



Historic Preservation Commission

Regular Meeting

<http://www.townofboone.net/>

~ Agenda ~

Jane Shook
828-268-6960

Tuesday, September 6, 2022

3:00 PM

WebEx

This meeting will be held remotely using video conferencing software (WebEx).

For information on how to watch, listen, and/or participate in the meeting, please see the WebEx Video Conferencing Information section at the end of this agenda.

I. Call to Order

HPC Advisory Session

II. Adoption of Agenda

III. Approval of Minutes

July 12, 2022 HPC Quasi-Judicial Meeting Minutes

July 26, 2022 HPC Special Quasi-Judicial Meeting Minutes

August 2, 2022 HPC Advisory Meeting Minutes

August 9, 2022 HPC Quasi-Judicial Meeting Minutes

August 15, 2022 HPC Special Quasi-Judicial Meeting Minutes

IV. Public Comment

V. Watauga County Jail Local Landmark Designation

Watauga County Jail Local Landmark Designation Report - Update

Please view the attached documents regarding the North Carolina State Historic Preservation Office's (SHPO) response to the report.

VI. Project Updates by Planning Staff

UDO Update

Certified Local Government (CLG) Application Status Update

Council's Store and Hayes-Bryan-Greene Cemetery Marker Update

Intern: Local Landmark Designation Reports / Digital Watauga Project

Historic District Promotion

VII. Project Updates by HPC Members

Boone 150 Project Updates

Boone Cemetery Tours

Downtown Boone Walking Tour Revisions - with Watauga County Historical Society

Boone Cemetery Interpretative Panels

Stoneman's Raid Interpretative Panels

VIII. Other Discussion**IX. Recess of HPC Advisory Session****X. Adjournment****WebEx Video Conferencing Information**

WATCH OR FOR PUBLIC COMMENT: Individuals who wish to watch this meeting or who wish to address the Commission remotely can do so through WebEx either online or by phone. If you wish to provide public comment remotely, please email jessica.mitchell@townofboone.net or call in at (828)-268-6960, and you will be provided with an invite to the meeting. All requests for participation must be completed by 2 pm on the day of the meeting.

Staff will be happy to schedule a test meeting with each participant to ensure that they are able to participate the day of the meeting. Please call Jessica Mitchell at 828-268-6960 if you are interested in this option.

Staff will moderate the WebEx session to ensure all participants have an opportunity to participate. Individuals who require user assistance registering or joining the WebEx event on the day/night of the meeting can call 828-268-6960 for support.

CONCERNS REGARDING PARTICIPATION: Please contact Jessica Mitchell, Long-Range/Special Projects Planner, by phone at 828-268-6960 as soon as possible if you are

concerned about your ability to participate through the options listed above (online or by telephone).

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
JULY 12, 2022, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Tim Futrelle-Mayor, Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, Jim Deal-Attorney at Deal, Moseley and Smith, John Winkler-Winkler Organization, Judah Goheen-Winkler Organization, Brent Davis-Brent Davis Architecture, Bill Dixon-Appalachian Architecture, Alan Crees-Municipal Engineering, Deron Geouque-County Manager and Chelsea Garrett-Attorney at diSanti, Capua and Garrett, PLLC

Call to Reconvene

Chair Eric Plaag reconvened the Boone Historic Preservation Commission hearing from June 14, 2022, held via WebEx, at 3:00 p.m.

Discussion ensued on a possible modification to the agenda. Chair Plaag explained that the Council had asked the HPC to weigh in on the property involved in Case Z05606-032422 River Street Ventures – COA as to its historical value concerning the possibility of salvaging or moving the building. He asked Ms. Meade, because of the time-sensitive nature of the request would it be appropriate for the HPC to make a formal recommendation in this hearing. Ms. Meade said yes if it is a time-sensitive topic. She generally said her preference would be for the HPC to consider their discussion on the said topic at their advisory meeting to prevent confusion. Ms. Shook noted that the applicant still has to go through the conditional district and then a zoning permit process. She said some time could be made for this discussion at the HPC's next advisory meeting. Chair Plaag voiced his concern that the clock is already ticking on the 90 days for the materials to be submitted that were required to meet the conditions for the 90 days on the demolition. Ms. Meade pointed out that it should have been made clear at the last hearing that even though the HPC set the 90-day timetable, the Unified Development Ordinance has a standard requirement that no demolition is allowed until a final zoning permit is issued. Chair Plaag asked that this topic be placed on the next HPC advisory meeting agenda. He withdrew his suggestion to include the discussion and possible recommendation of the historical value and possible salvaging of the Café Portofino building.

Case Z05606-032422 Rivers Street Ventures – Certificate of Appropriateness for Major Work

John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the demolition of the existing building (currently Café Portofino) at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) at the Downtown Boone Local Historic District and proposed new construction of a one-story hotel.

Chair Plaag announced that the case is being continued from May 10, 2022 till July 12, 2022.

Chair Plaag reopened this case and Ms. Jane Shook, Director of Planning and Inspections, and Ms. Christy Turner, Senior Planner were sworn in.

Ms. Meade confirmed with Planning Staff that there was no one from the public that had asked to speak on this case.

Chair Plaag asked the HPC the following questions: does anyone have a fixed opinion about the case that is not susceptible to change; have a conflict of interest regarding the case, including any financial interest in the outcome of the case; have a close familial relationship with any person affected by the outcome of the case; or engaged in any undisclosed ex-parte communication regarding this particular application. There were no answers in the affirmative to these questions.

Chair Plaag confirmed with Mr. Jim Deal from Deal, Moseley, and Smith that he is the attorney for the applicant. Chair Plaag asked Mr. Deal if he had any objections to the materials submitted with the updated meeting packet. Mr. Deal said he had no objections.

Chair Plaag asked if the Acme Historical Documentation Survey Report included other photographs than those within the report. Chair Plaag affirmed Mr. Judah Goheen from the Winkler Organization. Mr. Goheen responded that the consultant only gave them the photos in the report. Chair Plaag asked Mr. Deal if the consultant they hired provided a floor plan or a photo key to the building's exterior and interior. Chair Plaag said these things are often included in these kinds of reports.

Ms. Meade pointed out that the HPC did not outline a particular sort of explicit requirements or expectations for the requested report. She said if the HPC feels like they did not receive enough information, it would be helpful for the HPC to discuss it so that future applicants and staff could be given better directions. Ms. Meade pointed out that the HPC could request that the applicant ask their consultant to provide the additional photos. She asked Chair Plaag the intent of the report. Chair Plaag said the goal is to document the building that had been designated as a historic building, even though that building is potentially demolished. He further explained that it is a mitigating measure in terms of preservation. Ms. Meade noted that we could be more explicit with applicants and staff moving forward with these details.

Chair Plaag asked Mr. Deal if his applicant could ask their consultant to provide the following things: all photographs so they can be appropriately stored, and a floorplan with a photo key that documents various numbered photos taken inside and outside of the building. Mr. Deal said the applicant is willing to ask the consultant to provide these things, provided they will do it without an additional charge. Mr. Goheen asked if they could hand draw a floor plan. Chair Plaag agreed to accept a hand-drawn floor plan with the photo key. Ms. Meade suggested that the HPC accept the report that has been submitted and published in the meeting packet. There were no objections to the report in the meeting packet.

Discussion ensued on the new proposed building elevations. Mr. Deal said that based on comments at the last hearing, the applicant had redesigned the building. Mr. Deal called on Mr. Brent Davis from Brent Davis Architecture as a witness to present the changes from the written description of the proposed work. After Mr. Davis was sworn in by Chair Plaag, Mr. Davis began his review of the proposed building changes from the packet between the April 28, 2022 submittal and the June 23, 2002, submittal.

Mr. Deal asked Mr. Davis to speak to the comments in the meeting packet by Ms. Amy Flieg, Town of Boone Fire Marshal. Mr. Davis explained that a sprinkler room on the first floor of the proposed building would accommodate a backflow device.

Discussion ensued on a revised site plan. Ms. Meade pointed out that a revised site plan was offered but inadvertently omitted from the meeting packet, but it has been added and can be viewed online.

After Mr. Gaston was sworn in, he began explaining that he had met with Mr. Justin Stines, Facilities Maintenance Supervisor, and Ms. Flieg and discussed relocating the dumpster and changing the access by closing some of the entrances. Mr. Gaston said these proposed changes are not shown on the revised site plan currently shown but that he did have an updated one that he could email to Ms. Shook so that she could share. Once Ms. Shook

received the email she shared the revised site plan on the screen where Mr. Gaston explained that there was also a discussion about a fire apparatus, but since they are taking down two power lines directly in front of this building for this project, the fire department can use ladder trucks when needed. He added that the proposed parking spaces are now 45 as opposed to 47 spaces. He said that one significant change is that there is no longer any vehicular access to Howard Street from the proposed hotel parking lot.

Chair Plaag asked Mr. Gaston about a fencing component at the northeast end of the parking lot. Chair Plaag asked if the current design would provide pedestrian egress from the parking lot for the proposed hotel to Howard Street. Mr. Gaston said that is correct.

Chair Plaag asked the Planning Staff if they had any questions about the revised site plan. Ms. Turner said no and confirmed that the proposed parking spaces were adequate for the buildings. Ms. Meade asked the Planning Staff if they felt the submitted materials and design details were specific enough and met the requirements of the Unified Development Ordinance. Ms. Turner said yes at this time, unless the applicant makes other proposed changes or if something arises during the conditional district zoning map amendment process.

Chair Plaag expressed his concern for the lack of pedestrian access to Howard Street from the parking lot and the potential impacts on neighboring properties. He said if there is no access given, there is a potential for pedestrians to walk through other areas to get from the hotel to Howard Street. He asked the Planning Staff if there was a mechanism in the UDO to allow pedestrian access. Ms. Turner said yes, the access could be by a sidewalk or walkway. She suggested that the Planning Staff review the Howard Street Plan to see if it is feasible to have an access point there. Ms. Meade asked if the applicant would be willing to agree to provide a pedestrian access with hardscape, subject to the condition of working with Mr. Stines and Mr. Todd Moody at the Public Works Department, and to be consistent with the Howard Street Plan. After being sworn in by Chair Plaag, Mr. John Winkler, the property owner, agreed to the proposed condition.

Discussion ensued on the standard for new commercial construction projects. Chair Plaag asked for clarification on building height. Ms. Shook noted that as proposed the applicant had met the height requirements and due to ordinance requirements the applicant was required to do an additional process because the height of the proposed building exceeded the height of the original building.

Discussion ensued on the appropriateness of a proposed new commercial building. Chair Plaag read Section 14.7 and pointed out that the proposed building is longer and higher than the existing building. He voiced his concerns from a mass, scale, and height perspective as to whether this building, for this particular part of the district, is appropriate in scale and massing. He said he is raising this issue because it is a change from what historically has been there. He said he wanted to be sure that the Planning Staff was not saying that the proposed project meets the district standard and only addresses the required standards of the UDO. Ms. Meade responded that this was correct. She suggested that the Planning Staff revise this section to clarify that they were speaking to general UDO standards. She said that otherwise, they would be pre-judging the work of the HPC.

Discussion ensued on the staff comment under Section 14.10. Chair Plaag pointed out that this staff comment is incorrect in the staff report. Ms. Turner agreed that the staff comment was incorrect.

Discussion ensued on the staff comment under Section 3.6 on packet page 161. Chair Plaag read this section and pointed out that the staff comment states that the applicant meets the UDO setback requirements. He asked if the setbacks are relevant to this particular standard, since this is a standard that addresses building mass and open space and the relationship between those two things, and not a UDO requirement regarding setbacks. In response to the staff comment, Ms. Meade noted that Ms. Turner might have been speaking to the underlying general UDO standards. She said it is up to the HPC to apply the historic standards.

Chair Plaag opened the public comment session of the meeting. There was no public comment presented.

Chair Plaag asked Mr. Deal if he would like to rebut any evidence or discussion presented at this hearing. Mr. Deal said no.

Chair Plaag asked Mr. Deal if he would like to give a closing summary or argument or defer that until after the staff has any interest in making additional statements. Mr. Deal said he would wait for Staff to comment. Ms. Turner said the Staff had no further comments.

In summary, Mr. Deal pointed out that the revised site plan included everything the HPC requested. He reiterated that the proposed building is out of the floodway. He noted that inserting the set back in the center of the new proposed building changes the massing along the street. Mr. Deal noted that the applicant thought it was important to have a hotel support the downtown area. He said the applicant does recognize that a conditional district rezoning map amendment is required for the proposed hotel. He said opening up the stream, creating a pedestrian walkway, and closing the vehicular traffic to Howard Street all benefit the downtown area.

Chair Plaag opened the floor to the HPC for discussion on the proposal of the new building design and its relationship to the applicable standards. Member Watkins confirmed that all the staff comments on packet page 151 had been met. Ms. Turner explained that certifications for the stream bank restoration would be required later. Member Watkins asked Chair Plaag if any wire-cut brick exists in the Downtown area. Chair Plaag said there is a mix of brick types and some buildings that fall into the period of significance have wire-cut bricks. Chair Plaag said he thought wire-cut brick was appropriate for the historic district. Member Watkins agreed with the proposed color of the brick.

Chair Plaag explained that the HPC does not want to create a sense of false historicity in existing architecture or new construction because that would not be appropriate.

Discussion ensued on scale and massing of buildings. Chair Plaag voiced his concern about controlling scale and massing so that it is appropriate for the historic district.

Vice-Chair Bond noted that it is important to be careful about handling the first new construction due to the Howard Street project. She noted her concern for any precedence set that would influence projects in the historic district.

Member Watkins congratulated the applicant and his team for the significant improvement in the proposed new building design; he thought it would fit well in the historic district.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to accept the proposed exterior modification of the proposed hotel because it is congruous with the special character of the historic district.

Chair Plaag asked Member Watkins to accept a friendly amendment to add the condition for the pedestrian access from the proposed hotel parking lot to Howard Street. Member Watkins accepted the friendly amendment.

Member Watkins also included the conditions of approval that are automatically included as a part of the approval. Vice-Chair Bond accepted this friendly amendment and to include the following conditions.

1. New construction: Where there is a conflict between the application information (March 24, 2022) and the plans (June 24, 2022), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations made by the applicant or its (his or her) 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.

3. 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
4. The applicant agreed to work with the Public Works Department to locate and to construct a pedestrian access between the hotel parking lot and the streetscape improvements for Howard Street.

Vote: Aye – all

Nay – None

The motion passed.

Discussion ensued on the timeframe to continue this meeting. Ms. Shook noted the time of day and explained that two more cases were on the agenda to be discussed. Vice-Chair Bond said that she would have to leave the meeting at 5:30 pm. After brief discussion, Chair Plaag continued Case Z05737-052522 Howard Street Ventures, LLC (Wilcox Warehouse) COA to the HPC's next quasi-judicial hearing on Tuesday, July 26, 2022, at 3 pm, via WebEx. He noted that if the case is not heard on that date, it will be heard on the following quasi-judicial hearing date of August 9, 2022, at 3 pm, via WebEx.

