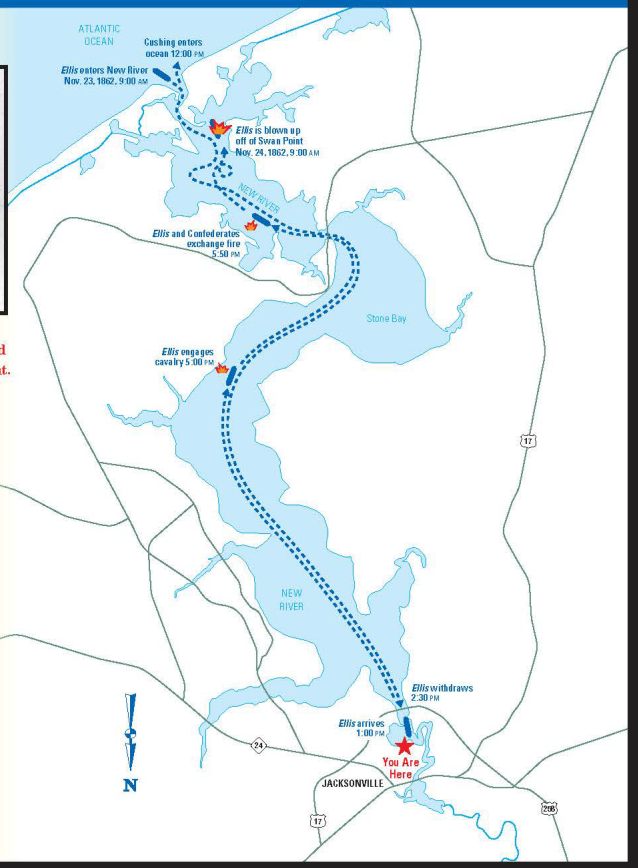
As part of the U.S. Navy's blockading efforts, Lt. William B. Cushing was stationed at the mouth of the New River in the fall of 1862. On the morning of November 23 the young, enthusiastic Lt. took his single gunboat, USS *Ellis*, and "somewhat exceeding the letter of his instructions" began an attack on Jacksonville, sinking an enemy schooner just after entering the New River. On arriving in Jacksonville, Cushing's landing party occupied the town, and seized important war materials.



USS *Ellis* began its career in 1861 as gunboat CSS *Ellis*, one of the "mosquito fleet" guarding the North Carolina coast. It was captured at Elizabeth City on Feb. 10, 1862, and converted to a Union gunboat. Drawing from Charles F. Johnson's *The Long Roll, 1861-1863* (1911).

By early afternoon, Cushing's sailors had also captured two blockade runners in port. Excited, but slowed by their prizes, Cushing's small fleet steamed back down the New River. Their getaway was spoiled a few hours later when Confederate cavalry, alerted to their presence, began firing at the *Ellis* from the shoreline. While Cushing was able to escape this attack, it was only one of many to come before he could reach the ocean.

After several Cavalry attacks before nightfall, Cushing's sailors were forced to spend the night on the river. To make matters worse the *Ellis* ran aground repeatedly. As the sun rose the next day Confederate shore batteries zeroed in, and the *Ellis* exploded at 9 A.M., leaving Cushing to retreat with only his captured prizes.



Communication: Civil War Trails Marker Program Information and Panel Examples (Stoneman's Raid

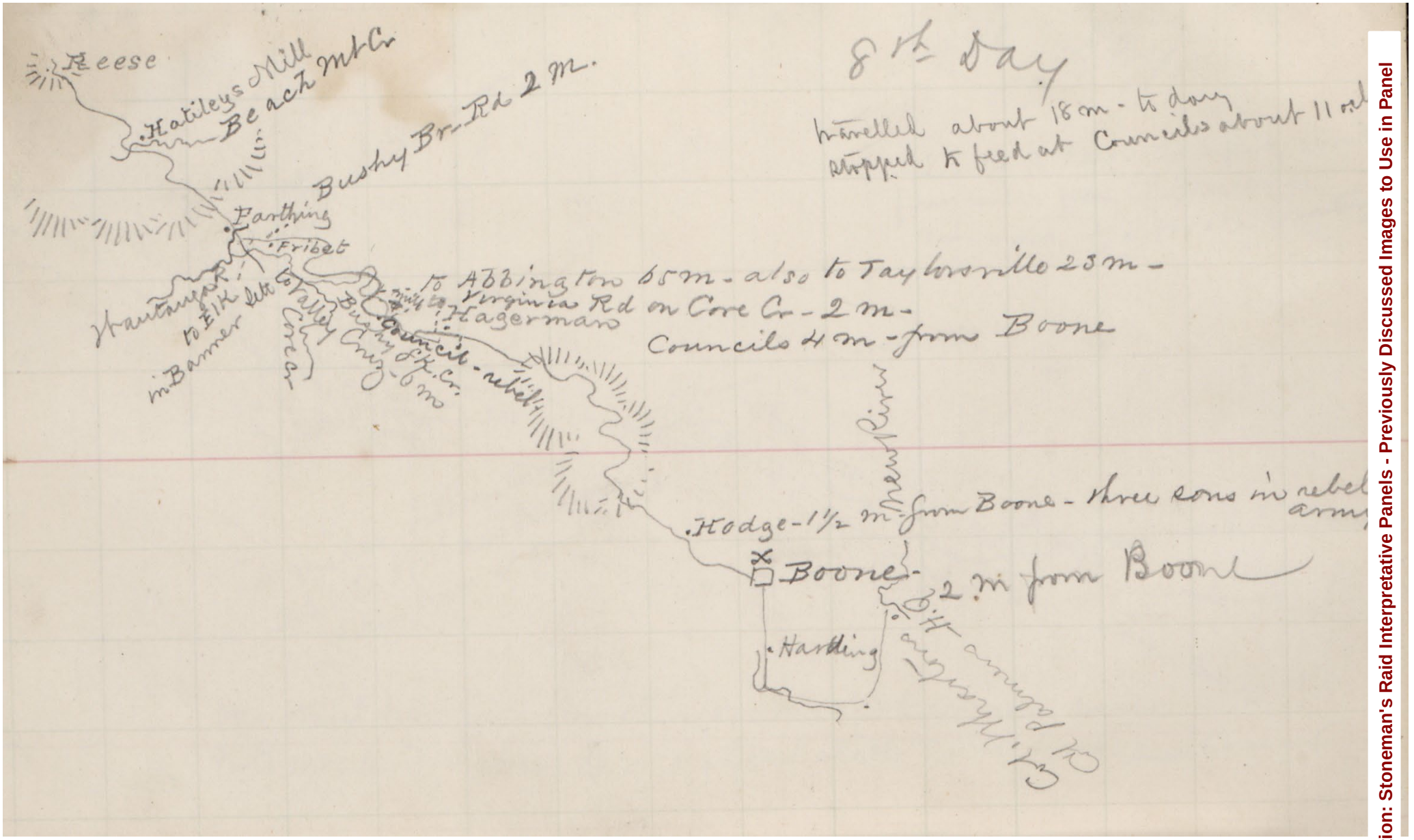


Image(s) Requested



Ebenezer E. Henry (1826–1917)
Captain Myles Keogh
1868-1870
Collodion wet plate negative
4 1/4 x 3 1/16 in.
Amon Carter Museum of American Art, Fort Worth, Texas
P1978.122.1.241

Communication: Stoneman's Raid Interpretative Panels - Previously Discussed Images to Use in Panel Design (Stoneman's Raid Interpretative



Angelo Wiser map showing Stoneman's route from Beech Mountain to Boone, March 28, 1865]
Caption: Sgt. Angelo Wiser's map of Stoneman's route from Beech Mountain to Boone. Image courtesy of the Library of Congress.

Communication: Stoneman's Raid Interpretative Panels - Previously Discussed Images to Use in Panel

Resolution Honoring the Service of Dr. Charles Alan Watkins to the Town of Boone's Historic Preservation Commission

Whereas, Dr. Charles Alan Watkins, known by colleagues as Chuck, born in Wilkes-Barre, Pennsylvania, and moved to and grew up in Wilmington, Delaware, graduated from Mars Hills College and received a Ph.D. in History from the University of Delaware, and was a resident of Boone joining the Department of History faculty at Appalachian State University in 1984;

Whereas, Dr. Watkins initiated important Appalachian State University curricula for the Applied History program and the Appalachian Cultural Museum, and taught graduate courses in Architectural History at Salve Regina University, Newport, Rhode Island;

Whereas, Dr. Watkins participated in impactful history programs at Appalachian State University including the Newport Program, historic traveling tours with the Appalachian Cultural Museum to historic sites such as Savannah, Georgia, Charleston, South Carolina, Newport, Rhode Island, and Boston, Massachusetts;

Whereas, Dr. Watkins served since the inception of the Historic Preservation Commission in 2007 to 2023 as a professional historian with his vast knowledge of history and architecture;

Whereas, Dr. Watkins, in his position with the Historic Preservation Commission, was instrumental in the designation of the Downtown Boone Post Office and other local historic landmarks and local historic sites, the Historic Preservation Commission's recognition of the Junaluska Community, and the study and establishment of the Downtown Boone Local Historic District; and

Now, therefore, be it the members of the Historic Preservation Commission remind Town Council that Dr. Watkins' tribute to the Town of Boone is in the legacy of the Historic Preservation Commission with his knowledge of places has framed his understanding of historic preservation in Boone.

This the ____ day of_____, 2024.

_____
Vardell Smyth, Chair

ATTEST:

_____(SEAL)
_____, Board Secretary

DRAFT

Communication: Draft Resolution for Chuck Watkins (Resolution for Former HPC Member Chuck Watkins)

Boone Historic Preservation Commission
Local Landmark Designation Report

R. L. Clay House
(Rivers House)



Prepared by Ellie McCorkle
with assistance from the
Boone Historic Preservation Commission
July 2023, Final Draft,
January 2024, Final Revised

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

R. L. Clay House (WT0530)

I. General Information

A. Common and Historical Property Names
   1. R. L. Clay House (Ca. 1933-1945)
   2. R. C. Rivers House (Ca. 1945-Present)

B. Physical Address or Location
   1. 150 Clay House Dr., Boone, NC 28607
      a. North (primary) elevation faces Rivers Street

C. Tax Parcel Identification Numbers (PIN)
   1. PIN: 2900-78-3934-000
   2. PIN: 2900-69-9070-000
   3. PIN: 2900-79-0308-000

D. Current Owner Name
   1. The current owner is the Town of Boone and has been since the donation of the house and related properties beginning in 1998. There was a life tenancy included with the house deed, but this person left the house permanently in 2011 and no longer survives. It has been uninhabited since and used for storage.

E. Current Owner Mailing Address(es)
   1. 567 West King Street, Boone, NC 28607

F. Appraised Value of the Property (2022)
   1. PIN 2900-78-3934-000: Total value $682,200. Land value is $55,300 and building value is $626,900.
   2. PIN 2900-69-9070-000: Land value is $821,100.
   3. PIN 2900-79-0308-000: Land value is $108,600.

G. Date of Construction
   1. House: Circa 1933
   2. Garage: Before 1940 (perhaps 1933)

H. Historical Significance
   1. Criterion B: Association with Significant Person(s), 1945-1998
   2. Criterion C: Architectural Significance, 1933-1940

I. Statement of Property Designation:
   1. The proposed boundaries of the designation follow the surveyed boundaries for all listed parcels: 2900-78-3934-000, 2900-69-9070-000, and 2900-79-0308-000. These parcels include the house, the garage (interior not included for the house and garage), a portion of the drive leading to the house and garage (Clay House Drive), the Daniel Boone Monument/Rivers Park, land along the ridgeline to the north and northwest of the house, “Rachel’s meadow,” and “Baby,” the North Carolina state champion sugar maple. See pages 8 and 9 for further information.

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

The original report drafted by Ellie McCorkle was substantially revised and edited into this final version by the following members of the Boone Historic Preservation Commission: Elizabeth Bond, Eric Plaag, James Sharp, Charles Watkins, and Riley Ziegler. January 2024 modifications were edited into this final version by the following members of the Boone Historic Preservation Commission: Elizabeth Bond, Vardell Smyth, Krystal Carter, and Jerry Williamson.