Case Z05738-052522 Watauga County Parking Deck – COA

Deron Geouque, County Manager, on behalf of Watauga County, has requested a Certificate of Appropriateness for Major Work (COA) for the proposed new construction of a parking structure on Water Street (Watauga County PIN: 2900-79-9830-000), located in the Downtown Boone local Historic District.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA application for Major Work, a COA is required for new construction of the structure in the Downtown Boone Local Historic District.

Chair Plaag asked the HPC members and the Planning Staff to state their names and noted that the Planning Staff had already been sworn in. He explained the process that the HPC and Planning Staff follow for a quasi-judicial hearing.

Chair Plaag asked the HPC the following questions: does anyone have a fixed opinion about the case that is not susceptible to change; have a conflict of interest regarding the case, including any financial interest in the outcome of the case; have a close familial relationship with any person affected by the outcome of the case; or engaged in any undisclosed ex-parte communication regarding this particular application. There were no answers in the affirmative to these questions.

Chair Plaag asked Ms. Chelsea Garrett from di Santi, Capua, and Garrett, if she was acting as Counsel on behalf of the applicant. Ms. Garrett confirmed she was the applicant's attorney and noted that also with her was Mr. Bill Dixon from Appalachian Architecture, Mr. Deron Geouque, Watauga County Manager and Mr. Alan Crees from Municipal Engineering.

Ms. Garrett made the following opening statement; she presented the property's history and the concerns expressed regarding the demolition of the building. She asked Chair Plaag if he would state for the record that the statements he made during that time would not color his judgment regarding this proposed project, given that there would be new construction on the site where the Turner House used to be. Chair Plaag stated that the history of the house occurred before a historic district was established. He said he saw that as a separate issue from what is being proposed, now that there is a historic district. He assured Ms. Garrett that he had no bias with regard to the proposal described in this case.

Discussion ensued on combining lots to build a single building across multiple lots not permitted in the historic district. Ms. Garrett pointed out the clause in Appendix D, Section 14.4 regarding combining lots. Ms. Meade pointed out to the HPC that she had previously given the opinion to Council and Staff that this particular standard is unlawful and unauthorized with respect to seeming to state that applicants cannot combine lots. She explained that as a result of that opinion, a text amendment is being presented to the Planning Commission and to Council to strike that particular standard. She counseled the HPC not to apply that standard concerning the lawfulness of the combination of lots involved in this proposed case as noted in the Staff Report. Chair Plaag said that it is appropriate for the HPC to apply the size, scale, massing, and height standards to the proposed project. Member Watkins asked Ms. Meade if the HPC could approve a proposed project before changing the regulation. Ms. Meade said yes because the text amendment is in the middle of being possibly changed. It was stated that it seems unlikely that this case will be finished tonight; therefore, the text amendment may be approved by the time the HPC hearing is reconvened for this case. She said there is no legal authority to support that standard, so she is counseling the HPC not to apply that standard to the proposed project.

Ms. Garrett continued with the opening statement. She said the design seeks to tuck the proposed parking deck into the topography of the site so that the structure does not appear to have a large mass or scale. She said the applicant desires to have an attractive building, and there are a number of ways that it could be designed. She said there are a couple of design features they are open to discussing, and Mr. Dixon will cover them in his presentation. She said she looked forward to the HPC's feedback on the proposed project design.

Ms. Garrett asked Mr. Dixon to present the proposed site plan for the project. After Mr. Dixon was sworn in by Chair Plaag, he began the presentation. Mr. Dixon said that his firm had been working for six months or more with the applicant and Mr. Crees to figure out more parking spaces around the courthouse. He said they concluded that a parking deck is necessary to create more parking. Mr. Dixon presented the elevations and the project description as outlined the meeting packet.

Mr. Dixon noted that the existing at grade parking lot owned by the County was underutilized due to poor winter conditions. He said the proposed change would increase parking from roughly 40 to 139 spaces, with the lower level accessed off of Water Street and the upper deck accessed off of Queen Street. He noted the entrance into the parking deck would be landscaped with a seating area and that they will try to save the weakened cherry tree as well. He said the lower end of the deck entrance on Water Street has a 15-foot setback and a 35-foot setback closer to the deck exit near Queen Street. He said the Town requires a five-foot sidewalk, and the applicant is proposing to install it.

Mr. Dixon noted some discussions with the Public Works Department regarding cutting down the Town-owned retaining wall on Queen Street and making it level with the street. He said this would make it easier for the Town to plow snow in winter weather. He explained that the upper-level entrance and exit would be off the alleyway off of Queen Street. He said the building code required the structure to have two pedestrian exits, one at both levels of the two-level parking deck. He said there is one stairway on the northwest corner of the parking deck that goes down to Water Street, and another stairway on the southeast corner leading to the upper level and the alleyway. He noted that the height of the stairways is 18 feet, and with the parapets it is the highest part of the structure. He said that all perspectives of the building height are based on where you enter at Water Street, and all the building heights are under the 33 feet minimum building height regulation; the ground level at Water Street is 28 feet, and the rest of the building varies in size between 16 feet and 18 feet.

Discussion ensued on various building heights. Ms. Garrett asked Mr. Dixon to identify the proposed building height, if you are standing on the grade level at the stairwell next to the Clement Law Office building. Mr. Dixon said it is about 32 feet. She asked Mr. Dixon to compare the height of the proposed deck to the My Phở Restaurant building height, and he said they were probably comparable in height. Chair Plaag asked the approximate height of the gable on the Turner Law Office; Mr. Dixon said he would guess it would be approximately 30 feet. Ms.

Garrett stated that she would get this information for Chair Plaag. Ms. Garrett asked Mr. Dixon if the proposed deck would affect the sight line of the buildings on Queen Street. Mr. Dixon said no.

Discussion ensued on the elevations. Mr. Dixon talked about Water Street in Exhibit 6; he explained the entrance and exit, and the two-story stairway feature. He outlined the location of the retaining wall on the side of the structure, and he said if the retaining wall remains, it will screen part of the structure from the Queen Street view. He further stated that the east elevation is the alleyway. Mr. Dixon continued his explanation that the Town requires a minimum height of 42 inches to screen parking inside the building. He stated this exhibit is showing a varying height to break up the massing from about 42 inches to 60 inches. He added that the stairway exit is about 15 feet. Additionally, he stated the structure will be screened because of the change in grade and elevation.

Discussion ensued on roof types. Mr. Dixon said he looked at a variety of different roof types. He pointed out that flat roofs work to a certain extent but they cause maintenance issues with the freezing and thawing in winter weather. He said that because of this issue, the County is using gabled, hipped roofs on their buildings. He said the County requested that the proposed deck roof be tied into the roofs of the surrounding county buildings. He noted that a gabled, hipped roof is appropriate for the historic district. Ms. Garrett confirmed that the pitched roof being proposed is over the structure at the stairways.

Discussion ensued on materials. Mr. Dixon said the UDO requirements limit the look to either brick or stone. He said he selected the rock like the old Linney Law Office building, and the type of brick is from the brick used on King Street. He said both the stone and brick that he selected are very compatible.

Discussion ensued on the apartment building located adjacent to the alleyway. Ms. Garrett asked Mr. Dixon about the height of the closest building to the proposed structure, an apartment building situated in the alleyway and Queen Street. Mr. Dixon said the height of the apartment building is about 24 or 25 feet. He said it is a two-story building with a flat sloping roof. She said if you are on Queen Street looking at the proposed deck will it stick up over any of the structures around it. Mr. Dixon said no.

Discussion ensued on a proposed change to remove the retaining wall along Queen Street. Mr. Dixon said there had been some discussion between the North Carolina Department of Transportation and the Town of Boone Public Utilities Department on removing the retaining wall, and making a 90-degree turn at the corner of Water Street and Queen Street to improve sight when turning at this intersection.

Discussion ensued on the staff comments. Ms. Garrett asked Mr. Dixon if he had received any comments from the staff; he said yes and that he had addressed the staff comments. Ms. Meade clarified that every project approved by the HPC still has to be approved by staff and be fully compliant with the UDO. Ms. Meade added that regardless of what is said at this hearing, the proposed application must comply as part of the subsequent process following this initial approval.

Chair Plaag asked Ms. Garrett if she had any objections to the materials provided in the meeting packet. She said one section in Appendix D talks largely about renovations or additions to existing historic buildings. She said she thought this language was more for existing buildings than new construction. Chair Plaag suggested that the language be struck from the staff report because it is irrelevant to this case.

Chair Plaag asked Mr. Dixon about the sidewalk in the alleyway being changed to a serpentine sidewalk. He said he was concerned that it would limit vehicular access to the west side of the Terrace Apartments. Mr. Dixon said he would need to defer to Mr. Crees to answer this question because Mr. Crees had talked about moving the sidewalk to the right side of the alleyway and working with the apartment property owner on a parking agreement. Mr. Dixon said the applicant is proposing a sidewalk in the alleyway, and it is up for discussion as to the final location of it.

Discussion ensued on stone pilasters with brick. Chair Plaag asked Mr. Dixon about the combination of stone pilasters and brick that he used to break up the façade. He said it almost looks like coins that continue up to the second-floor level. He asked Mr. Dixon if there was another way to break up the façade through other brick elements and suggested brick pilasters. Chair Plaag said brick pilasters would be more in keeping with Downtown's architectural patterns than mixing up the stone and brick. Mr. Dixon said he would be glad to entertain that idea.

Discussion ensued on using arches on the proposed deck openings. Chair Plaag said he knew of two buildings that historically used rounded arches. He mentioned the Watauga County Bank building having an open angle but used a brick element to suggest a proper round arch. He said the former Pastime Theatre had three round arches that were flat. Mr. Dixon said that he could not do round arches because there was not enough room between the floor levels; he said he could flatten the low arches to where they are just straight lines and angles. Member Watkins did not support that idea. Member Watkins said he liked the low arches better, but they may not meet historical precedence. Ms. Garrett asked Chair Plaag if he was questioning the shape or the material around it. Chair Plaag voiced his concern about mass, scale, height, and footprint. He said one of the ways to minimize the impacts architecturally is to use the stone pilasters as a feature because it draws the eye. Chair Plaag noted that using limestone sills, headers, and lentils might be a way of finding cohesiveness for the openings with other buildings Downtown. Ms. Garrett said they could change the openings to square and flat and use limestone material.

Member Watkins indicated that he might not necessarily agree with the changes discussed by Chair Plaag. Member Watkins noted that we probably need more discussion before the applicant proposes a major redesign for the parking garage. Chair Plaag pointed out that Vice-Chair Bond and Member Watkins had not given their feedback on the proposed changes.

Mr. Dixon asked if it would be appropriate to make some of the proposed changes discussed in this hearing before the next hearing of this case. Chair Plaag said it is up to the applicant if they want Mr. Dixon to make any changes.

Continuation of Hearing

At 5:49 pm, Chair Plaag announced that he is continuing the meeting until Tuesday, July 26, 2022, at 3 pm, via WebEx or until the next regularly scheduled quasi-judicial hearing date.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
JULY 26, 2022, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Tim Futrelle-Mayor, Allison Meade-Town Attorney, Chelsea Garrett-Attorney-diSanti, Capua and Garrett, PLLC, Deron Geouque-Watauga County Manager, Bill Dixon-Appalachian Architecture, Alan Crees-Municipal Engineering, Jim Deal-Deal Moseley and Smith, Tucker Deal-Deal Moseley and Smith, John Winkler-Winkler Organization, Judah Goheen-Winkler Organization, and Laurence Lindsey- L-Squared Engineering

Call to Reconvene

Chair Eric Plaag reconvened the Boone Historic Preservation Commission hearing from July 12, 2022, held via WebEx, at 3:02 pm.

Case Z05738-052522 Watauga County Parking Deck - COA

Deron Geouque, County Manager, on behalf of Watauga County, has requested a Certificate of Appropriateness for Major Work (COA) for the proposed new construction of a parking structure on Water Street (Watauga County PIN: 2900-79-9830-000), located in the Downtown Boone Local Historic District.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA Application for Major Work, a COA is required for new construction of a structure in the Downtown Boone Local Historic District.

Chair Plaag reopened this case and explained that at the last hearing he had completed a series of questions on this case and there was at least one other Historic Preservation Commission member that may have additional questions. He asked if there were any questions for the applicant or the applicant's witnesses.

Discussion ensued on possible architectural questions from the last hearing. Mr. Deron Geouque, County Manager, said he thought some of the last discussion was on the window arches. Mr. Bill Dixon, Appalachian Architecture, stated that he designed as many large openings as he could, based on the proximity to the property lines. He said because of this, he was only allowed a certain percentage of space for the openings.

Ms. Chelsea Garrett, attorney for the applicant, noted that she had some information on some different design options to show the HPC depending on the direction at this hearing. She pointed out that Mr. Alan Crees from Municipal Engineering was present to answer questions if needed.

Chair Plaag opened the floor for the HPC to ask questions of Mr. Dixon. Member Watkins asked Mr. Dixon if the parking spaces in the proposed parking deck would be reserved for the courthouse or if would they revert to general public use. Chair Plaag explained that Member Watkin's question may be outside the purview of the HPC's consideration as they are to consider the proposed design in relationship to the standards. Ms. Meade noted that once it becomes time for decision-making on this case, the HPC members should not consider the answer to this

type of question. She said she thought as long as the HPC doesn't consider the answer as evidence, it is probably all right if the county is willing to answer Member Watkins's question. Ms. Garrett answered and said that the applicant is still working on those plans but the entirety of the parking deck will be available for public use, after business hours and on weekends. She said the plan is to designate parking spaces for county employees. She also explained that the parking spaces that the county employees are using now will be available when the county employees begin parking in the parking deck. Member Watkins said he appreciated the answer and he withdrew the question.

Discussion ensued on the proposed renderings of the current parking deck design. Mr. Dixon confirmed that the renderings had not been revised, he was just showing a to-scale rendering of the proposed parking deck. Ms. Garrett asked Mr. Dixon if the building height was about 30 feet to the top of the chimney for the stairwell shown on the rendering. Mr. Dixon said the measurement of the top of the chimney is about 28 feet. He said the height of the My Pho Restaurant to the height of the chimney, on the stair building, is about the same height of 28 feet or lower than the My Pho Restaurant. Mr. Dixon also noted that the roof height of the parking deck is several feet lower than the chimney for the stairwell. Ms. Garrett noted the top of the pilasters on the building is about 16 feet in height.

Discussion ensued on the arched windows. Member Watkins asked if the arched openings were actually openings. Mr. Dixon said the arched windows are all open except for the ones on the Queen Street side of the parking deck and they are enclosed. Mr. Dixon said the Town retaining wall remains in place and there will not be landscaping along that side of the parking deck.

Mr. Dixon showed the to-scale view of the entrance to the parking deck from the alleyway. Chair Plaag asked Mr. Dixon if he could talk about some ways that the Town's retaining wall might be modified and how it might change the appearance along Queen Street. Mr. Dixon pointed out that the applicant would like to discuss with the Town possibly softening the curve where the retaining wall comes up to the intersection of Water Street and Queen Street because it is a sharp 90-degree turn. He suggested that the Town cut the retaining wall down to street level. He said the County would pour a sidewalk on top of that wall, which would allow the Town to maintain Queen Street in winter. He said this proposed change would create a pedestrian walkway of about five or six feet in width and about a foot and one-half on top of the existing retaining wall. Ms. Garrett said it is her understanding that the cost of the sidewalk would be part of the required development cost of the parking deck. Mr. Dixon added that the height of the retaining wall at the intersection of Queen Street and Water Street is about seven feet. He pointed out that it would take cooperation and funds from the Town and the North Carolina Department of Transportation to make this proposed change. Ms. Garrett pointed out that the softening of the 90-degree turn radius would affect the utility pole as well. Chair Plaag asked Mr. Dixon if the turn is a little bit more than 90 degrees, and Mr. Dixon agreed that the turn is more than 90 degrees.

Chair Plaag asked Mr. Dixon to clarify that the proposed rendering being reviewed does not include the landscaping and bench items that are proposed to be on the west or south elevation of the parking deck. Mr. Dixon said that is correct that the landscaping and bench items are not included.

Discussion ensued on the proposed materials changes. Mr. Dixon said that the proposed changes were made from Chair Plaag's suggestions, which were to remove the false chimneys, create a hipped roof, and remove the curved, arch on all openings. Mr. Dixon noted that these proposed changes are not his preference when trying to mute the features.

Discussion ensued on the Appearance Standards and the Historic District Standards. Ms. Garrett explained that Mr. Dixon had stated that the Unified Development Ordinance (UDO) Appearance Standards require either rock or brick. Chair Plaag explained that the historic district standards would trump other UDO standards regarding appearance requirements for materials.

Discussion ensued on a possible third option for the façade and materials of the parking deck. Mr. Dixon explained the proposed changes to some of the features that further mute the building and minimizes the scale or the perception of it. He listed the proposed changes they added including: wrought iron railings near the top of the upper level of the parking deck, which means the upper-level parking is not screened; added some false windows and stepped up the parapet; made some openings to reduce the massive height for the brick wall; kept the arched openings on the lower level; made the chimney stairwell with the same design just made entirely of rock; increased the height of the façade on Water Street with some false open windows; and opened up the railings on the bottom and upper part to reduce the height of the brick wall on Water Street. Mr. Dixon said the proposed changes do not meet the requirements of the Appearance Standards section that requires a minimum of 42-inch-high wall for screened parking. Mr. Dixon said in this case a combination of open railings of 42 and 48 inches is being proposed.

Discussion ensued on possible screening issues with the proposed changes in option three. Ms. Garrett noted the purpose of screening is to prevent headlights from shining into undesirable locations. She pointed out that she was not sure how not having screening on the north side of the upper level of the parking deck would affect any residential properties. She said the applicant does not have to replace all of the screening, replacing in the front of Water Street to help break up the façade. Chair Plaag pointed out that it was his observation that the visual effect of replacing the parapet screening walls of the original design with the open-sided fencing is that you accentuate the height of the elevator buildings visually. He said making the material stone even further accentuates their appearance. He further explained that as we previously discussed, part of the goal, with something of this scale and massing is to attempt to mute those features as best you can, so that they do not distract from the character of the historic district.

Discussion ensued on another proposal for a change in materials. Ms. Garrett suggested going with brick on the stairs instead of stone and using a hipped roof. She explained this proposed change would bring the height of the chimney stairwells down, especially on the taller one. Chair Plaag explained that the proposed metal railings will create a problem with regard to compliance with the UDO. He said what is proposed for the historic district still has to meet any other underlying UDO requirements for that zoning district. He said if the HPC knows the metal railings are a potential problem, he did not think that the HPC could issue a Certificate of Appropriateness (COA).

Discussion ensued on the metal railings being a UDO Appearance Standard issue or a historic district issue. Ms. Meade asked Chair Plaag if the metal railings are part of an appearance standard or another type of standard. Chair Plaag said that he would argue that it is also a historic district standard. He said he could not think of another building in the historic district that has used metal railings as a rooftop element. Chair Plaag explained that if there is not a standard in the parking deck section of the historic district standards that states that the metal railings are desirable within the historic district, then there is no standard to support the metal railings as an acceptable feature.

Ms. Garrett said that by proposing the third option design, they were trying to make an effort to address the concerns of the HPC. She continued that the applicant wanted to try to minimize the size of the parking deck based on the height. He talked about the use of the square or rectangular muntin windows on the second level. He asked if there was a way to explore using something similar, but slightly larger where the larger flat arched openings are on the lower portions of each elevation. He said this would be an improvement in making the parking deck look more like other buildings in the historic district while accomplishing the ventilation requirement in the lower part of the garage. Ms. Garrett agreed that there are additional windows on the south elevation and they can add some windows on the north elevation. Mr. Dixon said that he could revise the design to include this proposed change.

Vice-Chair Bond pointed out that taking out the rounded arches and keeping the window openings square where they look like regular windows would be an improvement. She noted that Charleston, South Carolina, and Savannah, Georgia, have parking garages that look like regular buildings that blend into their districts. She said

she liked the softer look of brick rather than the look of stone. She suggested to use the look of stone on the corners of the parking deck to break up the façade. Chair Plaag agreed with Vice-Chair Bond regarding the look of parking decks in larger cities and how they look like regular buildings. He said there is a hospital parking deck in Columbia, South Carolina, that is located across from the Trundle Hotel that Mr. Dixon could look at to see the type of windows they used to create that effect they have in that parking deck. Ms. Meade noted that there are several other parking decks in the Columbia area that use brick, and the parking decks have vegetation growing up against the sides.

Discussion ensued on the roofing materials for the chimney stairwells. Mr. Dixon said the applicant is proposing a dark brown metal roofing material that matches the other county buildings. Member Watkins asked if the roof would look like a real standing seam-type roof. Mr. Dixon said it would look like a standing seam-type roof. Chair Plaag pointed out that the applicant's argument when this topic was discussed before was that the county wanted to try to match the parking deck roof with the recently raised seam-type roof that is new to the annex building, administration building, and the courthouse. Chair Plaag also pointed out that the raised seam-type roof is not historically appropriate for any of these three county buildings. Chair Plaag voiced his concern for the use of a non-historic feature as precedent for why the parking deck should have the same feature that is not historic to the district. He said the only standing seam building that he can think of is the post office building. He said the post office has a copper roof which was intended to accomplish a very specific architectural effect when it was built. He noted that the post office building also features a patina that is very different than what is being proposed. Member Watkins said he preferred a standing seam roof.

Ms. Garrett asked if the standing seam roof could be made as a condition. She also said that she knows that the standing seam roof is not historically appropriate, however it is preferred to match the other county buildings. She thought making the parking deck structure compatible with the other county buildings would help make the parking deck blend in and would look better. Mr. Dixon suggested the use of asphalt shingle and noted it would be less expensive.

Discussion ensued on the topic of proposed window opening modifications. Ms. Meade asked that the HPC review the modifications that were shown on the south and west elevations. Ms. Garrett said the only difference will be in addition to the south and west elevations will be to insert some small openings similar to the select areas of the upper level. It was stated that the lower-level openings, instead of having just one big opening or arch, have two-square or three-square windows assuming there is enough airflow passing through them. Chair Plaag added for the two raised window openings that are in the middle of the south elevation have what looks like the second story of square windows. Mr. Dixon said yes, and that he could design the new proposed window layout. He pointed out that it would be like the King Street Flats apartment building screening for their parking garage. Ms. Garrett confirmed the proposed window openings would look like false aluminum storefront windows. Vice-Chair Bond pointed out that with the larger rectangle window opening that someone could crawl through them. Ms. Garrett agreed to this proposed layout and that it would look more residential as well.

Discussion ensued on the proposed materials. Mr. Dixon said that they could use limestone sills for the window openings. Ms. Garrett said they could use the limestone to look more residential. Chair Plaag suggested either a limestone sill or a brick roll locker header would fit with the historic district. Ms. Garrett asked Chair Plaag if the HPC was wanting the applicant to remove the stone and add the brick. She said if so, the limestone sill might look nice with the brick. Chair Plaag said that was his preference, but he was not speaking for the other HPC members.

Discussion ensued on the hipped roof design. Member Watkins said he did not feel comfortable specifying materials. He also said he did not like the look of a hipped roof. Chair Plaag pointed out that the Old Watauga Jail has a hipped roof.

Discussion ensued on guiding the applicant on the next steps. Chair Plaag told Ms. Meade that it was his understanding of this process that the HPC cannot issue a COA until there is some sort of finalization of what the

parking deck design will be. Ms. Meade suggested that the HPC guide the applicant so the applicant can come back to the HPC with proposed final plans for this case.

Chair Plaag stated that his biggest concern is regarding the design of the tower or chimney structures and the height of their roof pitch. Chair Plaag suggested Mr. Dixon come back with a design of a single chimney at the center of the elevation in a pseudo-Georgian design that is congruous with the Democrat Building and the Mountain Bail Bonds building, which no longer exists in the historic district and are covered in the survey. Chair Plaag said if the proposed design could have some of these features, for example, not having corner chimneys and a roof pitch that doesn't as tall as it appeared to be in the original plan, while still having the end chimney features. Chair Plaag said the chimneys on the Mountain Bail Bonds buildings were stunted without appearing to stick out.

Member Watkins noted that at one time in the 1920s there was a lot of Georgian architecture in this community. He said he felt there was a historic precedent for these types of buildings.

Discussion ensued on a pedestrian walkway. Ms. Garrett asked about the pedestrian pathway on the upper end of the entrance. Chair Plaag said that was a question for Mr. Alan Crees from Municipal Engineering. After being sworn in by Chair Plaag, Mr. Crees explained that he had spoken with Mr. Todd Moody from the Town of Boone Public Works Department. Mr. Crees said he asked Mr. Moody about his preference for the location of the sidewalk. Mr. Moody said he liked the sidewalk to be moved to the other side of the alley, so when the cars are driving in and out of the parking deck, it provides a more open look when trying to find a parking space. Mr. Crees said the proposed plans for the conditional district zoning show the sidewalk moved to the other side.

Chair Plaag explained that there is a lengthy historic precedent dating back to the period of significance for the district of that alley being an open alley. He said the sidewalk was installed along the east side of the existing alley and utilized by the adjacent property owners. He said we are not only proposing to change the streetscape features that are historic to the period of significance. He said we are potentially prohibiting a property owner to the east from the use of that alleyway as a means to utilize their parking by removing that access.

He said that it potentially alters the historic use of that space for other historic properties. Mr. Crees said it has been agreed that the sidewalk or flush mount feature would be concrete with a brick border and it could be driven over for access into the parking deck. Chair Plaag confirmed that a sidewalk would be defined as a pedestrian pathway, not unlike some of the things that are proposed for Howard Street but flush with the pavement. Mr. Crees agreed that the pedestrian pathway is a better term to define the sidewalk. Chair Plaag said that this addresses his concern about the sidewalk.

Ms. Garrett added that Ms. Meade had told her that the applicant would need to handle any meetings with surrounding property owners if needed. Ms. Garrett said that she would make sure those meetings occurred.

Chair Plaag asked if there were objections from the staff about any of the discussions that occurred at this hearing. Ms. Jane Shook, Director of Planning and Inspections, asked for a clear recap of the proposed items that the applicant is to bring back to the August 9, 2022 hearing. Ms. Garrett listed the following items: add square faux windows in a group of three like seen on the second level of the parking deck, put faux windows on all sides of the raised parapets; turn the current arched openings on the first floor into possibly two faux window openings and will decide if they are going to be square or rectangle to match the rectangle openings on the stairwell; explore showing a roof over the stairwells that is lower pitch, remove the corner chimneys and explore a more minimal feature that could be the same shape. She stated the applicant might give multiple options on it, and may show one metal and one asphalt shingle to show that option. She said she would let Mr. Dixon work on limestone sill, brick roll locker header, or brick pilasters to see what might be preferred by the HPC.

Chair Plaag pointed out that there are standards that apply to shielding exterior lighting for the historic district. Chair Plaag asked the staff to address these types of things with the applicant before the next hearing. Mr. Dixon

said when the COA is approved and we proceed with the development, there will be detailed photometric plans submitted for the entire site.

Chair Plaag asked if there should be a condition that specifically addresses that any photometric lighting plan must meet the standards of this historic district. Ms. Shook asked Mr. Dixon and Mr. Crees if they had prepared a photometric plan. Mr. Dixon said no because he thought it was premature to have prepared one at this stage of the review process. Ms. Garrett asked Mr. Dixon if he could put together some information for a lighting plan. Ms. Garrett and Mr. Dixon did not think they could prepare an engineered lighting plan by the next hearing. Ms. Meade pointed out that the HPC would not be required to review photometric requirements, she said the HPC would review the appearance standards for the fixture type. Mr. Crees said if the applicant is limited on the fixtures, it will be difficult to meet the requirements of the photometric plan. Ms. Garrett asked if there were historic district standards for lighting fixtures. Ms. Meade explained that the historic district standards would trump the UDO appearance standards when it comes to reviewing the lighting plan.

Chair Plaag said the language in the historic district standards is specifically related to commercial buildings. Ms. Christy Turner, Senior Planner said there is language in the historic district standards regarding historic fixtures and there is also language in the UDO concerning the illumination standards for parking structures. Ms. Turner said there cannot be dark spots within the parking structure and the plan has to meet the national lighting standards that regulate the lighting outside the structure. She explained that there is more of a concern about the applicant meeting the lighting standards on the exterior of the deck.

Chair Plaag read Appendix D, Section 7.1, which states the requirements and features for a building site. Ms. Garrett asked Chair Plaag for some examples in the Town that would help the applicant prepare to present a lighting plan. He noted that he was not a lighting specialist, but he suggested using some type of mounted fixtures on the exterior walls of the upper level, combined with possible bollards that are screened and are relatively low, providing users can still see where you are going. He said they should not be sticking up in the air on the parking deck. He said these suggestions might be a way for the applicant to meet the historic district standard requirements. He noted that he did not know if the photometrical information he mentioned would meet the Town's requirements for exterior lighting.

Ms. Shook explained that the applicant needs to know the type of fixtures and locations they are using before they can tell if the photometrics will work for the proposed plan. She said that the HPC could table the photometric exterior light fixture approval until it is developed and the applicant has been given the overall approval to move forward with the proposed plan.