The 1950 cover image of the R. L. Clay House, taken from the northeast, is used courtesy of the Palmer Blair Collection, Digital Watauga Project.

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

II. Brief Statement of Significance

The R. L. Clay House is proposed for designation as a local historic landmark due to its high level of local significance for its association with several members of the Rivers family who were influential in the history of the Town of Boone. Members of the Rivers family resided in and owned the home for more than 50 years as they operated and published the local newspaper, the *Watauga Democrat*. R. C. Rivers, Jr., ran the *Watauga Democrat* for 42 years, 30 years of that while residing in this home. Rachel Rivers-Coffey, the granddaughter of R. C. Rivers, Sr., and daughter of R. C. Rivers, Jr., was raised in the home before she took over the *Watauga Democrat* following her father's death in 1975 and continued to run the paper until 1994. She and her husband Paul Armfield Coffey donated the property to the Town of Boone in 1998.

The R. L. Clay House is also locally significant for its architecture. The one and a half-story R. L. Clay House with its subdued, Colonial Revival influences was constructed using native stone and completed circa 1933. Its use of native stone is an early local example of a popular trend that accelerated with the Works Progress Administration (WPA) funding of the construction of other Colonial Revival, native stone buildings during the mid to late 1930s. Also included as a contributing resource in this designation is the two-story, native stone garage to the southeast of the home, which was likely constructed simultaneous to the house and certainly before 1940. There is a prize sugar maple tree, "Baby," that straddles two of the parcels within the boundary to the northwest of the R. L. Clay House. At the northeast end of the boundary is Rivers Park, a stone monument area built in 2005 containing a reconstruction of historic Daniel Boone Monument that originally stood several hundred yards to the southeast. The parcels proposed for designation continue to provide historic context for the close relationship the Rivers family had to the town and community of Boone.

Three of seven legal parcels in this vicinity that are owned by the Town of Boone are proposed for designation, all three of which were associated with the Rivers family from at least the mid 1940s. The Town of Boone acquired all three parcels through donations by Rachel Rivers-Coffey and/or Paul Armfield Coffey. This is not all of the land once associated with the property, as some of the original Clay and Rivers holdings were either subdivided or sold off, then developed by private individuals and companies. The other four nearby parcels owned by the Town are either noncontiguous to the boundary parcels or not historically associated with the Rivers family.

III. Architectural Description

The R. L. Clay House is a one and a half-story, side-gabled home with a native, cut stone exterior, and it features subdued, Colonial Revival influences. It is three bays wide and built to face north, toward present-day Rivers Street. The house sits perpendicular to another street historically known as South Water Street (recently renamed Burrell Street). Access to the property is via a long, circuitous driveway, known as Clay House Drive, located off of Moretz Drive to the southeast. The property retains a one and a half-story, two-bay garage that also features a native, cut stone exterior. This garage is located at the end of Clay House Drive and just southeast of the house. Walkways, outside stairwells, retaining walls, and curbing throughout the property are also of native, cut stone and are apparently part of the original

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landscaping plan. The roof of the house, until recently, was composed of asbestos shingles designed to resemble slate, but these were probably not original. These shingles were removed in 2015 and replaced with more traditional asphalt shingles.

The north (front) façade of the R. L. Clay House features an irregular, front-gabled porch entrance that is reached by stone steps with stone cheek walls. The entrance to the porch features a flat arch lintel with a gothic-style light above, and the interior of the porch includes a stone bench on the east side of the porch with two rectangular window openings on either side of the porch. Wood weatherboard was used for the interior porch ceiling. The main entrance features a twelve-light, wooden door that is protected by an aluminum screen door. This entrance, while intended as the front door to the home, is no longer used for interior access by the Town of Boone. Immediately to the east of the porch is a prominent, exterior chimney of native stone with alternating steps that narrow the chimney as it rises. There is a pale, stone diamond in the center of the chimney, an architectural detail that is continued throughout the design of the home, interior and exterior. The chimney includes a pronounced concrete cap with brick piers at its four corners. Further to the east of the chimney and porch on the first floor is a double set of six-over-six, double-hung sash windows with a wooden surround, aluminum storm windows, and stone sills. Beyond this to the east, the first floor of the north elevation opens to a square, interior porch with stone flooring and walls as well as a wooden weatherboard ceiling. This is all anchored to the footprint of the house by a stone column at the northeast corner of the porch.

The porch includes one wooden doorway along the interior south wall at the southwest corner of the porch, with another similar door at the same corner along the west wall of the porch. This west wall entrance is currently used as the main entrance by the Town of Boone. Both doors are covered with aluminum screen doors. To the north of the second door, still on the west wall of the porch, is a single, six-over-six, double-hung sash, wooden window with a wooden surround, a stone sill, and an aluminum storm window protecting it. A gothic light fixture hangs at the center of this interior porch space; some of the glass panels in this fixture are broken and missing.

Visible under each window grouping on the north elevation are two basement-level vents. The west side of the north elevation has a triple bay of six-over-six, double-hung sash, wooden windows with wooden surrounds and a stone sill. All three are covered with aluminum storm windows. The second floor of the north elevation features two projecting, symmetrically spaced, gabled dormers, each clad in weatherboard on their sides and what appear to be shingles on the gable fronts. This shingle material may be of asbestos that has since been painted. The dormers include prominent cornice returns with double sets of six-over-six, double-hung sash, wooden windows with wooden surrounds and aluminum storm windows over them. Small vents are visible just below the apexes of these dormer gables.

The first floor of the west elevation, reading from north to south, is primarily of native stone and includes a single, six-over-six, double-hung sash, wooden window with an aluminum storm window covering. A short distance to the south is an identical window. Near the center of the elevation, but offset slightly to the south, is a smaller, double window group of six-over-six, double-hung sash, wooden windows with a wooden surround, stone sill, and aluminum storm window coverings. A short distance to the south of this is a single window that is otherwise

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identical to those found in the double window grouping. Just above this window, the south end of the gable roofline abruptly evens out to accommodate an enclosed porch that includes another double set of windows identical to those at the center of the west elevation, with a small amount of the same asbestos shingle treatment visible between the tops of the windows and the roofline, while the bulkhead below the windows is parging over an unknown material (possibly concrete block). At ground level are three basement vents with stone lintels and stone window wells. The second floor of the west elevation includes a double set of the windows at an intermediate size between the small and large examples found elsewhere on the west elevation, but otherwise identical in their design and treatment. This set is centered underneath the west gable. The roofline of the west gable includes an aluminum, boxed soffit that sports an oddly shaped cornice return at the northwest corner of the house and at no other corner.

The south elevation of the house is irregularly shaped. Reading from west to east, the first floor of the south elevation is dominated by the three-season enclosed porch that runs nearly to the center of the back of the house. This porch continues the previously described, parged bulkhead treatment, with a centered, four-light door with an aluminum storm door over it; this door is flanked by double sets of windows like those found on the west elevation of this porch. For reasons that are not clear, the roofline of this porch steps down near its junction with a second-floor window, perhaps in an effort to not block that window. The east return wall of this rear porch repeats the asbestos shingling for a short distance below the roof slope, with the bulkhead treatment taking up the whole east return wall. At its base is a set of stone steps with a stone stairwell wall leading down to a basement door with an aluminum storm door. This door is not visible from the interior of the basement, indicating that it leads to a separate storage space under the home. Above this, along the main body of the house, is a double set of large, six-over-six, double-hung sash, wooden windows with a wooden surround, stone sill, and aluminum storm windows. Above this, the second floor of the main block of the house reads as a wide dormer. At its center is a medium-sized, double window grouping otherwise identical to those found elsewhere with a single window of similar size just to the west, over the stepped-down porch roof. A much smaller window, also otherwise identical, is visible to the east of this centered, double window group. This wide dormer features wooden weatherboard on the west and east sides of the dormer. A stone interior chimney rises from a high point of the south-facing roof at a junction with the west side of the south dormer, while another interior chimney rises from the east side of the south-facing roof, separated by a short distance from the south dormer.

Back at the first floor level is another projection at the southeast corner of the house, with a small, single, one-over-one, horizontal light, wooden window with a stone sill and aluminum storm window over it on the west elevation of this projection. A large, single window like most of the others on the house is centered on the south elevation of this southeast projection. Along this south elevation of the house about ten feet from the back of the house is a long, stone retaining wall that runs parallel with the house to a set of stone steps with a stone cheek wall and an iron railing just beyond the southwest corner of the house. This retaining wall continues a short distance, parallel with the west elevation of the house.

The first floor of the east elevation, moving from south to north, includes a large window like those found elsewhere, followed a short distance to the north by a large, double window group like those found elsewhere. A short distance to the north of this is a set of stone steps with stone

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cheek walls on each side and an iron railing along the top of the north cheek wall. This set of steps leads to the aforementioned open, interior porch at the northeast corner of the house. The second floor of the east elevation features a medium-sized, double set of windows identical to those on the west elevation, centered just below the gable. A boxed, aluminum soffit terminates in prominent cornice returns at both ends of the roofline. Leading away from the porch steps is a cut stone pathway, with the iron railing continuing along its length. This terminates at a step down to the asphalt driveway of Clay House Drive, which is itself bounded on its west and south sides by a low, stone retaining wall.

At the southeast end of this driveway is a detached, front-gabled, one and a half-story, two-car garage of cut stone. Its north elevation includes two symmetrically spaced, garage bay doors of vertical wood slats, with a large, six-over-six, double-hung sash, wooden window with wooden surround and stone lintel centered beneath the gable. The roofline includes an aluminum, boxed soffit that terminates in prominent cornice returns. The west and east walls of the garage are essentially featureless stone while the south elevation, which is built partially into the grade, includes a set of wooden steps rising to the upper level of the garage, which is accessed via a wooden door with a deep wooden surround. The roofline on this gable end also includes an aluminum, boxed soffit that terminates in prominent cornice returns.[1]

There is a low, creekstone retaining wall along the sloping edge of the north portion of the property, facing Rivers Street. The wall was likely more prominent when first constructed but has since been obscured by overgrowth and has partially collapsed. It appears to have been placed to aid in landscaping for the rhododendrons that grow along its top.

On the northeast corner of the larger parcel (2900-69-9070-000) being designated there is a monument and small park, Rivers Park, that is included in the proposed boundary. The monument feature, known as the Daniel Boone Monument (WT0567), is a stone obelisk with a pinnacle of either parged stone or concrete, capped by a rough stone finial; together, they stand approximately 25 feet tall. This monument is a replica of one built twice before and originally meant to denote where a cabin once stood that local legend alleges may have been inhabited seasonally by Daniel Boone in the late eighteenth century.[2] Commemorative tablets from the original monument are mounted within the base of the present iteration of the obelisk. Surrounding the monument is a native stone, circular wall, bisected by entries at the east and

[1] Almost the entirety of this architectural description is taken, with minor adjustments, from Eric W. Plaag, et al, "Comprehensive Architectural Survey of Downtown Boone, North Carolina," (Boone, NC, February 2021), 97-101, http://www.townofboone.net/DocumentCenter/View/1334/Comprehensive-Architectural-Survey-of-Downtown-Boone-North-Carolina-2021.

[2] The original version of this monument stood on the north side of the intersection of Stadium Drive and Rivers Street, near the present Daniel Boone and Dogs statue. This original version was composed of rough-cut, stone blocks with a pyramidal cap of concrete that tapered in a phallic, pyramidal spearpoint. In 1968, the monument was deconstructed and moved approximately 50 yards to the east to a point just northeast of the former location of Justice Hall dormitory, just southeast of Stadium Drive, where it was reconstructed in April 1969. This reconstruction used entirely different materials and was proportioned differently in terms of overall height and the proportions of its cap. This version was demolished in 1994. After rescuing the original engraved tablets from the original monument, the Town of Boone reconstructed the monument at Rivers Park in 2005. For more on this feature, see Plaag, "Comprehensive Architectural Survey," 101-02, from which much of the description in this note is taken.

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west ends. Portions of the south portion of the perimeter wall are stepped with the terrain, and all elements of the wall are capped by a concrete slab. Additional commemorative plaques are adhered to the south portion of the perimeter wall.

No significant archaeological features are known to be on the property at this time.