Ms. Meade agreed with Ms. Shook about tabling the proposed photometrics plan, if the applicant is willing to do so. Ms. Meade further explained that the applicant could come back for their overall plan approval on August 9th, with the applicant's agreement to come back to the HPC when the applicant has their lighting plan developed. Ms. Garrett said the applicant does not have an issue with the proposed agreement.

Ms. Garrett said the applicant had already discussed putting lighting on the interior walls that would shine down. Mr. Crees pointed out that putting a photometric plan together would be difficult along with trying to keep the lighting budget low and meet the lighting standards. Mr. Dixon said he thought they could work on the fixtures and locations and be prepared to present them at the next hearing.

Ms. Shook pointed out her concern that if the applicant's choice of fixtures does not meet the lighting standards, it may cause the applicant to have to come back before the HPC at a later date. She reiterated her suggestion for the photometric plan to be tabled at this time. She said that the applicant has several items to work out to make sure that the lighting fixtures that they choose will provide the light that is needed. Chair Plaag confirmed with Ms. Shook about the potential for a COA approval with a condition that the applicant will return to the HPC for their COA approval of the lighting fixtures with regards to the standards.

Ms. Meade pointed out to Ms. Shook that since Ms. Garrett is wanting to get as much approval done as possible for the applicant including working on the lighting fixtures. Ms. Meade said that Ms. Garrett could propose what the applicant thinks the fixtures should look like, and the applicant would only need to come back to the HPC if there was some type of conflict with the fixtures.

Ms. Garrett asked for guidance in helping identify some of the lighting options that would be compatible with the historic district. She said that the applicant could go ahead and submit some proposed lighting options to the HPC to see if they are compatible, then the applicant could move forward with developing the photometric plan. Ms. Garrett asked that the lighting fixtures topic not be tabled until the next hearing to allow her applicant to present some lighting options. She said if needed at the next hearing, the topic after further discussion, can be tabled to the next hearing.

Chair Plaag asked if other issues needed to be discussed at this hearing. He said hearing none, he would continue this case until the next regularly scheduled quasi-judicial hearing date on August 9, 2022, at 3 p.m. via WebEx, subject to any future continuations for various reasons.

Ms. Garrett, Mr. Dixon, Mr. Crees, and Mr. Geouque left the meeting at approximately 4:30 p.m.

Case Z05737-052522 Howard Street Ventures, LLC (Wilcox Warehouse – COA)

John Winkler on behalf of Howard Street Ventures, II, LLC (Wilcox Warehouse) has requested a Certificate of Appropriateness for Major Work (COA) to repair/replace and modify the exterior façade at 161 Howard Street (Watauga County PIN: 2900-79-8147-000). The applicant proposes to replace damaged stucco with natural stucco as well as repair the awning and roof.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA application for Major Work.

Chair Plaag announced that the case is being continued from July 12, 2022 to July 26, 2022.

Chair Plaag disclosed that he had been near the proposed site listed in this application. He said he had an opportunity to look at the building more closely and he better understands what is going on underneath the stucco. He said that later in the hearing, he will have some questions regarding the exterior of the building. He asked if there were any other disclosures from HPC members. There were no other comments made on said topic.

Chair Plaag asked Mr. Jim Deal from Deal, Moseley, and Smith, if he was representing the applicant. Mr. Deal replied yes along with Mr. Tucker Deal from Deal, Moseley, and Smith. Chair Plaag asked them if they had any objections to the materials provided in advance of the hearing. Mr. Jim Deal said no and said he had a process question for Ms. Meade.

Mr. Deal said that both of the matters being discussed in this application, which are the replacing of stucco and repairing of the awning and roof have been granted permits for the proposed work. He said subsequent to the permits being granted, it was decided that the applicant would need to appear before the HPC for COA approval. He said the HPC language says before a permit is granted, the COA process would occur. He showed concern for why the applicant had to come before the HPC when the permits have already been granted. Ms. Meade explained that in the staff's view these permits were improvidently granted and the permits have been unissued and withdrawn. She said the staff decided that the COA process should be followed. She said the law provides for an issued permit to be unissued if issued in error, which is what happened in this case.

Mr. Jim Deal referred to Section 8.05.03 of the Unified Development Ordinance (UDO) historic preservation procedures standards. He pointed out that the item listed stating replacement or repair of an existing awning is

deemed routine maintenance and not deemed major work. He said the item listed stating in-kind repair or replacement of existing exterior surfaces, when the material, color, and composition, of new material, matches the existing exterior surface is minor work with the Statement of Conformity.

Ms. Meade asked Mr. Jim Deal if he was reading from the most updated and approved copy of the UDO standards. He said his copy may be dated June 28, 2022. Ms. Shook stated that those are the newer changes to the UDO standards that were subsequent to the date of the application.

Ms. Meade said in her view the UDO standards change, with respect to siding, were intended to clarify not necessarily to change the intent. She explained that the applicant can proceed under whichever version they prefer, whether it is the version when they filed or the current version. She said that if Mr. Deal is taking the position that he does not need to go forward with this hearing, she thought that would be a separate discussion on the tables in the UDO standards. She said that the HPC would still have the power to decide if they agree with Mr. Deal on his position. Mr. Deal said he was comfortable discussing the case with the HPC. He said in looking at the language in the tables, it is not major work. He said if it is not major work, he does not know why his applicant cannot move forward with the issued permits. He suggested that the applicant reserve their objection, continue to have a discussion with the HPC, and come to a conclusion on it today with the input of the HPC. Ms. Meade pointed out that she did not agree with Mr. Deal, she said the intent of the standards was to treat a proposal of this scale as major work.

Mr. Deal noted that the proposed work on this building has been held up since March of 2022, with a tenant in the building who has spent significant amounts of money to get a restaurant opened. He said he was interested in working on whatever the fastest process is to get the proposed COA approved. He noted that he does not agree with Ms. Meade regarding the language, but he wanted to work together with the HPC on an approval to be able to try to help the tenant.

Chair Plaag asked Mr. Deal if he was willing to stipulate that the letter from Mr. Lindsey is an appropriate submittal for the meeting packet. Mr. Deal asked which submittal because there were two submittals made by Mr. Lindsey. Chair Plaag said the letter which describes the condition of the property and the underlying masonry. Chair Plaag said the reason he asked this question is that Mr. Lindsey has outlined a repair method that clearly does not fit what is described as minor work in either version of the standards.

After being sworn in by Chair Plaag, Mr. John Winkler, on behalf of River Street Ventures II, LLC expressed his frustration of trying to deal with the permitting issue since March of 2022. He continued to express his concerns as there is a tenant who cannot open his business after he has spent significant amounts of money to do so. Mr. Winkler asked where is the accountability because someone made a mistake.

Mr. Jim Deal suggested reserving an objection and moving forward with the hearing if the staff is mandating a COA process. Mr. Deal continued that having reserved their objection based on the town's ordinance, on behalf of the applicant, and Chair Plaag would stipulate to the record.

Chair Plaag asked Mr. Deal if Mr. Lindsey was present for cross-examination. Mr. Winkler said that Mr. Lindsey has not been able to join the meeting after multiple attempts. Ms. Shook worked with Mr. Lindsey to get into the meeting.

Chair Plaag asked Mr. Deal if he had any other objections to other materials in the meeting packet. Mr. Deal said no, but he wanted to discuss the process regarding the issued permits and the applicant being required to go through the COA process. He said the timeline of the process is different than what is seen in the meeting packet. Ms. Meade suggested holding off accepting the meeting packet into evidence until other evidence is taken in regarding the issues the applicant has with the applicant material.

Chair Plaag asked Mr. Deal if he wanted to present evidence to rebut information in the meeting packet. Mr. Deal pointed out that the phraseology and the timeline of the way things happened are what he is concerned about in the meeting packet.

Mr. Deal called Mr. Judah Goheen from the Winkler Organization as the first witness. After Mr. Goheen was sworn in by Chair Plaag, Mr. Deal asked Mr. Goheen to state his job title and position with his company. He said he was the Maintenance and Grounds Director for the Winkler Organization. Mr. Deal asked him if his job included work at 161 Howard Street in Boone; Mr. Goheen said yes. Mr. Deal asked Mr. Goheen on March 10, 2022, at 4:48 p.m. if he sent an email to Ms. Turner at the Town of Boone regarding the stucco repair at 161 Howard Street. Mr. Deal asked Mr. Goheen if the email said that the existing stucco was being replaced with the same type of stucco and painted back to match the existing color. Mr. Goheen said that email listed no changes would be made to the existing style and color, and the existing stucco is being replaced because it is in disrepair. Mr. Deal asked Mr. Goheen if subsequent to that on March 10, 2022, at 5:04 p.m. if he received a zoning permit that allowed for the proposed stucco work as a result of said email and application. Mr. Goheen said yes, he received an email with the issued zoning permit that allowed for the proposed stucco work. Mr. Deal asked Mr. Goheen what he did next with the siding as a result of the permit. Mr. Goheen stated the work crews began to remove the existing stucco and terra cotta tiles on the awning, and noted that the stucco was falling off as an urgent repair that needed to be done. Mr. Goheen said next a Town building inspector told them to stop work because what they were doing was considered a major repair.

Mr. Deal asked Mr. Goheen if he had received a permit to allow work on the awning and the terra cotta tiles. Mr. Deal asked if this permit was granted on March 21, 2022, for the repair of the awning, and a Statement of Conformity was provided. Mr. Goheen noted that he does not have the permit or emails in front of him but the date sounded correct. Mr. Deal asked Mr. Goheen if after the work was done, permitted work on the exterior stucco and the awning, then he was subsequently stopped by the Town inspector. Mr. Goheen said yes that is when they were told to stop work. Mr. Deal asked if as a result of conversations that Mr. Goheen had with Town officials, if him or Mr. Winkler, to the best of their knowledge engaged Mr. Lindsey to do a study of the exterior of the building. Mr. Goheen replied yes, this is when they contacted Mr. Lindsey to do a study of the exterior of the building. Mr. Deal said the study and report Mr. Lindsey did was submitted as part of the application; Mr. Goheen confirmed that the stated report was submitted as part of the application. Mr. Deal asked Mr. Goheen if he knew if part of the proposal on page 65 of the meeting packet is the summary of what the applicant was requesting to be done; Mr. Deal confirmed that his reference was to Exhibit 2. Mr. Goheen said this summary was done after they were told to stop working. Mr. Goheen said it was not clear in the original permit application that they would temporarily be removing the awning to replace the stucco behind it. Mr. Goheen said the review in this summary is what triggered the applicant to get a COA. Mr. Deal asked Mr. Goheen if the seven items listed in Exhibit 2 are what the applicant is requesting; Mr. Goheen replied yes. Mr. Deal asked Mr. Goheen if he could describe to the HPC the color that the applicant intends to paint the stucco once the stucco is reapplied. Mr. Goheen said the paint was going to be a custom match from Sherwin-Williams to match the other portions of the building. Mr. Deal asked Mr. Goheen if he had an idea of how long it would take to complete the proposed work if permitted by the HPC. Mr. Goheen said the work would take about four to six weeks. Mr. Deal asked Mr. Goheen if since the applicant filed the application and submitted the material to the Town of Boone Planning and Inspections Department, if he had any additional conversations with them regarding doing the proposed work. Mr. Goheen said the applicant has been waiting on the COA. Mr. Deal said that is all the questions that he had for Mr. Goheen at this time.

Chair Plaag said he was searching for an earlier version of the UDO to help him form his questions for Mr. Goheen. Chair Plaag said the design standards that were in effect at that time include a description of design review on page 27 of UDO Appendix D. He noted that the list of those design standards are examples. He questioned if any of the examples would apply to what was originally applied for in the permit for repair. Chair Plaag asked Mr. Goheen to provide a yes or no answer to each of the items on the list. Chair Plaag first asked Mr. Goheen if the applicant's proposal consisted solely of maintenance for existing paint. Mr. Goheen said no. Chair Plaag read from

the standards that changes to masonry are not considered ordinary or routine maintenance. Chair Plaag asked if the replacement of window glass would be only with like kind and quality; Mr. Goheen said no. Chair Plaag asked about caulking or weather stripping; Mr. Goheen said no. Chair Plaag asked about the replacement of small amounts of missing or deteriorated original or existing siding, trim, roof covering, porch covering, and steps as long as replacement materials match the original or existing materials in detail and color. Mr. Goheen said it would be subjective to what a small amount is, he continued and said yes because they were matching back to the original state. Chair Plaag asked Mr. Goheen if when the applicant began work was their intention to place the entirety of the stucco on the south elevation of the building. Mr. Goheen replied yes, this particular section of the building they intended to remove everything loose and dangerous. It was referred to Exhibit 3 in the meeting packet for more information. Chair Plaag asked Mr. Goheen for a rough estimate of the percentage of the stucco on the south elevation of the building where it was intended to be replaced when work first began. Mr. Goheen said about 80 percent; Chair Plaag asked Mr. Goheen if he thought 80 percent fit the definition of a small amount. Mr. Goheen said it was their intention to remove all of the loose stucco on the side of the building or anything that would come off the building. Chair Plaag asked Mr. Goheen if it was their intention to remove 100 percent of all of the stucco that would come off on the side of the building. Mr. Goheen said that Mr. Winkler would be the one to answer that question. Chair Plaag asked Mr. Goheen if he was the one tasked to complete the work. Mr. Deal objected to Mr. Goheen answering the question, and that Mr. Goheen had already answered the question. Mr. Deal said that Chair Plaag was arguing with Mr. Goheen and that was not appropriate. Chair Plaag explained that he was trying to understand the testimony that Mr. Goheen is offering. Chair Plaag explained that Mr. Goheen stated that he was the one tasked with completing the repairs; Mr. Goheen said that is not correct. Chair Plaag asked Mr. Goheen what was he specifically tasked with doing. Mr. Goheen said that he was helping with completing the permit applications and submitting them to the town.

Chair Plaag asked Mr. Goheen again about the scope of work that the applicant submitted to perform work on the south elevation of this building. Mr. Goheen said the scope of work was to remove and replace the damaged and loose stucco. Again, Chair Plaag asked Mr. Goheen if when he filed for the permit application what was their intention, and approximately how much did he anticipate would need to be removed and replaced. Mr. Goheen said it was going to be as needed, and they were assuming it would be a good majority of it. Mr. Goheen said it turned out to be about 80 percent that needed to come off of the building. He said if you remove more than what is loose it would damage more of the stucco that was applied years before.

Chair Plaag stated it was his understanding, after the applicant secured the initial permit to do the repairs, not only a good majority of the stucco was removed, but also the awning from the south elevation of the building. Mr. Goheen said only the tiles of the awning have been removed; he said the intention was to remove the awning to put the stucco on. Mr. Goheen said they intended to use the preferred method, which is to remove the awning and stucco the wall and then put the awning back on. He explained that they had only partially removed the terra cotta tiles and the sub roofing was damaged and needed replacing as well. He stated this is when they were told to stop doing work on the building. He said at this point the structural framing part has not been removed. Mr. Goheen said he did not specify that in the permit application because they did not think that was a detail they should have included in it. Mr. Goheen reiterated it was their intention from the beginning to remove the awning temporarily to repair the stucco and re-secure the awning with new anchors.

Ms. Meade asked Chair Plaag if the time to stop the meeting for today would be 5:30 p.m. and if this case would be continued until August 9, 2022. Chair Plaag said yes this case would be continued to August 9, 2022.

Discussion ensued on the proposed plan. Mr. Deal asked Ms. Meade about discussing the plan to put the stucco back on the building. Mr. Deal said the applicant desires to receive feedback from the HPC that would help to move this project forward to completion. Chair Plaag stated the HPC is currently left with a meeting packet that cannot be accepted into evidence because of a standing objection from the applicant because of multiple aspects of the meeting packet. Further, Chair Plaag stated Mr. Deal is in the process of calling witnesses to speak to these aspects. Ms. Meade said that Mr. Deal was objecting to the timeline. She asked if the timeline issue could be set

aside for now. Chair Plaag noted that he is willing to table the timeline discussion to another date if necessary and if there were no objections from the HPC; there were no objections from the HPC.

Chair Plaag told Mr. Goheen that he may be called upon again to answer questions regarding the permit process and what occurred in that process. Mr. Goheen acknowledged Chair Plaag's comment.

Chair Plaag asked Mr. Deal if he wanted to address what needs to be accomplished at this point for the proposed plan. Mr. Deal confirmed that the seven items listed in the meeting packet had been addressed by Mr. Goheen. Chair Plaag noted that the seven items were listed in Exhibit 2 on page 65 of the meeting packet.

Mr. Laurence Lindsey, Engineer, joined the meeting at approximately 5:00 p.m.

Mr. Deal called Mr. Laurence F. Lindsey, from L-Squared Engineering, to be the next witness. After Mr. Lindsey was sworn in by Chair Plaag, Mr. Deal asked Mr. Lindsey to state his name and profession. Mr. Deal asked Mr. Lindsey if he had reviewed the proposed Howard Street Ventures, II, LLC case. Mr. Lindsey said yes and he had photos of the building. Mr. Deal talked about two letters dated May 24, 2022, and June 10, 2022, that Mr. Lindsey submitted to Mr. Winkler. Mr. Deal further discussed about the June 10, 2022 letter in which Mr. Lindsey's recommendations were to cover the brick and block with a natural stucco and not use synthetic stucco. Mr. Deal asked Mr. Lindsey if this was his recommendation for the exterior finish of this building. Mr. Lindsey replied yes, and that he recommended covering the brick and block with a natural stucco. Mr. Deal asked Mr. Lindsey if he had seen the building before the stucco was removed. Mr. Lindsey said he did not see the building before the stucco was removed. Mr. Deal asked Mr. Lindsey to explain why he recommended natural stucco rather than synthetic stucco. Mr. Lindsey explained that synthetic stucco has been used in the State of North Carolina in distant past development, and he felt like natural stucco was the appropriate method to use on this building. Mr. Lindsey explained that synthetic stucco requires a lot of forming with Styrofoam. He added that if the synthetic stucco is not installed properly, air can get under the stucco and cause erosion. He also noted that synthetic stucco does last a long time.

Mr. Deal asked Mr. Lindsey where is it appropriate on the building to attach a metal lath to the block or the brick using tap con screw anchors for a proper stucco application base. Mr. Lindsey said it is a standard procedure and that a metal lath is like a metal mesh that is applied to the wall and the stucco is applied to it. Mr. Deal asked if stucco is applied to the wall using that method, it is a safer method than what was previously on the building. Mr. Lindsey said he did not know how to rate the safety.

Mr. Deal said these are all the questions, he had for Mr. Lindsey at this time and that he may have further questions for him after the HPC has asked their questions of him.

Chair Plaag opened the floor for HPC members to ask questions of Mr. Lindsey. Member Watkins clarified with Mr. Lindsey that he was recommending natural stucco to be put on the building.

Chair Plaag talked about the two letters that Mr. Lindsey had submitted to the applicant. Chair Plaag said in the letter dated May 24, 2022, Mr. Lindsey recommended sealing all brick surfaces and leaving the brick as is. Chair Plaag asked Mr. Lindsey to confirm that is what he had included in his first letter. Mr. Lindsey said yes, however, subsequent at the time and as a result of the Town meetings that he has not been privy to, he recently became familiar with the Howard Street Project. He stated that if the plan is to upgrade Howard Street, then the building needs to also be upgraded.

Mr. Deal asked the HPC to provide specific items that they would like for the applicant to consider for the August 9, 2022 hearing. Chair Plaag explained that when he originally wrote the survey report for the Downtown area, he could not see what was under the stucco. He said that based on photos of the adjacent buildings and things at the back of the building, he thought it was a concrete building.

Chair Plaag continued his questioning of Mr. Lindsey. He asked Mr. Lindsey if it was an aesthetics consideration or an issue related to structural engineering, for him to leave the recommendation out of his June 10, 2022 letter what he had stated in the May 24, 2022 letter. Mr. Lindsey said the reason was aesthetics. Chair Plaag asked Mr. Lindsey if he was an expert on architectural aesthetics; Mr. Lindsey replied no. Chair Plaag talked about the stucco that had been on the building, he explained he understood it was applied not during the period of significance for the Downtown Historic District. Chair Plaag asked Mr. Lindsey to explain what went wrong with the poorly applied stucco. Mr. Lindsey stated he thought they did not use metal laths. He explained when he looked at the building in May or June, there were no metal laths left on the building. He said this is just speculation on his part because he did not take part in what they did to the building. Chair Plaag confirmed with Mr. Lindsey that there was no metal lathing used to apply the stucco to the brick. Mr. Lindsey said that is his estimation of it.

Chair Plaag asked Mr. Lindsey since we can see what was under the stucco would you conclude that the upper part of the south elevation of the building is currently brick. Chair Plaag asked if that brick was original or early to the building. Mr. Lindsey said he had no history of the building. He said the brick appears to be from the area and he did not know where the brick was manufactured. He explained he did not do an in-depth study of the brick, but he observed it from the ground because he did not have a way to further inspect it. Chair Plaag asked if an architect had looked at the brick finish. Mr. Lindsey replied usually an architect would call out the brick type and have a more historical knowledge of the brick that is used in the Downtown Historic District.

Chair Plaag asked Mr. Lindsey if he saw any evidence on the first floor of the building that the brick had been cut away and had any new elements such as blocks that has been inserted into the façade. Mr. Lindsey said that there was some block that did look like a newer application.

Chair Plaag asked Mr. Lindsey about his comment in one of his letters that says, “The brick at some locations have fragmented slightly but not to a point where they are unsightly”; Chair Plaag asked him if he saw any signs that the brick looked structurally unsound. Mr. Lindsey said just because you cannot see it, it doesn’t mean that it doesn’t exist. Mr. Lindsey said to make a further examination of the brick, he said he would need a lift to go up higher on the building to observe the brick. Chair Plaag confirmed with Mr. Lindsey that he had not further observed the brick because he did not have a lift to do so; Mr. Lindsey replied yes because he did not have access to a lift.

Chair Plaag asked Mr. Lindsey to explain from his letter dated May 24, 2022, that option one was his preferred option. Mr. Lindsey replied yes because it was the simplest option. Chair Plaag explained that the simplest option would be to remove any remaining adhering stucco as safely as possible and to not seal the brick before removing the existing stucco. Mr. Lindsey said no, the stucco would be removed, then seal the brick. Chair Plaag asked to confirm if the brick would be left uncovered at that point, which was Mr. Lindsey's initial recommendation. Mr. Lindsey said yes, and this was before he knew about the Howard Street Project. Mr. Lindsey said he assumed that the Town of Boone would want a look that is more aesthetically pleasing because of what is being proposed in the Howard Street project. Mr. Lindsey said he did not know what should be done with the block. He said that there might be an architectural brick that could be placed over the block if that is the look you desire.

Chair Plaag asked Mr. Lindsey about the east end of the south elevation of the building, and asked if there was stucco over brick at that location. Mr. Lindsey said yes there was stucco over brick at that location. Chair Plaag said assuming that the same method was used to apply that stucco would it be ideal to remove stucco from that location as well. Mr. Lindsey said his suggestion would be to chip off a little bit of it and see what it is comprised of.

Chair Plaag opened the floor for the HPC member’s comments. Member Watkins said that he had looked at the building and there was a large piece of stucco hanging off of the building, which poses a perplexing problem. He

said in his opinion, he did not think what is under the stucco is attractive and he does not see an adequate solution other than letting the applicant move forward with the stucco.

Chair Plaag said that he thought that Mr. Lindsey testified to the current method of installing the stucco, which is the way to not apply stucco to brick in the historic district. Chair Plaag explained it never should have been done because it did not provide a sufficient foundation for the application of stucco to masonry and particularly to brick because it traps moisture under the brick. He explained, considering a long-term perspective and thinking of this resource in terms of being a contributing part of the historic district, it would make sense to remove the stucco where it is applied, repair the brick where it needs to be repaired, and seal the brick with an appropriate sealer at least on the second-floor elevations.

Chair Plaag discussed the first-floor elevation. He explained that what appears to have happened to the building looks like there were lots of openings that were in-filled with concrete blocks to create different types of doorways and windows. Chair Plaag said that he agreed with Member Watkins about the look of the first floor. He said there is not a lot that can be done to it other than to try to find an application that covers it up. He stated he is not sure that stucco is the best material to use on it. He said there might be other storefront types of designs that would be better. He stated leaving the first floor the way it is would not be congruous with the historic district.

Chair Plaag said he would be interested in seeing a proposed plan from the applicant that aligns with the standards and addresses the second-level brick on the southern and eastern elevations. He would like to see that the brick is properly maintained and its life is extended, which would be in the interest of the applicant.

Chair Plaag talked about the awning that is on the building; he said the awning has been effectively demolished even though the frame is still intact. He explained that many of the materials from the awning have been removed. He said that the standards do include language regarding awnings being historically appropriate and this awning is not. He said that inappropriate awnings should be removed when there is an opportunity to do so. He told Mr. Deal to ask the applicant to think about a different awning type that is historically appropriate to the historic district that could be applied to the building if they wish to have an awning.

Ms. Meade asked Chair Plaag to give some examples of historically appropriate awnings to the applicant. Chair Plaag said the standards state that you should not put awnings on buildings that do not have a historic precedent. He explained that historic precedent would mean during the period of significance for a building. He said from the photos he has seen he doesn't think they show any awnings on the building during the period of significance.

Chair Plaag talked about creating a new first-floor façade, not trying to restore the original appearance of the façade, but rather trying to cover up the look that is there now. He said he felt the creation of a new first-floor facade possibly changes how the standard is applied to historic precedent for awnings to some degree.

Chair Plaag said that an appropriate awning would be a fabric awning that has a metal or aluminum frame to support the awning. He said there is an awning of this type on the Lost Province Brewery building that works in the historic district.

Member Watkins commented on Chair Plaag's idea of the first and second floors of the building. Member Watkins said under normal circumstances, he would agree with Chair Plaag on his suggestion for the new first-floor facade. Member Watkins continued and stated in this case, the result would be a stuccoed first floor and a brick second floor. Member Watkins said in this sense, it is creating a new type of historicity for that building. He said he was not comfortable with these ideas. He said that Chair Plaag's idea is a look that never existed in that building before. He explained that he liked the stucco and he wished the whole building was brick, however, it is not all brick.

Ms. Meade noticed that Vice-Chair Bond had left the meeting and told Chair Plaag that he needed to continue the case. Vice-Chair Bond left the meeting at approximately 5:30 p.m.

Mr. Deal said that he will have the applicant work on the things discussed at this hearing and bring that information to the August 9, 2022 hearing for the HPC to review.

At 5:49 pm, Chair Plaag announced that he is continuing this hearing until Tuesday, August 9, 2022, at 3 pm, via WebEx or until the next regularly scheduled quasi-judicial hearing date.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

Communication: July 26, 2022 HPC Special Quasi-Judicial Meeting Minutes (Approval of Minutes)

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
AUGUST 2, 2022, 3:00 p.m.**

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Mark Freed-Director of Cultural Resources, Rick Miller-Director of Public Works Department, and Marlene Crosby-Board Secretary

Others in Attendance: Tim Futrelle-Mayor, Amy Davis-Interim Town Manager, Josh Eller-Public Works Deputy Director, and Jody Feimster

Call to Order

Chair Eric Plaag called the Boone Historic Preservation Commission meeting, held via WebEx, to order at 3:00 p.m.

Adoption of Agenda

Ms. Shook explained that she had a request from Town staff to amend the agenda by moving the Cemetery/Flagpole Discussion to between items four and five.

Vice-Chair Bond made a motion, seconded by Member Watkins, to adopt the agenda as amended.

Vote: Aye – All

Nay – None

The motion passed.

Approval of Minutes

Chair Plaag proposed the following changes to July 5, 2022, meeting minutes:

On page two, in the fourth paragraph and last line, change “Troy” to “Coy.”

On page three, in the fourth paragraph in line three, place quotation marks around “scaled.”

On page three, in the fourth paragraph in line four, add a closing quotation mark after “side walls.”

On page four, in the second paragraph in line three, change “whom” to “who”

On page four, in the fifth paragraph in the last line, remove “know to.”

On page five, in the first paragraph in the second sentence, remove “told” to “said.”

Public Comment

No individuals requested the opportunity to speak during public comment.

Cemetery Flagpole Discussion

Chair Plaag gave a brief history of why this topic has come before the HPC. He said he had been working with Mr. Mark Freed, the Cultural Resource Director, and Mr. Trent Margrif from Appalachian State University on planning cemetery tours in the fall. He said he received emails from Mr. Margrif about activity in the cemetery. He explained that Mr. Margrif showed concern for the recently erected flagpole near the crest of the hill within the historically white section of the Boone cemetery. Mr. Margrif told Chair Plaag that the new flag pole was close to the Hardin family gravestones. Chair Plaag said he did not know about the flagpole being erected in the cemetery. He noted that Mr. Margrif had tried to pinpoint when the flagpole had been erected, and after doing some research, he determined that it might have been erected between Flag Day and Memorial Day. He said that Mr. Margrif also noted that several stones that he was familiar with had been removed from the cemetery, and at least one had reappeared. Mr. Margrif also stated in his email that some of the other stones in the cemetery appeared to have

been cleaned. Chair Plaag said that once he learned this information, he informed Ms. Jane Shook, Director of Planning and Inspections, Ms. Jessica Mitchell, Long Range/Special Projects Planner, Ms. Allison Meade, Town Attorney, and later Ms. Amy Davis, Interim Town Manager. Chair Plaag said he had not seen the topics of the flagpole or the cleaning of the headstones on a Council Agenda.