Integrity

The association between this property and the Rivers family is undivided and uninterrupted during the period of significance and more broadly during their lifetimes until the property was transferred to the Town of Boone for its protection in the late 1990s. The house and garage have never been moved and are still associated with much of the original acreage the Rivers family would have enjoyed while residing at the property. The design of both the residence and the garage is original and still retains the original features that make both buildings architecturally significant. The alteration of the south porch of the residence from an open to an enclosed porch appears to have occurred during the 1970s, and while the materials used for this porch do not match the stonework of the rest of the house, this is a relatively minor change to the tertiary elevation of the house, so the impact on material and design integrity is minimal. The exterior cladding materials of both the home and the garage are original and in good condition, and they continue to reflect the workmanship of the home's skilled mason, John L. Hickerson (see significance section). The roof was replaced recently on both the house and the garage, but the materials selected generally match the appearance of the original materials. The aluminum storm windows are not original to the home and are in fair condition; this reversible application serves to protect the original windows that are still in place. As far as setting, much of the property is still characterized by the thick forest that remains to the north and west of the home, and "Rachel's Meadow," a bowl-shaped feature to the west and southwest of the home, still retains its topography. Taken together, the landscape and building resources of the property continue to convey the historic feeling of the 1930s, when the home was first built, and the 1940s through the 1990s, when members of the Rivers family resided here. As the home, garage, and surrounding landscape have remained largely unchanged, excepting the south porch of the house, there is little that detracts from the integrity of the property and its building resources.

Boundary Justification

The proposed boundaries of the designation follow the surveyed boundaries for all listed parcels: 2900-78-3934-000, 2900-69-9070-000, and 2900-79-0308-000.[3] These parcels include the house, the garage, a portion of the drive leading to the house and garage (Clay House Drive), the Daniel Boone Monument/Rivers Park, land along the ridgeline to the north and northwest of the house, "Rachel's meadow," and "Baby," the North Carolina state champion sugar maple. The combined acreage for the boundary amounts to 9.54 acres of the original 13 to 15 acres associated with the home under the Rivers' ownership. While this does not include all of the property that was once associated with the Rivers family during the Rivers occupancy, it does include all pertinent

[3] Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494; Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 496; and Armfield Coffey, personally and as Executor of the Estate of Rachel Rivers-Coffey, to Town of Boone, 26 January 2000, Book of Record 553, Page 297 (Tract III). All references are from the Watauga County Register of Deeds.

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buildings associated with the home and its human inhabitants, and the associated parcels are contiguous, making for an uninterrupted boundary. The proposed boundary parcels surrounding the home and garage provide context for understanding the use of the property by those who lived in the home during its historically significant periods in the mid-twentieth century.

The first of these parcels, 2900-78-3934-000, contains the R. L. Clay House, the garage, and part of Clay House Drive. It totals 0.26 acres. The second parcel, 2900-69-9070-000, is located to the northeast, north, west, and south of the house parcel and contains Rivers Park, the reconstructed Daniel Boone Monument, and what was once the horse pasture ("Rachel's Meadow") for the horses owned by Rachel Rivers-Coffey. It totals 8.15 acres. This parcel and/or the third parcel slightly to the northwest (2900-79-0308-000) contains "Baby," a champion sugar maple registered with the North Carolina Register of Big Trees.[4] This last parcel contains 1.13 acres.

In total, there were seven parcels historically associated with the Rivers family in this vicinity. The smaller parcel to the southeast (2900-78-3881-000) was donated to the Town of Boone by Paul Armfield Coffey in 2004. This parcel originally contained the small frame house that appears to have been the original R. L. Clay House that previously stood on the 1933 Clay House site but was moved in late 1932 to make way for construction of the newer stone residence.[5] This house was burned and then demolished by the Town of Boone on May 30, 2015, as part of a firefighting training exercise after attempts to sell or relocate the house failed.[6] Because the Rivers family did not control this parcel until 1984, it is not included in the designation boundary. Three other parcels (2900-69-6458-000, 2900-69-4353-000, and 2900-69-8483-000) to the west and northwest do not adjoin the parcels proposed for designation or were not originally part of the Rivers holdings; they are thus excluded from the proposed boundary.

IV. Historical Background

John L. Hickerson (ca. 1889-1938)

Completed in 1933, the R. L. Clay House was the work of a prominent, Black stonemason and contractor, John L. Hickerson (ca. 1889-1938), a Yadkin County native who relocated to Boone about 1920. He was married to Sallie Shearer Hickerson and had no children. In October 1930, Hickerson and his wife took out a deed of trust along with two of his wife's family members on the lot at the northwest corner of present-day Church Street and North Street, although this property originally appears to have been purchased by the other three parties in 1924, without Hickerson's participation, suggesting that this was the Shearer residence where Hickerson lived

[4] Direct access to "Baby" is prohibited by the presence of a tall, aluminum, decorative fence around the base of the tree, and aerial GIS maps with parcel lines place the fenced area around the tree on both parcels (9070 and 0308).
[5] "Local Affairs," *Watauga Democrat*, 1 Jun 1933: 5.
[6] Josiah Clark, "'Nearly Once-in-a-Lifetime Opportunity" for Public to Watch House Burning Last Saturday," *High Country Press,* 1 June 2015, online, https://www.hcpress.com/front-page/boone-fire-department-burns-down-old-white-house-at-rivers-park-to-demonstrate-the-dangers-of-house-fires-in-a-nearly-once-in-a-lifetime-opportunity.html.

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with his wife and in-laws following their marriage.[7] Little else has been documented about Hickerson's private life.

Hickerson built the R. L. Clay House for Robert Luther "R. L." Clay (1889-1945) in 1933, and it's likely that his work also included the stone garage on the property, given that the stonework there closely resembles the stonework found on the house.[8] Hickerson was considered "renowned for his masonry work throughout Boone in the 1920s and 1930s."[9] A single-family dwelling built of native stone by a local, Black mason was not unusually notable in North Carolina at the time, as there were many non-White laborers engaged in the building trades throughout the state during the early twentieth century. Hickerson, however, is the only Black brick mason listed in the 1930 US Census for Watauga County, North Carolina, suggesting that he possessed a unique set of skills among his Black peers for that time period.[10] In particular, the local press noted Hickerson for the quality of his work and for leading his own team of laborers, indicating that he would have been in high demand by those who could afford to create such homes during the Great Depression.[11] In June 1934, a year after Hickerson completed the R. L. Clay House, "Mr. Ed Luttrell of Shulls Mills [was] erecting a nine-room stone dwelling…. J. L. Hickerson [was] taking care of the masonry." Hickerson also apparently teamed with a prolific local White contractor, Wiley Gordon "W. G." Hartzog (1885-1976), as the primary brick or stone mason on a number of local projects during the 1920s and 1930s.[12] Hickerson was also credited with completing the masonry work on "almost all the newer brick structures of the town," including the First Baptist Church auditorium (WT0611, 1936), the Rivers Printing Company Building (WT0585, 1937), the second Newland Hall dormitory on the Appalachian

[7] Etta Shearer and Lola Shearer, J. L. Hickerson and Sallie Hickerson, to John E. Brown and J. M. Hodges, 30 October 1930, Deed of Trust Book 39, Page 57; and A. E. South and Mae Bell South to Ella Shearer, Lola Shearer, and Sallie Shearer, 11 March 1924, Deed Book 31, Page 486. A frame house is visible at this location in a 1950 aerial image (Pal-Bla-02-002) by Palmer Blair but no longer stands today. This image is visible at http://digitalwatauga.org/items/show/6030.

[8] "Real Estate Trade Active: Many Building Projects," *Watauga Democrat*, 29 June 1933: 1; "Local Affairs," *Watauga Democrat*, 1 June 1933: 5; and "John Hickerson Dies on Sunday," *Watauga Democrat*, 13 October 1938: 1.

[9] Plaag, et al, "Comprehensive Architectural Survey," 50.

[10] See Ancestry.com, "Watauga County, North Carolina," *1930 United States Federal Census,* [database online], (Provo, UT: Ancestry.com Operations, Inc., 2002). The 1930 Census listed dozens of Black laborers in Watauga County, most described as being odd jobbers of farmers. There was also a large contingent of Black laborers from the Watauga County State Prison Farm who were apparently leased out as construction workers. None of these other individuals, however, appear to have possessed sufficient training and experience to have been labeled as a skilled mason.

[11] The most prominent White masons working in Watauga County during the 1930s were probably Earl, Clarence, and Leslie Lyons, three contractors with deep roots in Watauga County. See Eric Plaag, "Watauga County Historical Society Announces the Lyon Brothers as Next Inductees to the WCHS Hall of Fame," Watauga County Historical Society, 30 June 2022, online, https://www.wataugacountyhistoricalsociety.org/blog-1/2022/7/1/watauga-county-historical-society-announces-the-lyons-brothers-as-next-inductees-to-the-wchs-hall-of-fame. For an account of a laborer who worked for Hickerson, see "Leroy Kirkpatrick, Sr., 1910-1993," *Junaluska: Oral Histories of a Black Appalachian Community*, Edited by Susan E. Keefe, (Jefferson, NC: McFarland and Company, 2020), 68.

[12] "Much Building Now Going on in County," *Watauga Democrat*, 14 June 1934: 1.

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State Teachers College campus (masonry in 1938, completed in 1939), and the Appalachian Theatre (WT0609, 1938).[13]

The R. L. Clay House in an Architectural Context

The R. L. Clay House was built in 1933 of native stone, a material that was not readily available in Boone until after the arrival of the Linville River Railway in October 1918.[14] Before the mid-1930s, few private homes were constructed using native, cut stone, and the few stone buildings that did exist in Boone prior to 1933 tended to be constructed from stacked fieldstone in mortar or roughly cut fieldstone. Two such Boone buildings were the Advent Christian Church (WT0577, 1926), constructed from native graystone, and the original Linney Law Office (WT0587, 1923), featuring stacked "surface rock."[15] Institutional building schemes also occasionally incorporated stone construction, such as the 1928 project to build several cottages at the Grandfather Orphans Home in Banner Elk.[16] Another such project just outside Watauga County was a four-story, native stone hospital built in Banner Elk in 1930 by the same people who constructed stone buildings on the Lees McRae campus in 1926.[17] As a residential building material, however, native stone appears to have been used somewhat rarely in single-family dwellings before the mid 1930s. Among the few early examples were a handful of summer cottages built at Blowing Rock in 1913 and Ben Smith's bungalow built near Appalachian State Teachers College in 1927, better known as the Bushnell Cabin (WT0522). Another example was Dr. R. C. Ellis's summer home built on Orchard Street (WT0546) in 1927 by local contractor Will Hodges. Another such home was the Howard Miller House (WT0509) on Delmar Street, presumed to have been built about 1930. None of these examples rivals the R. L. Clay House in size or architectural sophistication.[18]

The construction of the stone residence for R. L. Clay in 1933, however, marked the beginning of a new and popular trend that continued throughout the middle and late 1930s. In the summer of 1934, for example, single-family, stone dwellings were being built in the Boone area for Professor J. A. Williams near the Appalachian State campus, R. T. Greer on Boone Trail

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[13] "David Horton," *Junaluska*, 107. B. G. Teams was the contractor on the Rivers Printing Company building, suggesting that Hickerson was subcontracted to lay the brick. See Plaag, et al, "Comprehensive Architectural Survey," 110-11; and "John Hickerson Dies on Sunday," *Watauga Democrat*, 13 October 1938: 1.

[14] For a history of the Linville River Railway, see John R. Waite, *The Blue Ridge Stemwinder,* (Johnson City, TN: Overmountain Press, 2003).

[15] The Advent Christian Church is frequently attributed incorrectly to 1920; it was actually completed in 1926. See "Advent Christian Church to Open," *Watauga Democrat*, 19 August 1926: 1. Regarding the Linney Law Office, see "Local Affairs, Town and County," *Watauga Democrat*, 6 December 1923: 5. For all survey-referenced properties, see the survey files listed by number, which are held by the NC State Historic Preservation Office in Asheville, NC.

[16] "Banner Elk News," *Watauga Democrat*, 19 July 1928: 1.

[17] "New Hospital at Banner Elk Is Near Completion," *Watauga Democrat*, 24 July 1930: 1.

[18] "Blowing Rock in Brief," *Watauga Democrat*, 1 May 1913: 2; and "The Tattler," *Watauga Democrat*, 7 July 1927: 5. Smith built the Bushnell Cabin using stone quarried from a mountain a short distance away on Highway 105; no mortar is visible in the stonework. Regarding the Ellis summer house, see "Local Affairs," *Watauga Democrat*, 4 August 1927: 4. The Ellises spent just one summer in the house after its completion, then routinely rented it out and stayed at the W. H. Gragg House on Gragg Street as boarders in subsequent summers. See "Local Affairs," *Watauga Democrat*, 10 July 1930: 5. Regarding the Howard Miller House, the property was actually sold by J. E. and Nannie Edmisten to Charles and Bettie Lou Wilfong in 1951 (Deed Book 70, Page 161), with no predecessor deed listed or found, long before Miller's ownership. Its construction date has not been independently verified.

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Highway (now US 421), Charles T. Zimmerman in Daniel Boone Park (224 Grand Blvd.), James E. Holshouser, Sr., (WT0544) in Daniel Boone Park, Owen Wilson on the western end of King Street, and H. L. Lyons near the Lovill House at the west end of Boone.[19] Of these, the Holshouser house is probably most analogous to sophistication and size to the R. L. Clay House and was built a year later. It features stone quarried from Shulls Mill; this stone is not cut to provide a flat finish, as at the R. L. Clay House, and instead features boulders that provide a distinctly different appearance. The house also includes unusual Gothic-style features.[20] Ernest Banner of Banner Elk is credited as the mason for this home.

Other stone homes quickly followed during the 1930s. The W. Ralph Winkler House (WT0515) on Blowing Rock Road also features stone masonry and is attributed to Midas Wheeler as stone mason in 1936. Unfortunately, numerous additions and alterations have destroyed the architectural integrity of this property. That same year, Wheeler was also reportedly the stone mason for the construction of the W. F. Miller House on Cherry Drive (WT0539). This home is smaller than the R. L. Clay House, and additions to the house in the late twentieth century have adversely impacted the integrity of the property. In 1937, Guy Hunt reportedly had his home built on Orchard Street (WT0547), with the masonry conjecturally attributed by the surveyor to the Lyons brothers. The Hunt house compares favorably with the R. L. Clay House but appears to postdate its construction. About 1938, yet another stone home with a rock garage was completed nearby for Herman W. Wilcox on present-day Wallace Circle (WT0548). Unfortunately, several late twentieth-century additions have marred the integrity of this property.

The popularity of stone construction in domestic architecture aligns with the introduction of the Works Progress Administration programs of the mid-1930s, which were designed to ease the effects of the Great Depression. In Boone and Watauga County, four schools of stone construction were completed using WPA funding in 1937 alone, and at least six other stone buildings were completed for the local community, county government, and the Appalachian State Teachers College in Boone in 1938 and 1939.[21] Stone buildings were perceived as especially desirable during this period because they were "not only durable but absolutely fire-proof."[22] Institutional buildings, such as the United States Post Office in downtown Boone (WT0049, 1939), the Courthouse Annex building on North Water Street (WT0607, 1939), various school buildings throughout Watauga County, and about a dozen single-family, faculty homes constructed at Appalachian State Teachers College (WT0529, ca. 1938-1940), less than a mile east of the R. L. Clay House, were of stone construction, indicating a ready supply and relatively easy access to the material in large quantities in the later 1930s after government programs allowed for massive mining of stone for buildings.[23] All of those faculty homes were moved or destroyed as the Appalachian State University rapidly expanded after 1967, decreasing

[19] "Much Building Now Going on in County," *Watauga Democrat,* 14 June 1934: 1; and "Work on Dwelling to Start," *Watauga Democrat*, 9 August 1934: 8. Midas Wheeler was the stone mason on the Zimmerman property.
[20] On construction of the Holshouser residence, see "Much Building Now Going on in County," *Watauga Democrat*, 14 June 1934: 1, 4.
[21] "Ellerbe Lauds School Projects," *Watauga Democrat*, 22 October 1936: 1; and "26,000 Allotted to Local College," *Watauga Democrat*, 24 February 1938: 1.
[22] "Lees-McRae Institute Opening at Banner Elk," *Watauga Democrat*, 16 September 1926: 1.
[23] "Faculty Homes are Completed," *Watauga Democrat*, 20 October 1938: 8. The homes were completed in stages from 1938 to 1940.

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or otherwise destroying their architectural integrity as significance representations of stone, domestic architecture at Boone during the Depression era.

Local lore has spread the belief that many of these stone buildings constructed from the early 1930s to 1940 were made using the stone moved to create the nearby Blue Ridge Parkway. Construction on the Parkway began in 1938, years after the construction of many of these buildings. Furthermore, the portion of the Blue Ridge Parkway nearby to Boone did not begin construction until after World War II and was not completed until the mid-1980s. Nevertheless, the mistaken belief that these stone homes were built using stone quarried from the construction of the historic scenic route persists.

The 2021 Downtown Boone Historic Resources Survey listed several native stone buildings, all of which were commercial buildings except for the R. L. Clay House. The Cook-Nichols Motor Company Building (WT0603), which eventually burned in 1996, and the Duncan Motor Company Building (WT0887) were both completed in 1940.[24] The Boone Bus Station (WT0612) was also a W. G. Hartzog project, but its native stone façade was completed in 1946. Following demolition of the entire building in 2011 after its acquisition by Appalachian State University, ASU officials promised to "rebuild" the façade as a curtain wall, allegedly using the original stones in a pattern that mimicked the original design and door and window openings. Close analysis, however, supports recent contentions that there is considerable doubt that the extant stones are the original stonework that comprised the façade of the original bus station.[25] Beyond these later examples of stone construction in Boone, native stone can also be seen in various appurtenant structures and landscape objects around downtown Boone, mostly in retaining walls, sheds, and steps that lead to house sites, many of which no longer stand.

Additional Historic Context, R. L. Clay (1889-1945)

Robert Luther "R. L." Clay, for whom the R. L. Clay House was originally built in 1933, was a native of Avery County, having moved to Watauga County after the Linville River Railway was built in the late 1910s.[26] He worked at the Shulls Mill station as an agent until he moved to Boone in the 1920s, where he remained working with the railway. The Clays did have a home in Boone before the native stone house was built, as there are reports of Mrs. Clay entertaining the Friday Afternoon Club in her home in May of 1931.[27] This original home was a simple, wood-frame farmhouse that was a commonplace type of residential construction in the early twentieth century in Boone. The first home was moved from the present R. L. Clay House site a short distance to the southeast in order to make space for the native stone building, possibly as part of an agreement between the Clays and Poly C. Wyke, who owned those lots. After a default by the Wykes, the former Clay house and the land surrounding its location were sold to Esther Boone, who was R. L. Clay's sister-in-law, in 1940.[28] Boone remained in that home for more than four

[24] Plaag, et al, "Comprehensive Architectural Survey," 165, 329.
[25] Plaag, et al, "Comprehensive Architectural Survey," 190-92.
[26] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.
[27] "Friday Afternoon Club with Mrs. R. L. Clay," *Watauga Democrat*, 21 May 1931: 5.
[28] Watauga Building and Loan Association to Esther Boone, 27 July 1940, Deed Book 52, Page 518.

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decades. The original Clay home was, unfortunately, destroyed by the Town of Boone in a fire exercise in 2015.[29]

In 1933, Clay, his wife Annie Stansbury Clay, and his daughters moved to Greensboro so Clay could work with the Internal Revenue Department, now known as the Internal Revenue Service (IRS). As this move happened, the stone house was being completed by a local Black brick mason and contractor, John L. Hickerson (ca. 1889-1938).[30] It is likely that Clay also had the separate, two-car garage built at about the same time to the southeast of the home, given that the stonework closely resembles that found on the house.[31] Rather than residing full-time in the new home at Boone, the Clays maintained the house as a summer and weekend residence for the family. Mrs. Clay would entertain in the home regularly while she and her daughters were in town, based on multiple *Watauga Democrat* articles regarding the Friday Afternoon Club during the 1930s and 1940s.[32] In 1943, Clay was promoted to the Field Division Chief in the Greensboro office of the IRS. When Clay was in residence in Boone, he was an active Free Mason and Shriner. He was a member of the Boone Methodist Church, where he served as the Sunday school superintendent for two years and as steward for many more. While in Greensboro, Clay was a member of the West Market Street Methodist Church.[33]

The promotion in 1943 appears to have influenced the Clay family's decision to abandon the house at Boone. In December 1944, Clay and his wife sold the house property and some of the surrounding land to Robert Campbell "R. C." Rivers, Jr. (1899-1975), and his wife Bonnie Jean Lewis Rivers (1910-1991).[34] Shortly thereafter, Clay died from complications following an operation to remove his appendix in 1945. He was survived by his wife and five daughters.[35]

The R. L. Clay House in the Context of the R. C. Rivers, Jr., Family

Robert Campbell Rivers, Sr. (1861-1933), was born in Tennessee and moved to Boone at some point before 1888, marrying Sarah Locke "Sallie" Jurney (1861-1924) in 1892. They had three children, R. C., Jr., being the eldest surviving son. In 1889, Rivers, Sr., purchased the *Watauga Democrat*, the local paper that had flopped after its first fall edition in 1888, from Joseph Spainhour and John S. Williams. Rivers initially had a noteworthy partner in this purchase—Daniel B. Dougherty—but Rivers bought out his partner later that year. Rivers continued to print the paper as the mouthpiece of the local Democratic Party and run the printing business until his death in 1933.[36] Following his death, the business passed to R. C. Rivers, Jr., via inheritance. R.

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[29] "Local Affairs," *Watauga Democrat*, 1 June 1933: 5; Plaag, et al, "Comprehensive Architectural Survey," 97; and Clark, "Nearly."

[30] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1; and Plaag, et al, "Comprehensive Architectural Survey," 50.

[31] The garage is visible in a 1940 aerial image taken for the Department of Agriculture. This image is not yet published and available online but is held as part of the Watauga County Agricultural Extension Aerial Images Collection, Digital Watauga Project.

[32] For one example, see "Alice Stansbury Taylor Circle Holds Meeting," *Watauga Democrat*, 4 July 1935: 5.

[33] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.

[34] R. L. Clay and Annie S. Clay to R. C. Rivers and Bonnie Jean Rivers, 22 December 1944, Deed Book 58, Page 308.

[35] "Brief Illness Proves Fatal to R. Luther Clay," *Watauga Democrat*, 29 March 1945: 1.

[36] "History of the Watauga Democrat," *Watauga Democrat*, 3 January 2012, updated 11 August 2014, online, https://www.wataugademocrat.com/aboutus/history-of-the-watauga-democrat/article.

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C. Rivers, Jr., was responsible for the growth of the *Watauga Democrat* during the middle twentieth century, and he acquired both the *Blowing Rocket* and the *Avery Journal* during his tenure as editor and publisher, significantly expanding the influence of the Rivers Printing Company, Inc. Rivers, Jr., was also a member of the Board of Directors of Northwestern Bank of Boone, Vice President of the Watauga Savings and Loan, a member of the Board of Directors of the North Carolina Press Association, and director of the Journalism Foundation at UNC Chapel Hill. He was also a very influential political operative, serving as a delegate to the 1944, 1952, 1956, and 1960 National Democratic Conventions. Politically, he is probably best known as one of the "Dirty Dozen" who stood for the Democratic Party nomination of John F. Kennedy. Rivers' comments on the assassination of John F. Kennedy were published in the *Watauga Democrat* and entered into the *Congressional Record* by Senator Sam Ervin.[37]

Rivers, Jr., and his wife Bonnie Jean Rivers had four children in total: Lucinda Jane Rivers (1935-2017), two children born between 1939 and 1940 who were unnamed and did not survive infancy, and Rachel Ann Rivers (1943-1999). Having lived in the apartment above the brick Rivers Printing Company shop located at what is today 747 West King Street since its construction in 1937, the Rivers family realized in 1945 that they could relocate to the R. L. Clay House just down the street and still be close to the business.[38] Following their purchase of the Clay House, the Riverses also purchased surrounding land that significantly increased their holdings. In 1968, Rivers then used the Rivers Printing Company to purchase additional lands to the northwest and west of the property, presumably as a buffer to their existing property, since he immediately flipped the land to himself. Then, in 1984, Bonnie Jean Rivers secured the Esther Boone lands that lay to the southeast of the house.[39] Bonnie Jean Rivers continued to live in the R. L. Clay House following the death of her husband in 1975, and it is believed that she stayed live there until her death in 1991.[40]

From an early age, both Jane and Rachel Rivers showed a keen interest in journalism, but it was Rachel's interest that survived into adulthood. Born at the Hagaman Clinic on King Street in downtown Boone in 1943, Rachel—initially named Bobbie Jean Rivers—was an accomplished equestrian from a young age. She was frequently seen riding her pony Patsy along King Street, typically feeding the parking meter in front of the Rivers Printing Company building or elsewhere along her journeys after tying up Patsy to the meter. She began writing for the *Watauga Democrat* at the age of eleven and completed her high school education at Appalachian

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[37] "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975; and "Watauga Newspaperman Is Dead," *Winston-Salem Journal*, 24 April 1975: 21.