Chair Plaag voiced his concern about the cleaning of the headstones. He said that people with good intentions would try to clean headstones, and they can do irreversible damage to a headstone by not following the preferred methodologies for cleaning headstones.

Chair Plaag pointed out that the HPC has been asked in the past about the possibility of making the cemetery a local historic landmark. He stated that it seemed odd to him that a very large flagpole with no historical basis was being installed in the cemetery, given that it changes the historic landscape of the cemetery. He said this is the reason for his inquiry to the Town staff. He noted that Ms. Shook and Ms. Mitchell had researched the flagpole and the cleaning of the stones.

Ms. Shook noted that Mr. Rick Miller, the Director of the Public Works Department, was available to answer questions at the meeting. Ms. Shook explained that Mr. Miller's department had contacted the Planning and Inspections Department this past fall to verify that the cemetery was not a historical landmark, confirmed the requirement for whether or not it was in the historic district, and they asked if there were regulations for the erection of a flag pole. Ms. Shook explained that the Public Works department is charged with facilities maintenance, including the cemetery. She said the Public Works department used its discretionary funds to purchase and erect the flagpole. She said they also used those funds to hire a company to clean the headstones, which they thought was part of the requirements of maintaining the cemetery.

Chair Plaag opened the floor for the HPC members to ask questions of Mr. Miller. Vice-Chair Bond said she was interested in knowing who made the initial request to erect the flagpole. Mr. Miller said the Public Works department staff determined the initial request. He explained that the staff thought erecting a flagpole in the cemetery was appropriate because veterans are buried there. He added that most Town properties have a flagpole erected on them.

Chair Plaag noted that he understood that the flagpole funds came from a discretionary budget. Chair Plaag asked Mr. Miller if it is common for the public works staff to make decisions about features on Town-owned property without input from the Council. Mr. Miller explained that once his department receives the funds, they use them to make improvements and do not go to Council to see if they have a certain design for their projects. Chair Plaag asked Mr. Miller if the Public Works department provides a list of projects to Council each year for their approval. Mr. Miller said that as long as the Public Works department stays at a \$15,000.00 threshold on their projects, they do not have to go back to Council for project approval. Mr. Miller said if the project cost exceeds the \$15,000.00 threshold, the Public Works department goes to Council to make them aware of it.

Chair Plaag asked Mr. Miller to tell the HPC about the company that cleaned the headstones. Mr. Miller said that the Public Works staff contracted with the East Tennessee Monuments to clean the headstones. Mr. Miller said the Public Works staff removed the missing headstone to try to repair it. Chair Plaag asked Mr. Miller about the specific cleaning methods that were used to clean the headstones. Mr. Miller said the Public Works department did not know the monument company's process for cleaning the headstones, and trusted the monument company to clean the stones since they were familiar with monuments.

Chair Plaag asked Mr. Miller if an estimate was provided in advance for the work in terms of how they would be doing the work or what was involved in the process. Mr. Miller said the Public Works department received a price quote, requested a purchase order, then the work took place, and the monument company was paid for the work they performed.

Member Watkins asked Chair Plaag if the HPC had heard about the cleaning of the stones before this meeting. Chair Plaag said no, he did not know about cleaning the stones before this meeting. Mr. Miller told the HPC that the Public Works department did not think they had to come to the HPC for feedback because there was no historic district or registered landmark at this town property. Mr. Miller further explained that when the Public Works department erected the flagpole and cleaned the headstones, he did not see the cemetery as any different from the other town properties where they work.

Chair Plaag voiced his frustration when the Bolick property was used for fire department practice; he said the HPC was not consulted about it. He said that after that time, the HPC invited Mr. John Ward, the former Town Manager, to attend an HPC meeting to talk about the importance of keeping the HPC in the loop when potentially historic properties are going to be modified in a particular way. Chair Plaag explained that the HPC had a promise from Mr. Ward that moving forward, after the Bolick house was burned down, that the Town staff would keep the HPC in the loop. Chair Plaag said he felt that we are back at that situation again, especially since the staff knows how much time the HPC has spent documenting that cemetery and securing funds to improve the appearance of it. Chair Plaag said the HPC had been in discussions to figure out what type of fencing would look best there and how to deal with the fence dividing the two sections in the cemetery. Chair Plaag said he was surprised that the Public Works department staff did not consider the possibility of coming to the HPC to get their input on the best way to approach the erection of the flag pole and the cleaning of the headstones.

Mr. Miller reiterated that the Public Works staff did consult with the Planning department, and their response is what he based his decision on regarding the said topics. Mr. Miller said he didn't think the HPC wanted the Public Works department to come to the HPC with everything his department was doing to older buildings around town. Ms. Shook confirmed that the Public Works department staff proceeded with erecting the flagpole based on their response from the Planning department. She said that the Public Works department has not historically been in the business of caring for cemeteries, which is something new to them. She said that the Planning department staff person that Mr. Miller's staff person spoke with may not have been aware that the cemetery may be on a list for a potential historic landmark. She said the concern should not lay fully with the Public Works department because the Planning department had a hand in the actions that led to the erection of the flagpole itself. She said if Council would like to give a different direction on moving forward, she and Mr. Miller would be happy to accept that direction and make the necessary adjustments.

Chair Plaag pointed out that his general impression and feeling as an HPC member is that the Town employees do not consider the work of the HPC and their ability to advise the Town on how to take care of its resources as important. Ms. Shook stated that she does not feel that there was any ill intent with the circumstances at the cemetery; she told Chair Plaag that she regrets that he feels that way. Ms. Shook said she was unsure that Mr. Ward's promise was communicated clearly to the other Town departments. She and Mr. Miller assured Chair Plaag that their actions were not intentional. Mr. Miller reiterated that the Public Works department thought they had gone through all the steps before working in the cemetery. Chair Plaag told Mr. Miller that he hoped we all see this as a learning opportunity regarding this property and other properties and not get in a situation that could be misinterpreted in the future.

Chair Plaag asked Mr. Miller why they erected the flagpole in this specific location versus on the line between the two historically white and black sections. Mr. Miller said the location was based on the topography of the cemetery. Mr. Miller said the Public Works department followed the HPC recommendations and rules approved by Council to erect the flagpole (Boone Cemetery Rules and Regulations, effective March 17, 2016 on file via Council minutes). Mr. Miller added that the flagpole was put in by hand and no equipment was used to install it.

Chair Plaag asked Mr. Miller if Mr. Ward or Ms. Amy Davis, Interim Town Manager, had an opportunity to sign off on the part of the protocols for the cemetery. Chair Plaag said that the Town Manager is supposed to review these protocols. Mr. Miller said no because this language interpretation was for burials, headstones, and signage. He said he did not interpret the language to include flagpoles. Member Watkins asked Chair Plaag if the Town

Manager was supposed to approve headstone changes. Chair Plaag noted that the protocols approved in 2016 call for any new internment to be approved, as well as modification of grave sites and the erection of new headstones.

Member Watkins requested from Mr. Miller the kind of treatment used on the headstones. Mr. Miller said the Public Works department would provide the HPC with information on the cleaning the headstones. He said the headstones were cleaned two years ago. Chair Plaag asked if the headstones on the historically black and white sections were cleaned. Mr. Miller clarified that the headstones in both sections of the cemetery were cleaned, as well as the Junaluska marker.

Ms. Shook said that if the HPC wants regular information regarding the job tasks of the Public Works department for things like the cleaning of headstones, we need to discuss the job tasks. Chair Plaag said the HPC could create a list of maintenance items that could potentially be done on Town properties that the HPC would like to review. She explained that she would ask Council for direction on this and bring that information back to the HPC. Mr. Miller told Chair Plaag that he read through the HPC recommendations and Boone Cemetery rules, and there was nothing about cleaning the headstones. Mr. Miller said the Austin and Barnes Funeral Home had recommended the stone cleaning company to the Public Works department staff.

Chair Plaag followed up with Mr. Miller regarding the headstone the public works department had taken to repair. He asked Mr. Miller if he had a long-term work plan for maintaining headstones. Mr. Miller said no, but he is currently investigating the best way to make a plan to maintain the headstones. Chair Plaag suggested that Mr. Miller prioritize the headstone cleaning; he said the HPC might be able to advise on the damaged stones.

Chair Plaag said that some concern had been expressed about the cemetery tours being considered to occur in the fall because there have been headstones stolen from the cemetery in the past. He said that we might need to think about the cemetery's security and other issues that can help us maintain it better than what is currently being done.

Ms. Davis said that she agreed with Ms. Shook and Mr. Miller that there was no intention from the Town staff not to consider the HPC. She said she would work with Ms. Shook and Mr. Miller to put something together for the Council to review in the future. Ms. Davis apologized to the HPC and noted that she was unaware of the work done in the cemetery.

Chair Plaag noted that about three years ago, the HPC had to stop work in the cemetery shortly after the pandemic because of other more pressing issues involving the downtown district. He said that the HPC still has work in the cemetery, and it is on the HPC's work plan for later this year or early next year.

Discussion of Existing Café Portofino Building – Town Council Request for Consensus by the HPC on Historic Value/Additional Facts of Building

Ms. Mitchell reminded the HPC that a decision still needs to be made on this item regarding the additional requested materials.

Chair Plaag talked about the parts of the building that are historical and not historical to the building. He said that the applicant submitted a supplemental report based on the survey. He said the bar area on the southwest corner is not historic to the building. He referred to aerial images from the 1950 Palmer Blair Collection that show this building without the bar area. He said the apartments are not original nor historic to the building, and the plywood cladding is not original. The underlying horizontal boards are original to the building, and the two staircases that go to the apartments are not original. He said the front shed roof porch on the Rivers Street side was a later addition. He said in terms of deciding what to save of the building, if there is a desire to move the historic parts somewhere else, those elements could be discarded without there being a loss to the integrity of the building,

provided that discarding them doesn't damage the historical elements. He said the potential mover of the building would need to comment on whether they can demo the apartments without destroying the building itself.

Council Liaison Roseman asked how beneficial it would be for the apartments to be moved to another place like the Farmers Market to provide office space. Chair Plaag noted in his opinion that the value of this building is its historical significance, not its architectural significance. The historical significance is in the building's association with the tobacco trade, and the last remaining building in Boone as a marker of this trade. He recommended moving the exterior plywood paneling because it harms the architectural and historical integrity of the building. He noted that the original construction is not visible. He stated that if the Town wants to invest in moving the building, the goal would be to point to this building and say that it is a relic of Boone's tobacco past.

Member Watkins said that the property without the building is worth more than the property with the building. He said if you move the building from that lot, it no longer contributes to it. He said you could build a building with the duplicate square footage elsewhere for less money than it would cost to move that building and rehab it. He said he did not see moving any part of this building being a good decision for the Town.

Vice-Chair Bond said she did not think the building was worth moving. She suggested that the new Portofino Hotel name its bar area the "Prize Room" and incorporate the history of the Austin Tobacco Company Prize Room in it.

Chair Plaag said it is generally easier to move a house than to move giant warehouse buildings that were not built with long-term structural integrity.

Chair Plaag asked how important it is to the Town of Boone to have the building elsewhere in Town and maybe repurposed as an agricultural building at the Farmer's Market and whether it is worth the expenditure for the wood. He expressed that building new construction with a section devoted to Boone's architectural history, including the tobacco trade, would be a more valuable use of the money.

Council Liaison Roseman asked if there were any memorabilia, carvings, or something similar within the structure that pays homage to its past. Chair Plaag said there was no reference to anything like that in this report. He said that the consultant that prepared the report might not have been looking for signatures of the tobacco workers there in 1940. He said the sign on the front of the building was the only thing that spoke to the history of the building. He said this sign inaccurately described it as a Tweetsie building, which he clarified was never a Tweetsie building or a part of the Tweetsie depot.

Mr. Freed added that he has possession of a Burley tobacco scale that could be refurbished and placed in Downtown and viewed by the community. Chair Plaag said he liked the idea of the community being able to view the Burley tobacco scale.

Discussion ensued on the removal of non-historic additions. Ms. Shook asked Chair Plaag about his experience and what has been the success of removing non-historic branches. Chair Plaag said he had seen many projects where non-historic additions are removed, but the building itself is not moved. He said those are almost always successful. He said there are some exceptions, but generally speaking, those are usually done well and can be expensive.

Chair Plaag talked about the harm done by removing the southwest addition of the building. He said that part of the original skin of that building is missing where that addition was attached, and it is now lost. He said that given the descriptions of the deferred maintenance we heard from testimonies about this case, there is a real possibility that this whole building will fall apart if someone tries to move it.

Council Liaison Roseman asked if it would be too much to ask before the building is demolished to see if there is something behind the exterior of the building that we might want to keep. Chair Plaag said that at this point, he

thought we were limited in what you can require of the applicant. He pointed out that they have their COA to demolish it. He asked Ms. Shook if she could check and see if there could be a condition placed on the approval to make Council Liaison Roseman's request permissible.

Chair Plaag said it is difficult to get a property on a National Register because moving the structure from the property often removes its historical context. He said this building does not have national or state-level significance. He said it is architecturally flawed and moving destroys its historical integrity and association. Chair Plaag said there was consensus by the HPC that the only value to moving the structure was the commercial value of the structure.

Ms. Shook explained that the Town hired Destination by Design to create a West Downtown Live Plan a few years ago. She said in the said plan they used the Burley Warehouse scale as a feature within the proposed walkway connecting the old Burley Warehouse to Howard Street.

Ms. Shook asked Chair Plaag if the Staff, moving forward, needed to work on a recommendation for a condition of approval on the COA that they offer the building to the Town to move. Chair Plaag believed this may be reviewed case by case in the future.

Historic District/Landmark Design Standards

Chair Plaag talked about Appendix D, Section 14 New Construction Standards. He said that he noticed in the quasi-judicial cases the HPC has heard this far, at least on two occasions, there has been a reference to the language in Section 14. He asked the Staff to try to make the language clear that we are referring to historically appropriate features on nearby or neighboring buildings. He said he would like to make sure that inappropriate treatments or inappropriate historic treatments on neighboring buildings aren't used as justification for an improper historical treatment on new construction.

Discussion ensued on the painting of structures. Ms. Shook said it is already allowed to re-paint of existing painted structures. She said she would like the HPC's feedback on this language that reads, "complementary to neighboring buildings" from Section 9. Paint and Paint Color of Appendix D. Chair Plaag asked Ms. Shook if she was talking about painted masonry surfaces. He said that it should generally feature colors congruous with the historic district. Ms. Shook said she thought this topic warrants further discussion.

Council Liaison Roseman noted that she is part of Ms. Amber Bateman's, Director of Watauga County Arts Council, committee to review public art. She said that the committee was concerned about the language regarding color palettes. Council Liaison Roseman said the language references color palettes but nothing neon. She said they suggested a more precise definition of the colors. Ms. Shook noted that in the recently approved public art standards, they left the colors wide open except to cut back on fluorescent, neon color.

Discussion ensued on a recommended color chart. Member Watkins asked Chair Plaag if a color chart was recommended for the Downtown. Chair Plaag said there used to be a reference to Sherwin Williams; Chair Plaag asked Ms. Shook if that color chart still existed. Ms. Shook said that was the town-wide color palette in the UDO. Ms. Shook explained that the staff uses the palette in the Planning and Inspections office. She explained it does not have to be Sherwin Williams; the staff will compare the paint sample that is submitted to the color chart as long as the LRV value doesn't exceed 60, it is permitted.

Project Updates by Planning Staff

Public Arts Standard in the Historic District – Text Amendment

Ms. Mitchell said that the Council approved these standards on July 27, 2022, and the revisions have already been incorporated into the Unified Development Ordinance (UDO) and on the Town website.

Demolition Standards in the Historic District – Text Amendment

Ms. Mitchell said that the Council approved these standards on July 27, 2022, and the revisions have already been incorporated into the Unified Development Ordinance (UDO) and on the Town website.

Certified Local Government (CLG) Application Status Update

Ms. Mitchell said she had included a detailed update memo in the meeting packet for the HPC to review. She said the activities list in the meeting packet consists of the ongoing projects from 2020 to the present. She asked the HPC if they had questions regarding the materials in the meeting packet. She noted that the final submission is planned for mid-to-late August with a slight delay to include the new HPC member that Council recently appointed.

Ms. Mitchell noted that Staff is coordinating an orientation date for the new HPC member. She said she wants to delay the final submission to ensure the new member gets incorporated into the CLG submission for the member's resumes. Chair Plaag voiced his concern with the new member; he said will the State Historic Preservation Office (SHPO) require that the new member have all of the quasi-judicial training and any other CLG elements before considering the HPC's CLG application. Ms. Mitchell explained that the new member would have to have at least one training session that will be included in their orientation. Ms. Mitchell said that the new member could include in their resume and that they are open to additional training sessions. Ms. Shook added that the HPC and the Board of Adjustment members use the training modules from the School of Government. Chair Plaag asked Ms. Mitchell if the new member would cause a significant delay in the CLG process. Ms. Mitchell said the only delay would be trying to contact him. She said Staff is sending him an official letter and getting him scheduled for the orientation and training.

Watauga County Jail Local Landmark Designation Report – Update

Ms. Mitchell said this report was sent to SHPO in July and SHPO has started to review it. She said it had passed their technical review and is being passed along to the next step in the process. She said the 30-day comment period has begun, and the staff should receive an answer from SHPO by August 19. She said she would present those comments to the HPC at that time. She said the next steps would be to take the information through the public hearing process.

Status of Historical Markers (Council's Store and Hayes-Bryan-Greene Cemetery)

Ms. Mitchell said she had contacted Sewah Studios and was told they were six months behind on the markers. She said the upside to that comment is that she did submit the marker text in the spring, and they hope to begin looking at these orders this week. She said this is quite a delay knowing that original plans were to install in this summer or early fall of this year. She said she intended to contact the company again and get a new status on the markers.

Intern: Local Landmark Designation Reports/Digital Watauga Project

Ms. Mitchell said Staff had worked it out to split up the work into two different projects. She said one project would be done through Digital Watauga, and the other would be considered a part-time employee as an intern working on the local landmark designation reports for the previously discussed properties.

Ms. Mitchell explained Staff had worked it out to where the photography project would be invoiced in one lump sum for the intern as a part-time, temporary employee. She said the intern would coordinate with Ms. Shook or Planning Staff on the hours worked. Ms. Mitchell said there is an agreement that the intern does not have to work in the Planning and Inspections office, but can work in another location under guidelines provided by Staff. Ms. Shook clarified that the position is not like a traditional internship but a part-time, temporary position. Chair Plaag confirmed with Ms. Shook that this arrangement is to cover the two specific tasks.

Chair Plaag told Ms. Davis that he would provide the Town with an invoice from Digital Watauga for the intern's work.

Project Updates by HPC Members

Downtown Boone Walking Tour – Revisions

Chair Plaag reminded the HPC members that there was a consensus at the last meeting that the Watauga Historical Society would take the lead in trying to figure a path forward in cooperation with the town on the Downtown Boone Walking Tour. He told Vice-Chair Bond that perhaps the Watauga Historical Society needs to meet and figure out a strategy before more public forum discussion. Vice-Chair Bond agreed with Chair Plaag to have a meeting to discuss a strategy for the walking tour.

Boone 150 Project Updates

Chair Plaag asked Mr. Mark Freed, Director of Cultural Resources, to give a brief update on the projects he has been working on for the Boone 150 Celebration. Mr. Freed said there had been some discussion on having guided docent cemetery tours at the Boone Cemetery on Fridays, starting with the first Friday in October, which would include Halloween. Additionally, there are plans to do a Boone Summit at the Appalachian Theatre, which will consist of having historians and people from academia come and talk about some different angles of Daniel Boone's travels and life and in particular his interactions with the High Country. He said he has been working with the Southern Appalachian Historical Association (SAHA) and some community members to present before the end of the year some sacred music celebrations. He said the sacred music celebrations were initially scheduled for later this month, but they are working on an indoor location to have a controlled environment. He said the Friday night concerts and Doc Watson Day are coming up as well as the Boone Boo. He also mentioned continuing to work on the "Boone Reads Together Program" at the Watauga County Library. He said the Junaluska Oral History Book community event would be held on September 10th at the Watauga County Library. He said a larger community celebration of the public read program would be at the Appalachian State University Schaefer Center on September 20, 2022. Vice-Chair Bond said the University has chosen the Junaluska book for their community read. Dr. Jim Hamilton, a local author, will discuss the ginseng project and his mystery novel. She suggested having a New Year's Eve party rather than a Christmas party to celebrate and thank everyone who worked on the Boone 150 events.

Boone Cemetery Interpretative Panels

Chair Plaag said he plans to have the interpretative panel draft ready for the HPC to review at their September 6, 2022, advisory meeting.

Stoneman's Raid Interpretative Panels

Chair Plaag said that he plans to have the interpretative panel draft ready for the HPC to review by the October 4, 2022, advisory meeting.

Electric Vehicle Charging Station at the Downtown Boone Post Office

Ms. Shook explained that the Town recently updated its electric vehicle charging stations ordinance. She said the Town granted an exception for the installation of charging stations in public locations that are in the public right-of-way. She noted that charging station installations are not required to get a zoning permit. She said this was facilitated to encourage the installation of charging stations. Ms. Shook pointed out that the Planning department is already converting its fleet; they have two hybrids, and the next new vehicle will be fully electric.

Ms. Shook presented to the HPC the plans shown in the meeting packet for the EV charging station planned to be installed behind the post office and planning department.

Ms. Shook mentioned that the EV charging station was installed on the right-to-way in front of the post office on King Street. She said that it has very minimal impact overall on the property. Chair Plaag asked if the EV charging station was installed before there was a district. Ms. Shook explained that the Town planned out the location for the charging station before the historic district was approved, but it was installed after the historic district was approved. She said the Town waited until the sidewalk work was completed before they installed the charging

station. She said the Town had installed the EV charging stations on other town properties within the district, just not on a landmark property.

Chair Plaag noted that this topic goes back to where the HPC had conversations about whether the Stoneman's Raid marker should go in front of the post office, on North Depot Street, or behind the post office. He said the HPC expressed concern that the marker might distract from the historic viewscape of the post office. He said maybe this was not the best location for the charger, given the proximity of the landmark. He said that moving forward, it would be helpful to have conversations about where the chargers are being placed in the historic district to minimize the potential impact on the historic district. Ms. Shook said that Chair Plaag made a fair point about having conversations regarding charging stations before their placement. She said that at the same time, she felt the idea behind the proposal for the language was that the Town could install them because they were seen as minimal type of infrastructure improvements. Chair Plaag said he felt the exemption gives the Town the latitude to do what they see fit without the input of the HPC. He suggested that the town ask the HPC for their input to help collectively meet its goals.

Ms. Shook pointed out that the Public Works department does many things daily, weekly, and monthly, and she does not know everything they do. She said she thought it would be helpful, now that we have a historic district, to review a list of expectations from the Public Works department to make sure the district standards are being followed.

Vice-Chair Bond left the meeting at approximately 4:58 p.m.

Chair Plaag added that the HPC would be interested in reviewing and giving feedback on charging stations and other elements, particularly within the historic district or near a landmark; Member Watkins agreed with Chair Plaag that the HPC should have an opportunity to give their feedback on the charging stations and other elements being placed in the historic district.

Ms. Shook added that it was not the Town's intent not to be cooperative with the EV charging station. She said the EV charging station in front of the post office was installed in the right-of-way. She apologized that the Town did not consider the placement of the electric charger in the right-of-way to be something that the HPC would want to review. Chair Plaag explained it is not a required review but simply a conversation about what the Town plans to do and to allow the HPC to give feedback if available. Ms. Shook said now we know that we always need to take this step.

Council Liaison Roseman asked Ms. Shook if there is another set of EV charging stations scheduled to be installed not near a landmark but on King Street near the courthouse. She said she felt that the HPC's input should be considered on these chargers. Ms. Shook explained that the Town has the chargers, and they are waiting on the sidewalks to be completed before they install them.

Chair Plaag concluded that he thought there is a way to go forward on these kinds of projects, where it is just a matter of telling the HPC what the Town is proposing to do. He said if the Town has some options on what they are doing, they could ask the HPC which option they think would be least intrusive to the historic district. He said this approach allows for a cooperative approach to the many goals of the town.

Member Watkins added that the appearance of the front elevation of the post office is particularly important; he said the HPC previously fought to maintain the original appearance of this building. He said they had to bring in consultants from Pennsylvania to discuss the arrival of the building. He noted that the community is protective of the appearance of it.

In summary, Ms. Shook added that she thought there might be processes that the Town can implement at the beginning of the planning period to discuss other projects as they come up. She suggested that we be more explicit

and intentional with what we think our experts say and what those expectations are so that everyone works together.

Chair Plaag said the proposed EV charging station installation behind the post office is on a landmark property. He said he thought the location that has been presented is the best location for it, and most importantly, it is in the tertiary elevation of the property.

Ms. Shook informed the HPC that the Town plans to put in a sidewalk on Queen Street that is proposed to connect Linney Street to Depot Street. Chair Plaag said he strongly supports the idea of sidewalks on the south side of Queen Street.

Other Discussion

Ms. Mitchell pointed out that Council approved for Member Watkins to continue to serve on the HPC until another HPC member is appointed to replace his position on the board. She thanked Member Watkins for continuing to serve until we can try to get new members and get them on the board. Council Liaison Roseman also thanked Member Watkins for his service on the board.

Recessed Meeting

At 5:15 p.m., Chair Plaag announced that he is continuing the meeting until Tuesday, August 9, 2022, at 3 p.m. via WebEx or until the next regularly scheduled quasi-judicial hearing date.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
AUGUST 9, 2022, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaison: Virginia Roseman

Town Staff in Attendance:

Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Allison Meade-Town Attorney, Chelsea Garrett-Attorney-diSanti, Capua and Garrett, PLLC, Deron Geouque-Watauga County Manager, Bill Dixon-Appalachian Architecture, Alan Crees-Municipal Engineering, Jim Deal-Deal Moseley and Smith, John Winkler-Howard Street Ventures, LLC, and Laurence Lindsey- L-Squared Engineering

Call to Reconvene

Chair Eric Plaag reconvened the Boone Historic Preservation Commission hearing from July 26, 2022, held via WebEx, at 3:00 pm.

Approval of Minutes

Discussion ensued on the approval of meeting minutes. Chair Plaag asked Ms. Allison Meade, Town Attorney, that since these hearings are all continued would it be appropriate to approve all the minutes all at once rather than the HPC approve them individually. Ms. Meade said it was within the discretion of the Chair of the Commission to make that decision. Chair Plaag suggested tabling the approval of the July 12, 2022 meeting minutes until all other meeting minutes are available for review by the HPC or any additional dates if necessary.

Case Z05738-052522 Watauga County Parking Deck - COA

Deron Geouque, County Manager, on behalf of Watauga County, has requested a Certificate of Appropriateness for Major Work (COA) for the proposed new construction of a parking structure on Water Street (Watauga County PIN: 2900-79-9830-000), located in the Downtown Boone Local Historic District.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA Application for Major Work, a COA is required for new construction of the structure in the Downtown Boone Local Historic District.

Chair Plaag reopened this case. He swore in Mr. Bill Dixon from Appalachian Architecture and Mr. Alan Crees from Municipal Engineering. Chair Plaag also swore in Ms. Jessica Mitchell, Long-Range/Special Projects Planner, and Ms. Christy Turner, Senior Planner.

Chair Plaag asked Ms. Chelsea Garrett to proceed with the revisions made since the last meeting; she noted that those changes had been included in the meeting packet. Chair Plaag pointed out that the revisions are on packet page 150.

Ms. Garrett asked Mr. Dixon to present the proposed revised changes to the HPC. Mr. Dixon said that the revisions include: the removal of the curved, arched windows; the removal of the large window openings in the lower level of the parking deck, and small openings have been made; replicated the windows from the upper-level window openings and added precast concrete sills and lintels to those same openings; shortened the chimneys to mimic

the former Watauga Democrat building, creating the look of a small residential two-story house. Ms. Garrett added that Mr. Dixon bumped out the lower level about four inches to help shorten the look of the chimneys at the stairwells. Mr. Dixon continued with the proposed revisions; he said the code requires that the rail openings be smaller than four inches. He said they added a solid wall behind the window with an aluminum storefront screen on the upper level of Queen Street. He said the screen is required to be 42 inches high to screen automobile parking from visibility. Mr. Dixon completed his presentation on the proposed revisions and asked for the HPC's feedback.

Chair Plaag reviewed the exterior elevations of Exhibit 11 on page 151 of the meeting packet. He asked Mr. Dixon about the third drawing representing the East elevation and the two openings on the wall. Chair Plaag asked Mr. Dixon if those two openings were in and out of the upper level. Mr. Dixon said they are in and out of the upper level.

Chair Plaag asked Mr. Dixon about the proposed South elevation specifically, the lower story openings that terminate after the fifth section. Chair Plaag said he assumed that it is because of the interruption of the grade. Mr. Dixon explained that the code limits the percentage of openings in the walls within the Downtown Fire District because of the proximity of the property line. He continued by stating there is a maximum amount of openings allowed on that side.

Chair Plaag said to Mr. Dixon that, similarly, on the North elevation along Queen Street, the termination of the faux windows is a visual consideration because of the grade. Mr. Dixon said it was because of the grade.

Chair Plaag asked Mr. Dixon if he created a raised parapet for sidewalks so the roofing sits slightly below the parapet wall, and if the chimneys have also been reduced in height. Mr. Dixon said he intended to raise the parapet and reduce the height of the chimneys.