[38] "Hands Across the State," *Watauga Democrat*, 21 July 1938: 4.

[39] See R. L. Clay, et al, to R. C. Rivers and Bonnie Jean Rivers, 1 January 1945, Deed Book 59, Page 214; Lala Clay Rolfe and Shelley R. Rolfe to R. C. Rivers and Bonnie Jean Rivers, 21 February 1945, Deed Book 58, Page 406; Luther Moretz and Maggie Moretz to R. C. Rivers, Jr., and Bonnie Jean Rivers, 20 August 1945, Deed Book 60, Page 127; P. W. Moretz and Alice Moretz to R. C. Rivers and Bonnie Jean Rivers, 1 May 1947, Deed Book 63, Page 334; P. W. Moretz to R. C. Rivers and Bonnie Jean Rivers, 28 April 1948, Deed Book 67, Page 41; Joe Williams and Laura Ruth Williams to Rivers Printing Company, Inc., 14 April 1962, Deed Book 89, Page 437; Joe Williams and Laura Ruth Williams to Rivers Printing Company, Inc., 5 August 1968; Deed Book 103, Page 419; Rivers Printing Company, Inc., to R. C. Rivers, Jr., 26 November 1968, Deed Book 110, Page 17; Esther S. Boone to Eddie A. Caudill, 10 April 1984, Deed Book 246, Page 724; and Eddie A. Caudill and Shirley N. Caudill to Jean L. Rivers, 27 April 1984, Deed Book 246, Page 727.

[40] "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975.

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High School—now Chapell-Wilson Hall (WT0564)—before earning a journalism degree at the University of Missouri. Rachel returned to work for the *Watauga Democrat* full-time in 1965, serving as both a writer and a photographer. Shortly thereafter, she married Paul Armfield Coffey (1934-2007), whom she probably knew from growing up in Boone, but with whom she also worked at the *Democrat*, where Coffey served as a journalist and photographer. Rachel reportedly worked an average of 70 hours per week during this period, by which time the operations of the Rivers Printing Company included two other newspapers, the *Blowing Rocket* and the *Avery Journal.* She also published two novels in the 1970s: *A Horse Like Mr. Ragman* (1977) and *The City Man* (1978).[41]

Following the death of R. C. Rivers, Jr., in 1975, Rachel and Armfield inherited the *Watauga Democrat*, the Rivers Publishing Company, and the other papers under its banner. They continued to run the company for the next two decades, eventually selling it to the owners of the *Bristol Herald-Courier* in 1994. Rachel also served as president of the North Carolina Press Association in 1994 and 1995. Today, the various papers and other media operations are owned by Jones Media, who acquired those concerns in 2002, and the *Watauga Democrat* remains the oldest continually operating business in Watauga County.[42] Outside of her journalistic and writing pursuits, Rachel was also an influential and active participant in numerous cultural programs and initiatives in Boone and Watauga County. She helped found the Doc and Merle Watson Mountain Folk Art Museum in Cove Creek and the first Firefly Festival in Boone, served on the Watauga County Hospital Board and its Foundation Board, helped found the Watauga Humane Society, and was a prominent leader in her service with the boards of Historic Boone and the Watauga County Community Foundation. One of her most lasting contributions was her vigilant and persistent efforts to preserve the historically Black and White sections of the Boone Cemetery (WT0055). She and her husband also sponsored a professorship in creative writing at Appalachian State University shortly before her untimely death in 1999.

Following the death of her mother, Rachel Rivers-Coffey acquired most of the Rivers family land and held it for only a few years until she and her husband began conveying it to the Town of Boone in October 1998, along with the adjacent Esther Boone lands (not part of the designation boundary) acquired by Bonnie Jean Rivers in 1984 and bequeathed to Armfield Coffey in 1993.[43] As a condition of conveying these lands to the Town of Boone, Rachel and Armfield

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[41] Eric Plaag, "Watauga County Historical Society Announces Rachel Rivers-Coffey as Next Inductee to the WCHS Hall of Fame," 23 July 2022, Watauga County Historical Society, online, https://www.wataugacountyhistoricalsociety.org/blog-1/2022/7/23/watauga-county-historical-society-announces-rachel-rivers-coffey-as-next-inductee-to-the-wchs-hall-of-fame. See also "Publisher R. C. Rivers, Jr., Dies; End Brought to Unique Career," *Watauga Democrat*, 24 April 1975.

[42] "History of the Watauga Democrat," *Watauga Democrat*, 3 January 2012, updated 11 August 2014, online, https://www.wataugademocrat.com/aboutus/history-of-the-watauga-democrat/article; and Brad Hodges, "Former Newspaper Publisher Dies after Falling from Horse: Rachel Rivers-Coffey Was Long-Time County Civic Leader," *Watauga Democrat*, 25 August 1999.

[43] Executrix's Deed in Distribution, Rachel A. Rivers-Coffey to Rachel A. Rivers-Coffey and Jane Rivers Krida, 23 December 1993, Book of Records 272, Page 585; and Executrix's Deed in Distribution, Rachel A. Rivers-Coffey to Rachel A. Rivers-Coffey, 23 December 1993, Book of Record 272, Page 579. Rachel and Armfield briefly surrendered their interest in part of the land to Jane in 1993—see Rachel A. Rivers-Coffey and Paul Armfield Coffey to Janes Rivers Krida, 31 December 1993, Book of Record 273, Page 244. Jane then transferred the land to a trust in her name before selling (or donating) it to the Appalachian State University Foundation in 1997. ASU returned

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included a life estate to Rachel Rivers-Coffey and to Jim Butler, a family friend, during their lifetimes, as well as restrictions to the property and its future use by the Town of Boone. These restrictions read, "The Grantee may use said property only for the following purposes:… 1. Recreational purposes. 2. Green space 3. The Installation of utility lines; provided however, that all lines must be installed underground, and in such a way as to cause a minimum disturbance to the natural environment. 4. Flood mitigation. 5. A wildlife sanctuary. 6. Historical Purposes."[44] Jim Butler, who resided in the home at the time of its donation to the Town, passed away in 2011, leaving the home empty as it sits today.[45]

The R. L. Clay House is probably the best surviving resource with the highest degree of integrity in Watauga County associated with the Rivers family. The original Rivers "Old Home Place," located at the southeast corner of King Street and Water Street in downtown Boone, was demolished in 1959.[46] The Rivers Printing Company Building (WT0585) does still stand and was the workplace for R. C. Rivers, Jr., and Rachel Rivers-Coffey for several decades. Nevertheless, changes to the original windows (now metal, with different sash and light details) and dramatic changes to both the rear elevation and the interior of the building (where no signs of the original printing operations survive) have reduced the overall integrity of the Rivers Printing Company Building in comparison to the high level of integrity of the R. L. Clay House.

Historical Significance

The R. L. Clay House possesses special significance at the local level for its association with members of the Rivers family, specifically Robert Campbell "R. C." Rivers, Jr., and Rachel Rivers-Coffey, who were prominent figures in the publishing industry in Boone throughout the twentieth century. As consecutive editors and publishers of the *Watauga Democrat*, Boone's

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the land to Rachel in 1999. For this convoluted deed history, see Jane Rivers to Jane Rivers, Trustee of the Jane Rivers Living Trust Agreement, 13 December 1995, Book of Record 354, Page 410; Jane Rivers, Trustee of the Jane Rivers Living Trust Agreement to Appalachian State University Foundation, Inc., 17 December 1997, Book of Record 438, Page 124; and Appalachian State University Foundation, Inc., to Rachel Rivers-Coffey, 25 February 1999, Book of Record 507, Page 170. For the transfer of the house and garage parcel, as well as the parcel containing Rachel's Meadow, to the Town of Boone, see Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494; and Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 496. For the parcel fronting on Poplar Grove Road, which Armfield conveyed to the Town after Rachel's death, see Armfield Coffey, personally and as Executor of the Estate of Rachel-Rivers Coffey, to the Town of Boone, 26 January 2000, Book of Record 553, Page 297. Armfield also acquired the old Esther Boone lands to the southeast of the house, which are not part of the designation boundary, in 1993, and he later donated these lands to the Town of Boone in 2004. See Rachel A. Rivers-Coffey, Executrix under the Last Will and Testament of Bonnie Jean L. Rivers, to Paul Armfield Coffey, 23 December 1993, Book of Record 272, Page 591; and Paul Armfield Coffey to Town of Boone, 12 March 2004, Book of Record 980, Page 689.

[44] Rachel Rivers-Coffey and Armfield Coffey to Town of Boone, 28 October 1998, Book of Record 480, Page 494. Similar language appears in the Esther Boone property conveyance to the Town, with the exception that the old Boone house could be torn down, and the lot could be used for "free, unmetered parking for park users." See Paul Armfield Coffey to Town of Boone, 12 March 2004, Book of Record 980, Page 689.

[45] Anna Oakes, "Boone to Consider Uses for Property Near Rivers Street," *Watauga Democrat*, 12 March 2012, online, https://www.wataugademocrat.com/news/boone-to-consider-uses-for-property-near-rivers-street/article_ca471d55-6394-58b2-8a82-d68129b847bb.html. This article includes an image showing the proximity of the Boone house to the property proposed for designation.

[46] Rob Rivers, "King Street," *Watauga Democrat*, 5 November 1959: 4.

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primary local newspaper since 1888, and owners of the Rivers Publishing Company for 61 years from 1933 to 1994, they dominated and controlled Boone's most significant news media outlet for generations. R. C. Rivers, Jr., was responsible for the growth of the Rivers Printing Company outside of Boone, with the acquisition of both the *Blowing Rocket* and the *Avery Journal* during his publishing tenure, and he transformed the *Watauga Democrat* from an eight-page weekly publication to one that averaged 40 pages twice per week at the time of his death. His principal residence from 1945 to 1975 was the R. L. Clay House. Following his death in 1975, his daughter Rachel—who was raised in the R. L. Clay House—took over at the *Watauga Democrat* as editor and publisher and continued to own and operate the Rivers Printing Company with her husband Armfield Coffey until 1994. Their donation of the house parcel and several parcels of surrounding land in 1998 and just after Rachel's death was critically important to the property's long-term, ongoing preservation.

Built in 1933, the R. L. Clay House also possesses special significance in architecture at the local level as an unusually early, domestic example of architecturally sophisticated, native stone construction in Boone. This masonry work was completed by John L. Hickerson (ca. 1889-1938), a prominent Black mason and contractor in Boone and Watauga County from about 1920 until his death in 1938. He remains the only documented Black mason in Watauga County working during that period. The R. L. Clay House and its nearby garage remain intact and largely unchanged since their construction in 1933. The integrity and sophistication of the masonry work are exemplary when compared to other stone structures from the period of significance in downtown Boone. While not part of this proposed designation, even the interior floor plan of the R. L. Clay House appears to be largely unchanged from its original design.

V. Supporting Documentation

Appendix A: Digital Photography

Appendix B: Site Plan, Boundary Map, and Tax Map

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Appendix A: Digital Photography

All photographs were taken by Eric Plaag on July 25, 2023.

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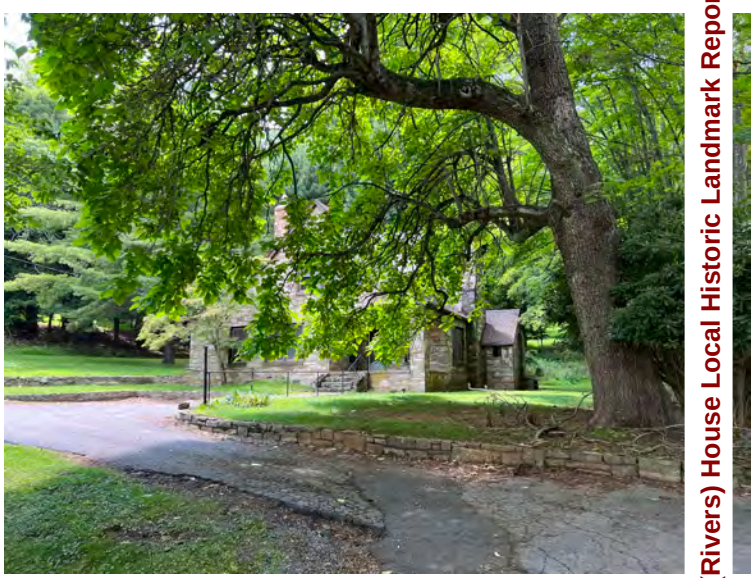
NC_WataugaCounty_RLClayHouse_0001.JPG
Clay House Drive, looking northwest



NC_WataugaCounty_RLClayHouse_0002.JPG
Moretz Drive, looking west toward Boone house site



NC_WataugaCounty_RLClayHouse_0003.JPG
Moretz Drive, looking north toward Rivers Park



NC_WataugaCounty_RLClayHouse_0004.JPG
R. L. Clay House, looking west from Clay House Drive

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NC_WataugaCounty_RLClayHouse_0005.JPG

R. L. Clay House and Garage, looking southwest from Clay House Drive



NC_WataugaCounty_RLClayHouse_0006.JPG

R. L. Clay House, looking west



NC_WataugaCounty_RLClayHouse_0007.JPG

R. L. Clay House and Garage, looking south



NC_WataugaCounty_RLClayHouse_0008.JPG

R. L. Clay House entrance detail, looking southwest

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NC_WataugaCounty_RLClayHouse_0009.JPG

R. L. Clay House entrance detail, looking south



NC_WataugaCounty_RLClayHouse_0010.JPG

R. L. Clay House entrance detail, looking southwest



NC_WataugaCounty_RLClayHouse_0011.JPG

R. L. Clay House, looking south



NC_WataugaCounty_RLClayHouse_0012.JPG

R. L. Clay House, looking south

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NC_WataugaCounty_RLClayHouse_0013.JPG
R. L. Clay House, looking southeast



NC_WataugaCounty_RLClayHouse_0014.JPG
R. L. Clay House, looking east



NC_WataugaCounty_RLClayHouse_0015.JPG
R. L. Clay House, looking east



NC_WataugaCounty_RLClayHouse_0016.JPG
R. L. Clay House, looking east

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NC_WataugaCounty_RLClayHouse_0017.JPG
R. L. Clay House, looking northeast



NC_WataugaCounty_RLClayHouse_0018.JPG
R. L. Clay House, looking north



NC_WataugaCounty_RLClayHouse_0019.JPG
R. L. Clay House, looking northeast



NC_WataugaCounty_RLClayHouse_0020.JPG
R. L. Clay House, looking north

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NC_WataugaCounty_RLClayHouse_0021.JPG

R. L. Clay House, looking north



NC_WataugaCounty_RLClayHouse_0022.JPG

R. L. Clay House, looking northwest



NC_WataugaCounty_RLClayHouse_0023.JPG

R. L. Clay House, looking northwest



NC_WataugaCounty_RLClayHouse_0024.JPG

R. L. Clay House, looking northwest

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NC_WataugaCounty_RLClayHouse_0025.JPG

R. L. Clay House, east porch detail, looking northwest



NC_WataugaCounty_RLClayHouse_0026.JPG

R. L. Clay House, east porch detail, looking northwest



NC_WataugaCounty_RLClayHouse_0027.JPG

R. L. Clay House, east porch walkway with Clay House Drive, looking southeast



NC_WataugaCounty_RLClayHouse_0028.JPG

R. L. Clay House, looking southwest

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NC_WataugaCounty_RLClayHouse_0029.JPG
R. L. Clay House Garage, looking southwest



NC_WataugaCounty_RLClayHouse_0030.JPG
R. L. Clay House Garage, looking south



NC_WataugaCounty_RLClayHouse_0031.JPG
R. L. Clay House Garage, looking southeast



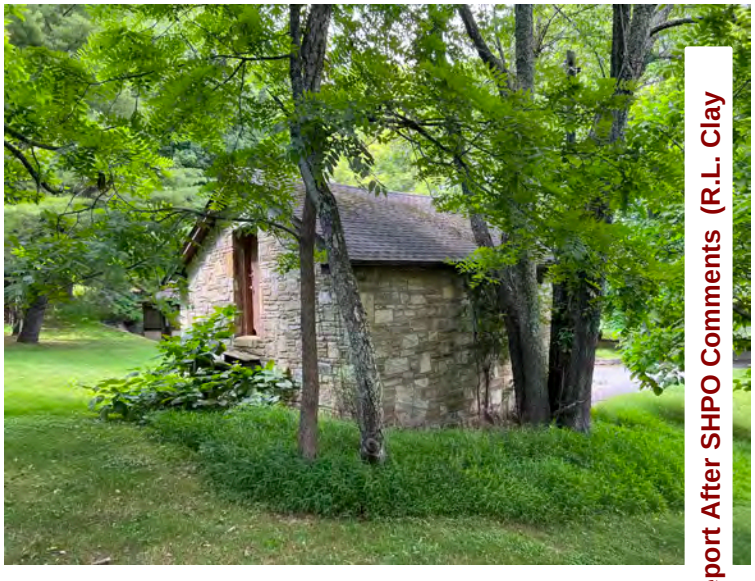
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R. L. Clay House Garage, looking east

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NC_WataugaCounty_RLClayHouse_0033.JPG

R. L. Clay House Garage, looking northeast



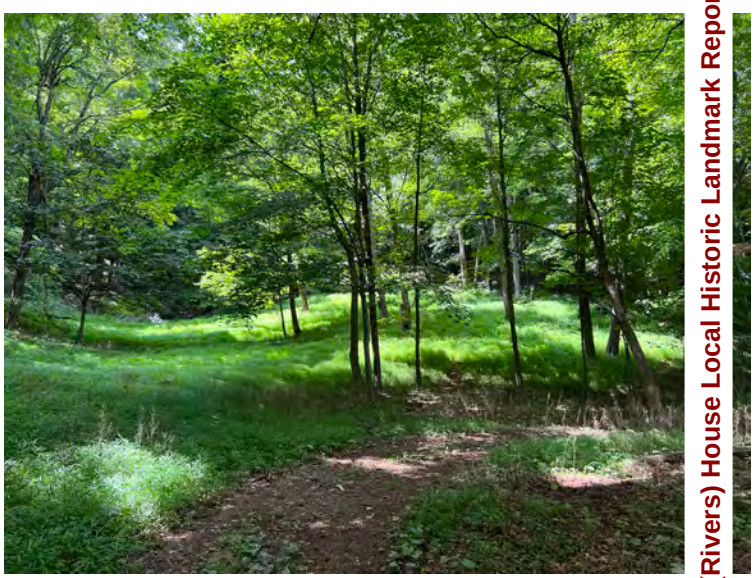
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R. L. Clay House Garage, looking north



NC_WataugaCounty_RLClayHouse_0035.JPG

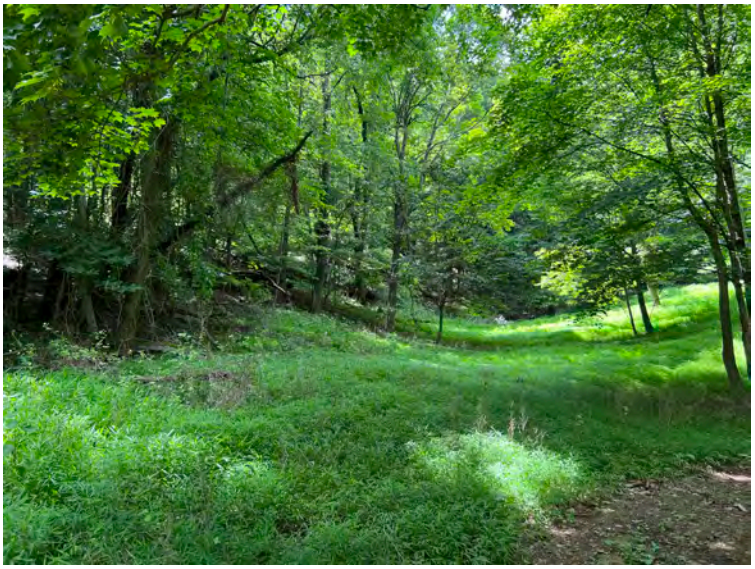
R. L. Clay House Garage, looking west



NC_WataugaCounty_RLClayHouse_0036.JPG

"Rachel's Meadow," looking northwest

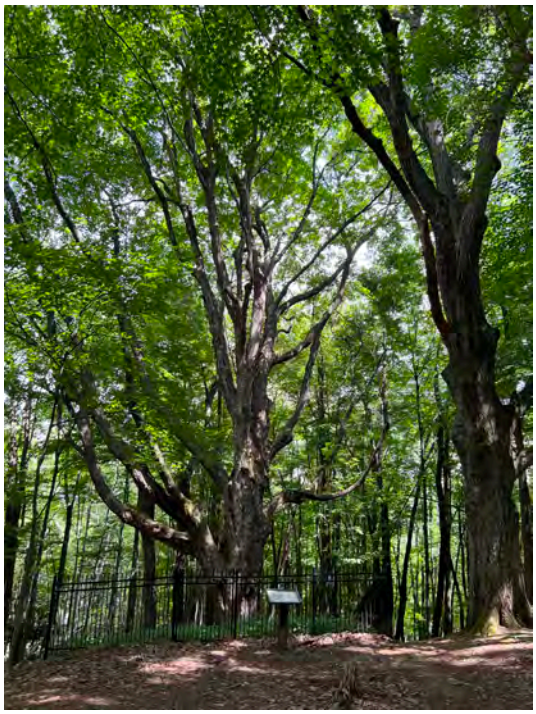
Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay



NC_WataugaCounty_RLClayHouse_0037.JPG
"Rachel's Meadow," looking west



NC_WataugaCounty_RLClayHouse_0038.JPG
"Baby" with perimeter fence, looking northwest



NC_WataugaCounty_RLClayHouse_0039.JPG
"Baby" with perimeter fence, looking southeast



NC_WataugaCounty_RLClayHouse_0040.JPG
"Baby" interpretive signage, looking southeast

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay



NC_WataugaCounty_RLClayHouse_0041.JPG

Southwest side of "Baby" perimeter fence, looking southeast toward house site (not visible)



NC_WataugaCounty_RLClayHouse_0042.JPG

Daniel Boone Monument at Rivers Park, looking northwest



NC_WataugaCounty_RLClayHouse_0043.JPG

Daniel Boone Monument at Rivers Park, looking west



NC_WataugaCounty_RLClayHouse_0044.JPG

Northeast side of Rivers Park, looking northwest

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay



NC_WataugaCounty_RLClayHouse_0045.JPG

Daniel Boone Monument at Rivers Park, looking southeast

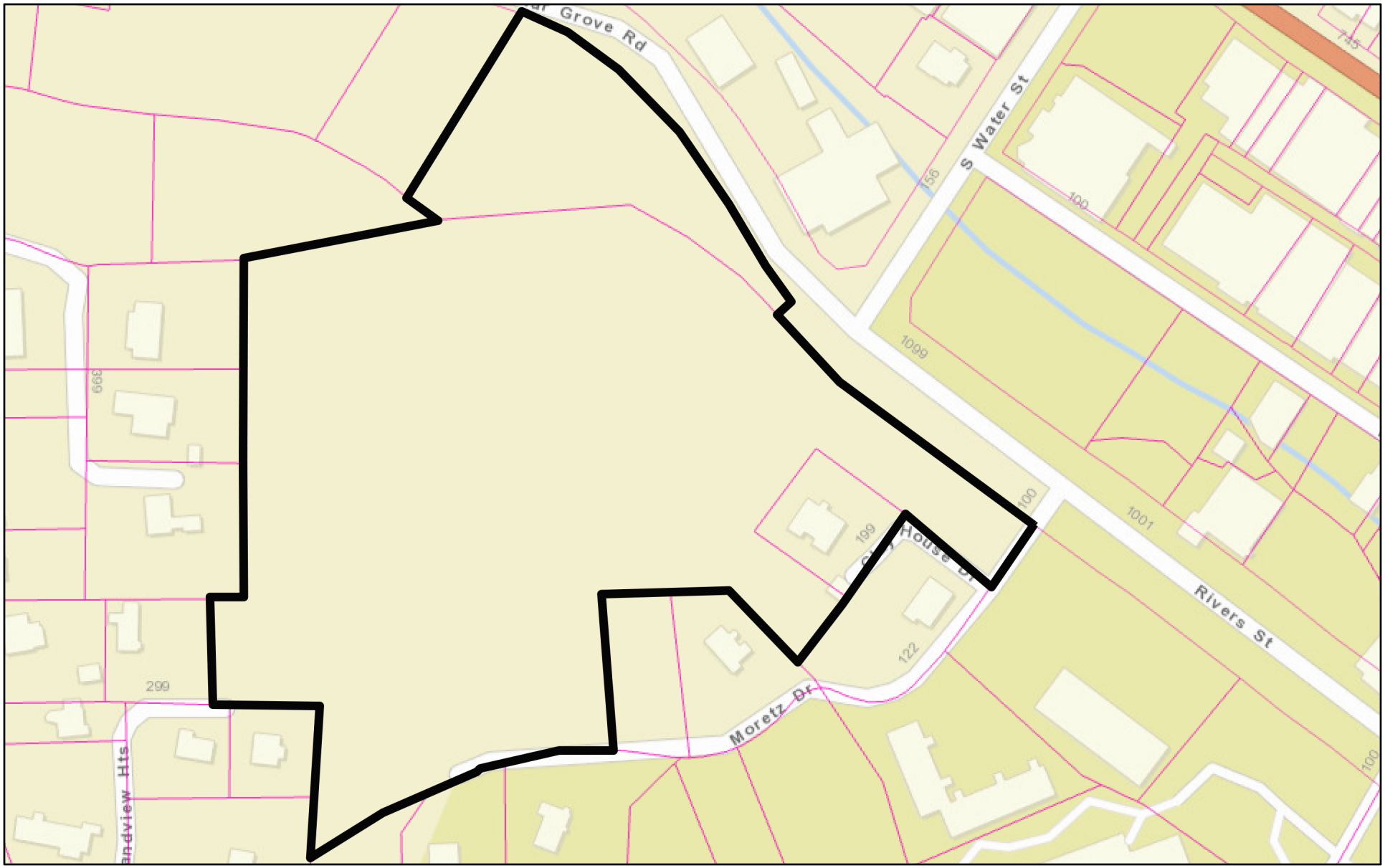


NC_WataugaCounty_RLClayHouse_0046.JPG

Daniel Boone Monument at Rivers Park, looking east

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Local Historic Landmark Boundary Map



12/1/2023, 12:40:34 PM

Parcels

Local Historic Landmark Boundary

WT0530 RL Clay House
150 Clay House Drive
Boone, Watauga County, NC

Map created by Eric Plaag
Carolina Historical Consulting, LLC
December 1, 2023

N

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

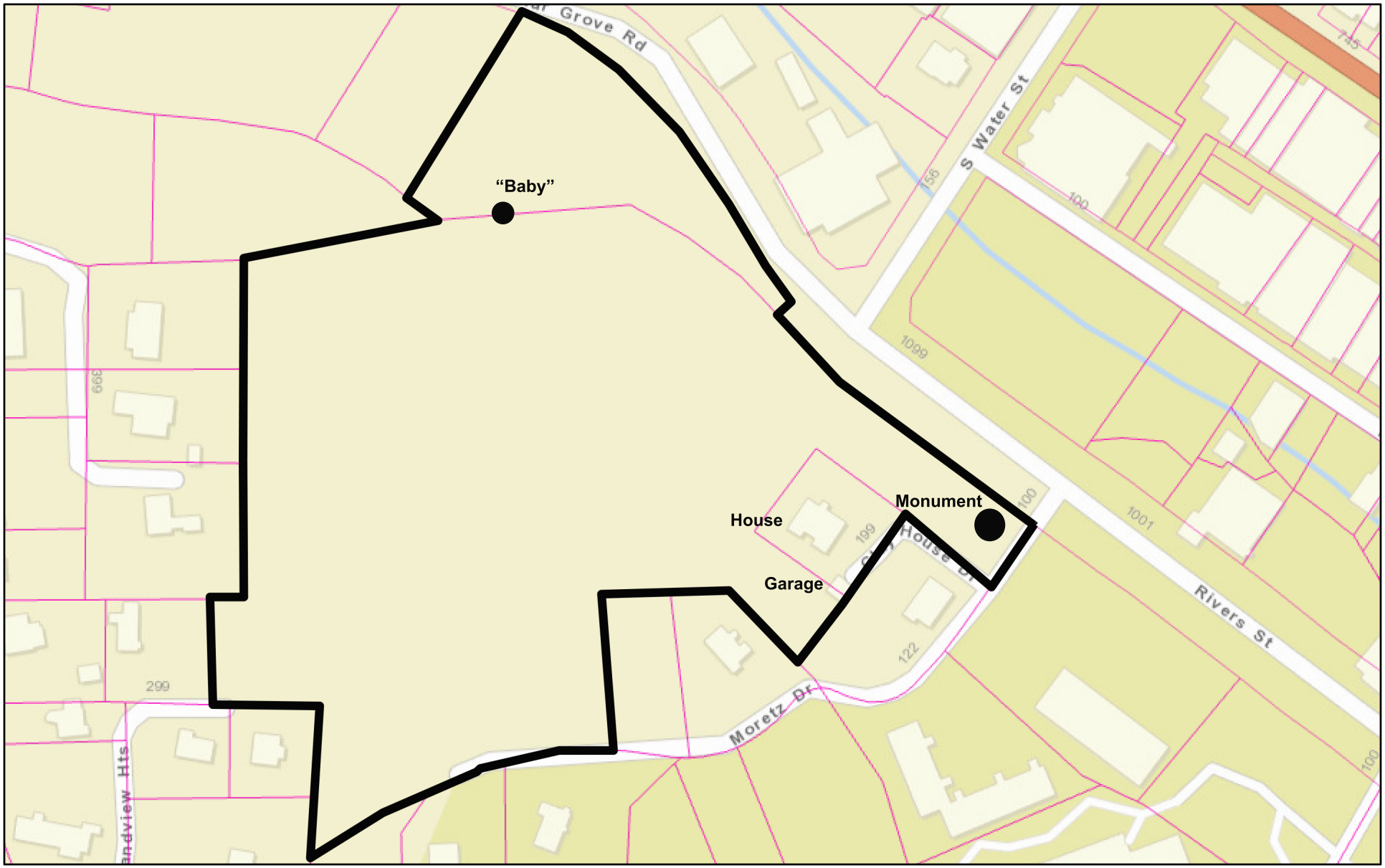
State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, NC Center for Geographic Information and Analysis (NCCGIA), NC

North Carolina State His

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCCGIA, NC 911 Board | NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board | NC Center for Geographic Information and Analys

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report

Local Historic Landmark Site Plan



12/1/2023, 12:40:34 PM

Parcels

Local Historic Landmark Boundary

WT0530 RL Clay House
150 Clay House Drive
Boone, Watauga County, NC

Map created by Eric Plaag
Carolina Historical Consulting, LLC
December 1, 2023

N

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, NC Center for Geographic Information and Analysis (NCCGIA), NC

North Carolina State His

State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCCGIA, NC 911 Board | NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board | NC Center for Geographic Information and Analys

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report

PARID: 2900699070000
BOONE TOWN OF,

Parcel

ParID	
Tax Year	
SITUS Addess	
City, State, Zip	
Unit #	
Unit Description	
NBHD	
Class	
Land Use Code	
Living Units	
CAMA Acres	
Zoning	
Map #	

Jan 1 Values

Land Value.	821,100
Building Value	0
==========	========
Appraisal Total	821,100
Exemptions or Exclusions	821,100
Land Deferred Value	
	========
Taxable Total	0

Owner Mailing

Tax Year	2023
Sequence Number	0
Owner Number	1161496
Owner	BOONE TOWN OF
Mailing Address	567 W KING ST
City, State, Zip	BOONE NC 28607

Legal Description

Township	05 - BOONE
City Code	
Jurisdiction (Tax Code District)	MS1 - MUNICIPAL SERVICE DIST
Unit Desc	
Unit #	
Book	480
Page	496
Legal Desc 1	RIVERS HOME
Deeded Acres	8.15

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Sale Date	Book	Page	Sale Price	Grantor	Grantee
29-OCT-98	480	496		0	

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Watauga County Auditor


POPLAR GROVE RD
RUSSELL DR
W GRANDVIEW WAY
FEIDT WAY
BODENHEIMER DR
MORETZ ST
RIVERS ST
HOWARD ST
QUEEN ST
W KING ST
W KING ST
W KING

PARID: 2900783934000
BOONE TOWN OF, **150 CLAY HOUSE DR**

Parcel

ParID	
Tax Year	
SITUS Addess	
City, State, Zip	
Unit #	
Unit Description	
NBHD	
Class	
Land Use Code	
Living Units	
CAMA Acres	
Zoning	
Map #	

Jan 1 Values

Land Value.	55,300
Building Value	626,900
==========	========
Appraisal Total	682,200
Exemptions or Exclusions	682,200
Land Deferred Value	
	========
Taxable Total	0

Owner Mailing

Tax Year	2023
Sequence Number	0
Owner Number	1161496
Owner	BOONE TOWN OF
Mailing Address	567 W KING ST
City, State, Zip	BOONE NC 28607

Legal Description

Township	05 - BOONE
City Code	
Jurisdiction (Tax Code District)	MS1 - MUNICIPAL SERVICE DIST
Unit Desc	
Unit #	
Book	
Page	
Legal Desc 1	RIVERS HOME
Deeded Acres	0.26

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Sale Date	Book	Page	Sale Price	Grantor	Grantee
29-OCT-98	480	494	0	COFFEY, RACHEL RIVERS AND ARMFIELD	JIM BUTLER LIFE ESTATE

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Watauga County Auditor



December 1, 2023

1:1,026

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

R. L. Clay House (WT0530), Boone, Watauga County, North Carolina
Tax Map for Parcel 2900-78-3934-000

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report

PARID: 2900790308000
BOONE TOWN OF,

Parcel

ParID	
Tax Year	
SITUS Addess	
City, State, Zip	
Unit #	
Unit Description	
NBHD	
Class	
Land Use Code	
Living Units	
CAMA Acres	
Zoning	
Map #	

Jan 1 Values

Land Value.	108,600
Building Value	0
==========	========
Appraisal Total	108,600
Exemptions or Exclusions	108,600
Land Deferred Value	
	========
Taxable Total	0

Owner Mailing

Tax Year	2023
Sequence Number	0
Owner Number	1161496
Owner	BOONE TOWN OF
Mailing Address	567 W KING ST
City, State, Zip	BOONE NC 28607

Legal Description

Township	05 - BOONE
City Code	
Jurisdiction (Tax Code District)	C02 - BOONE
Unit Desc	
Unit #	
Book	553
Page	297
Legal Desc 1	LOTS 167-173\R F GREENE SUB
Deeded Acres	1.13

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Sale Date	Book	Page	Sale Price	Grantor	Grantee
26-JAN-00	553	297		0	

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

Watauga County Auditor



December 1, 2023

1:2,123

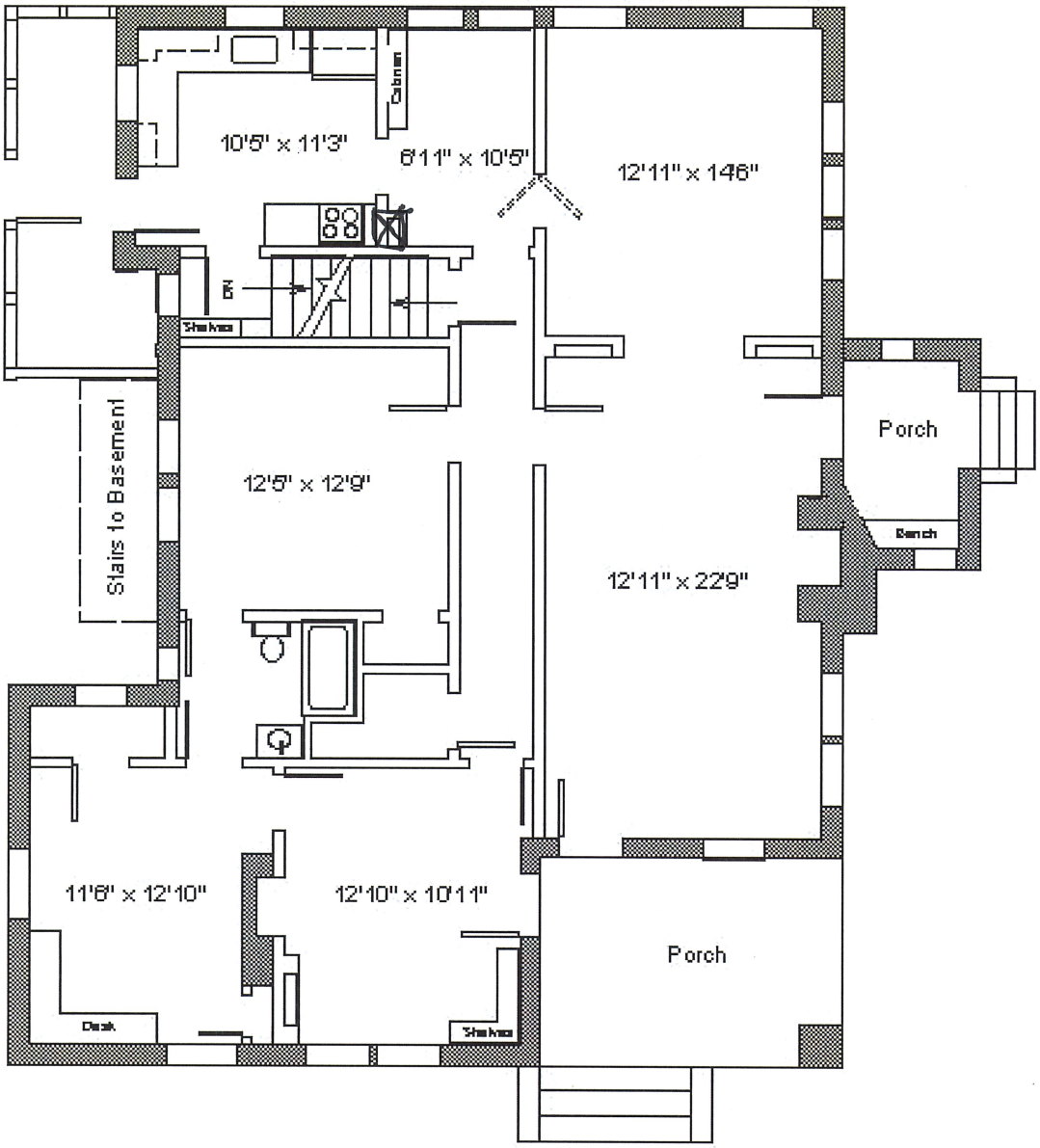
0 0.02 0.04 0.07 mi

0 0.03 0.06 0.11 km

R. L. Clay House (WT0530), Boone, Watauga County, North Carolina
Tax Map for Parcel 2900-79-0308-000

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report

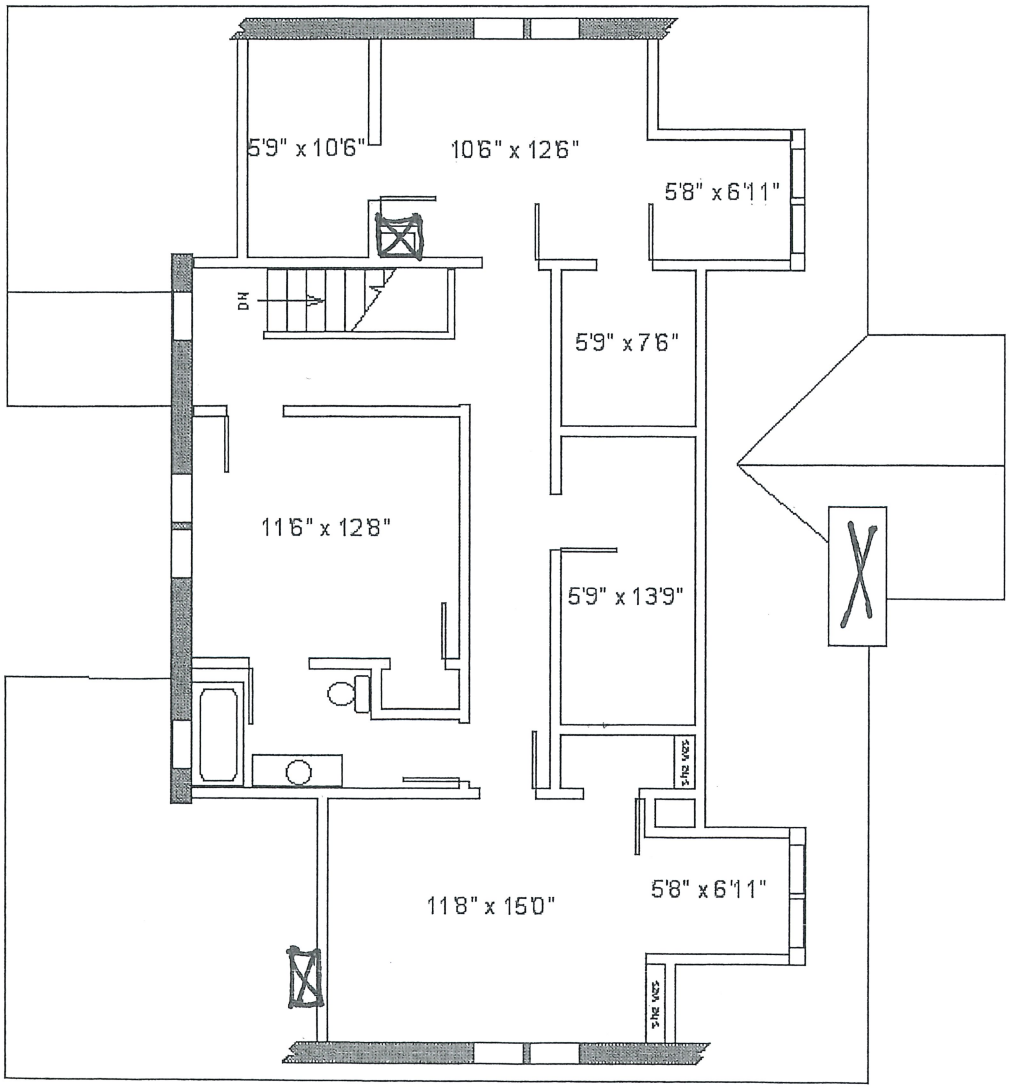
WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC



RIVERS HOUSE
1ST FLOOR
1/8" = 1'-0"
5-18-2017 FCM

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

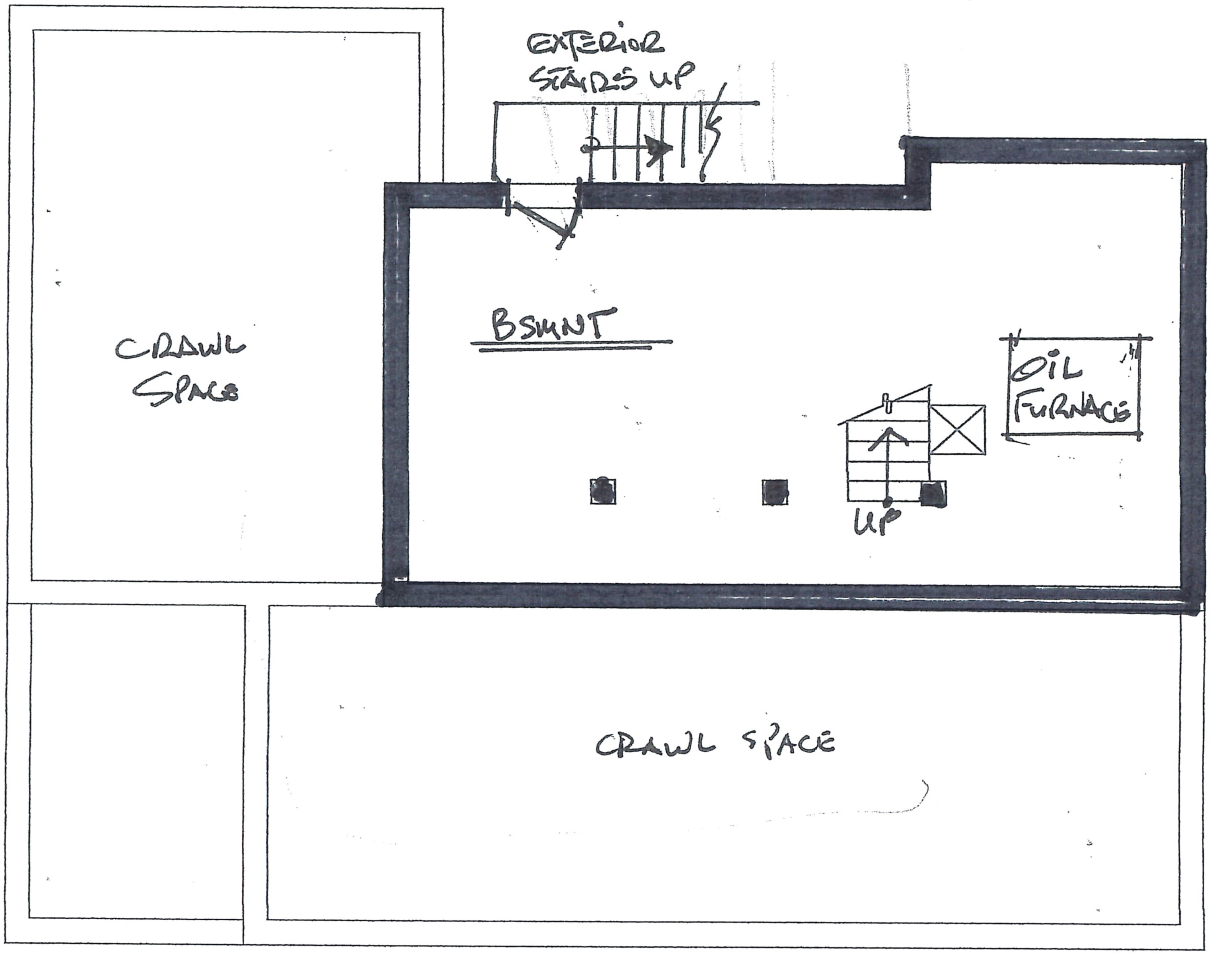
WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC



RIVERS HOUSE
2ND FLOOR
1/8" = 1'-0"
5-18-2017 FCM

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report After SHPO Comments (R.L. Clay

WT0530 R. L. Clay House
150 Clay House Dr.
Boone, Watauga County, NC



Appalachian Architecture, P.A.
703 W. King Street, Suite #201
Post Office Box 179
Boone, NC 28607

1
A-1

BASEMENT PLAN

03/10/21
1/8"=1'-0"

Communication: Updated R.L. Clay (Rivers) House Local Historic Landmark Report - Staff Updated Report

Planning & Inspections Department
680 W. King Street, Suite C, Boone, NC 28607
Phone: (828) 268-6960 | Email: planning@townofboone.net
Web: townofboone.net/pi

ToB - Statement of Conformity (SoC) Reporting for HPC

File Date	Application Number	Project Name	Permit Type	Permit Use	Location	Status	Issuing User
September 21, 2023	23-0370	Rams Rack - Statement of Conformity	Zoning	Statement of Conformity	877 W KING ST	Approved	Michael James
December 14, 2023	23-0629	Southend Brewing Co - Statement of Conformity	Zoning	Statement of Conformity	747 W KING ST	Approved	Michael James
February 23, 2024	24-0129	Espresso News - Statement of Conformity	Zoning	Statement of Conformity	267 HOWARD ST	Pending	Michael James

3 Permits

Communication: Statement of Conformity Report (as of February 26, 2024) (Statement of Conformity Report)