Chair Plaag asked if the roof's angle was slightly flatter than initially proposed. He wanted to ensure that the proposed metal roof is a standing seam roof instead of the panel roofing. He noted this could be a condition of approval. He continued that the annex building, the courthouse, and the administration building appear to have standing seam roofs as opposed to panel roofing. Ms. Garrett said the applicant would agree that the proposed parking deck roof has to match the surrounding county buildings. She said the applicant could accept this as a condition of approval.

Chair Plaag talked about the proposed awnings over the doorways on each chimney stairwell. He said this is a standard cable-hung awning with a metal box soffit; Mr. Dixon confirmed these awning details.

Member Watkins asked Mr. Dixon if he was satisfied with the height of the pseudo-chimneys as an architect. Mr. Dixon said he would have made them a little differently by making them step in as they go up so the top of them would not look so massive.

Chair Plaag asked Mr. Dixon if he had incorporated limestone elements to the sills and lentils to the faux openings, the window openings on Water Street, and coping for the door openings. Mr. Dixon said that he used precast concrete, which is largely similar to limestone and it is less expensive.

Chair Plaag asked Ms. Meade for direction on how clear the HPC should be in reviewing the revisions to the proposed plans. Ms. Meade responded that she thought the record needed to reflect a clear consensus to guide staff. She stated if what is intended to be approved is not in these newly revised elevations, then the HPC needs to be very clear about what they approve. Chair Plaag clarified that the revision to the width of the chimney stairwells would not get taller, but they would be stepped in slightly as they rise.

Discussion ensued on options for lighting fixtures. Ms. Garrett said the applicant is working on getting a lighting survey to determine the existing lighting or foot candles at the property. Ms. Garrett said that Mr. Deron Geouque, County Manager, had taken some photos of Queen Street that showed Queen Street being illuminated very well. She said that they are hoping that the existing lighting on Queen Street will help them limit the number of light fixtures needed on Queen Street. She continued if that is the case, then they can focus on the number of light fixtures needed on the South elevation.

Mr. Dixon presented full-color fixtures that were historic, in design, and used at the King Street Flats apartment building on King Street. He noted that at this development, they had some poles very close to the property line, which could shield the light from shining over onto the next property. He said these fixtures are acceptable within the bounds of the photometric requirements in the Community Appearance Standards of the UDO.

Discussion ensued on light poles along Queen Street. Chair Plaag asked if 20-foot poles would be used or bollard-type fixtures. Mr. Dixon said the goal would be to use poles, with pole heights down to 12 feet high or as low as possible, and provide enough safety and security. Ms. Garrett said that the applicant is exploring some down lighting on the chimney stairwells, even if it covers the corner because it would eliminate a pole at that location. She said the applicant would look into installing lighting on the interior side of the chimney stairwells to help eliminate additional poles.

Chair Plaag voiced his concern about having a lot of light poles standing above the structure beyond what we already have on Water Street, Queen Street, and in the alleyway on the east side. Chair Plaag asked Mr. Crees if it could meet the foot candle requirements using bollards or wall-mounted lights on the upper deck. Mr. Crees responded that it would not be impossible. He continued to state that if bollard lights are wanted, they would have to be sprinkled throughout the parking deck. He said this might eliminate some parking spaces. He said he would ask his lighting engineer about mounting lights between the parking spaces to determine if it would shine brightly enough to help eliminate some light poles. He said this type of lighting created dark area shadows that are problematic from a safety and security point of view. He told the applicant also to look at the possibility of mounting lights outside the chimney stairwells.

Discussion ensued on the 25 percent flexibility in the standards. Chair Plaag asked Ms. Turner to explain the 25 percent deviation from the levels noted in the UDO Section 25.07. Ms. Turner responded that the applicant has to ask for the deviation before they turn in the plans. She stated that the applicants have to know about it ahead of time and before the zoning permit is issued. Ms. Garrett said the applicant would like the HPC to strongly consider allowing the 25 percent reduction to help preserve the character and have the proposed parking deck look as historical as possible with fewer light poles. Ms. Turner reminded Ms. Garrett that at the last meeting, for the lighting, it was discussed that if the HPC would approve the COA, the applicant could prepare the photometric plan before the zoning permit was issued. Ms. Turner continued that the applicant would then come back and present the photometric plan to the HPC to approve the photometric plan and amend the COA.

Discussion ensued on amending the possibly approved COA application. Ms. Garrett asked Ms. Turner what the HPC would be amending about the actual COA if they were to issue one. Chair Plaag asked Ms. Meade the best way for the HPC to handle the possible amending of the approved COA application. Ms. Meade said she felt the HPC needed to articulate the requirements for the photometric plan so the plan would meet historic district standards.

Discussion ensued on the lighting plan meeting the UDO and Historic District Standards. Chair Plaag pointed out that there is a way for the UDO requirements to be met while keeping the historic district standards in mind. He referred to Section 7.4 Exterior Lighting of Appendix D, and read the standard aloud. He added that whatever lighting is employed needs to meet this standard.

Ms. Garrett referred to the lighting standards and stated that it would need to be the lowest requirement and then potentially employ the alternative, which is a 25 percent decrease to that if possible. Ms. Meade asked if the UDO lighting standards have minimums based on safety and do the standards match up with some national standard of lighting safety. Ms. Garrett said the purpose of Section 7.4 states the goal is to minimize lighting, and the only thing it provides is an actual minimum. Ms. Garrett explained she interpreted that language to mean that the applicant could do as little lighting as they want to. Ms. Garrett further stated the basic chart, in UDO Section 25.05, provides a minimum for the lighting the applicant can achieve. Ms. Turner responded that the interior lighting of a parking deck is mentioned in the UDO standards, but not in the historic district standards. Ms. Turner said the photometric standards would have to be met for the exterior of the building. Ms. Garrett asked Ms. Turner if the applicant needed to look at the activities listed in the chart, in UDO Section 25.05, under open parking areas or under street lighting, ranging from .2 f.c. to 9 f.c., as a minimum, to 3.6 f.c., as a maximum. Ms. Turner said this range referred to foot candles and noted that these are industry standards for foot candles. She said the language on foot candles is being revised by staff, and the applicant has to meet the requirements for foot candles presently written.

Ms. Garrett said that a maximum of 3.6-foot candle is not that bright, and the applicant will have difficulty with bright spots under the lights. She said the applicant would have to get low voltage fixtures not to exceed the maximum. She said the applicant would have to put several lights on the parking lot to disperse the background. She said this should be achievable by adding a low range and frequent sets of lights.

Chair Plaag referred to Section 7.5 of Appendix D, and read it aloud. He thought the applicant had an opportunity with the east and west tower to use wall mounted lighting but shining down into the parking lot. He said the applicant would not be creating a separate pole in those areas. He said if the applicant relies on this standard, it might help meet the surface lot's lighting range.

Chair Plaag stated for the record that the HPC expects that whatever lighting plan is developed will meet the requirements of Section 7. Exterior Lighting of Appendix D. Chair Plaag said he would like to see no light poles sticking above the parapet walls and a minimal number of them on the upper deck to keep the viewscape as uncluttered as possible.

Member Watkins asked if electrical wiring would be put through the cast concrete caps on the pilasters and then add a 12-foot pole on top of them. Ms. Garrett said yes, there would be a hole for the electrical wiring, but the height of the pole and the fence depend on which parapet it's going on. She said they would try to keep the pole height as low as possible. She said they would not all be 12 feet; some might be eight or ten feet high.

Ms. Garrett talked about the South elevation and the side of the parking garage closest to King Street. She explained there is a need for lighting on this side of the parking deck. She said they propose a low pole on the second or third parapet in the middle of the South elevation. She said that with the addition of this light pole, based on the existing exterior lighting, this might take care of the exterior lighting on the South elevation side of the parking deck.

Chair Plaag suggested adding a height limitation that in no case any light pole would exceed the height of the chimney stairwell element on the northwest corner tower. Ms. Garrett said the applicant could agree to that condition. Chair Plaag noted that even on the more easterly pilasters, they would still be below the height of the chimney stairwell element on the West end. He included that the HPC expects that whatever plan is adopted will follow the general guidelines in Section 7 of Appendix D. He said this means the applicant works with the Town to minimize the lighting required for safety purposes and not exceed it. Ms. Garrett said the applicant could agree to work with the Town to meet the safety requirements.

Ms. Meade sought an understanding of why a pole needs to go on top of a parapet wall. She stated that if lighting is needed on the outside of the building, there could be wall-mounted down lighting, and security lighting for the

outside of the building on the upper deck. She said that she would have expected there to be poles on the parking surface. Ms. Garrett explained that the surface lot poles create an issue for snow removal, and parking spaces are lost depending on where the poles are located. Ms. Garrett further explained that the applicant could not commit to the specifics of the pole height at this time. Ms. Meade said there was an issue with the HPC deciding on the pole height because the applicant talked about different aesthetic looks for the poles. Ms. Meade suggested that the HPC try to put it on the staff whether to bring the specifics of the pole height back to the HPC. Ms. Meade said that if the proposed lighting plan meets the requirements, the staff does not need to bring it back to the HPC for review.

Discussion ensued on when to submit a lighting plan. Ms. Garrett asked if every project that proposes lighting has to have a full proposed lighting plan before it comes to the HPC. Ms. Meade said the applicant described a 12-foot pole on top of a high parapet wall that is three and one-half feet to four feet above the parking level surface. Ms. Meade said that viewing the parking deck from King Street, one would be looking at a wall that is 14 or 15 feet high. Ms. Garrett said the parking deck is not entirely visible from King Street. Member Watkins said it looked like the proposed lighting pattern is what one would find in a mall, and he said this may or may not be fine. He said it is difficult to justify the kind of lighting pattern in a historic district.

Ms. Garrett pointed out that the applicant has to have the COA before August 22, 2022. She asked about the requirement for a lighting plan. Ms. Meade said she didn't think the COA approval needed to be held for the lighting plan. She said a decision needs to be made on the condition placed on the COA for lighting. Chair Plaag said that Ms. Meade is suggesting that if the HPC is inclined to grant the COA, a condition would be that the lighting for this project will comply with Section 7. Exterior Lighting of Appendix D. He also said there would be an understanding that staff may choose to direct the lighting plan to the HPC for further consideration to ensure that it meets the condition.

Ms. Garrett asked for specific guidance on the preference to have poles on parapets, and if the poles need to be lower. Chair Plaag said that Ms. Turner explained that the standard for exterior lighting differs from the standard for interior lighting in a building. He said that in this case, we are talking about exterior lighting. Chair Plaag explained that part of the problem is that without a lighting plan, we do not have a calculation for whether you can meet that wide range of .2 f.c. to 9 f.c., as a minimum, to 3.6 f.c., as a maximum for foot candles. He said it is his preference that there be no poles and wall-mounted fixtures. He said this would be the least obtrusive and most congruous appearance for this deck in the historic district.

Chair Plaag said he liked the idea of proceeding with the understanding the applicant needs to meet the requirements of Section 7. Exterior Lighting of Appendix D. He said the staff would review and if they have any doubt, they will present it to the HPC for further consideration. Ms. Garrett agreed that what Chair Plaag said is reasonable regarding proceeding with the understanding the applicant must meet Section 7. Exterior Lighting. Ms. Garrett said the applicant must also comply with Section 14.5 of the UDO Standards.

Ms. Garrett asked if there were any issues with the community appearance standards of the UDO. Ms. Turner, said there would be landscaping requirements to be met for the proposed work at the front of the parking structure. Ms. Turner said a small landscape plan must be submitted and reviewed at the staff level.

Ms. Garrett asked for guidance from the HPC on the presented light fixtures. Chair Plaag said he did not object to the Colonial Style Revival style fixtures because they are elsewhere in the historic district. Vice-Chair Bond and Member Watkins did not have an objection to the Colonial Style Revival style fixtures.

Ms. Garrett asked if it helps the applicant achieve better lighting with fewer poles to have an arm on a pole rather than just having a straight pole. She said the applicant could consider having a pole with an arm as an option.

Chair Plaag asked Ms. Garrett if the applicant would be willing to accept the condition that if the Town approves modifications to the Queen Street wall, the applicant would agree to install a sidewalk along the top of that wall flush with the North elevation of the parking deck. Ms. Garrett said yes, and the applicant would prefer the sidewalk be put in along the Queen Street wall.

Chair Plaag outlined the following proposed conditions discussed at this meeting:

- The applicant shall meet the lighting standards set forth at Section 7 of the Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, UDO Appendix D. In meeting these lighting standards, the goal shall be to minimize the number and visibility of the fixtures, and in particular to avoid or minimize poles that are visible from the outside of the structure. Staff shall review the lighting plan submission, and if Staff has significant questions as to compliance with Section 7, the applicant agrees that the case will be brought back HPC for further review and approval of the lighting plan.
- The faux chimneys on the stair buildings shall not to exceed the height shown on the revised plans, and may be modified consistent with any of the examples that the applicant showed the HPC during the August 9, 2022 meeting.

Chair Plaag asked Ms. Garrett if the applicant would be willing to accept the automatic conditions of approval. Ms. Garrett said yes, the applicant is willing to accept the three automatic conditions of approval.

Ms. Garrett agreed that Chair Plaag accurately outlined the conditions agreed upon by the applicant at this meeting. She clarified that the applicant limiting the visibility of the poles is alright with the HPC.

Ms. Turner asked Ms. Meade if a revised architectural rendering was needed for the Conditional District Public Hearing held later this month. Ms. Meade said a revised architectural rendering would be required. Ms. Turner informed the applicant that the staff would need it submitted by Friday, August 12, 2022.

Chair Plaag asked the HPC members for their comments on the proposed parking deck. Vice-Chair Bond said the proposed changes presented in the revised rendering would make for a better building than was first proposed to the HPC. Member Watkins said he preferred the look of the original rendering better, but the revised rendering is okay with him. He added that it is important to have architecture and illumination levels that conform to the historic district.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to approve the request by Watauga County for a Major Work Certificate of Appropriateness (COA) for the proposed new construction of a parking structure on Water Street located in the Downtown Boone Local Historic District because the proposed exterior modification is not incongruous with the special character of the historic district along with the following conditions of approval:

Conditions of Approval

The following conditions are automatically included and a part of any approval.

- Where there is a conflict between the application information (May 25, 2022) and the plans (May 25, 2022), 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 (his or her) 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.

The Commission may issue an approval subject to reasonable conditions necessary to carry out the purposes served by the historic district (see G.S. 160D-940, 160D-947(a)):

1. The applicant shall meet the lighting standards set forth at Section 7 of the Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District, UDO Appendix D. In meeting these lighting standards, the goal shall be to minimize the number and visibility of the fixtures, and in particular to avoid or minimize poles that are visible from the outside of the structure. Staff shall review the lighting plan submission, and if Staff has significant questions as to compliance with Section 7, the applicant agrees that the case will be brought back HPC for further review and approval of the lighting plan.
2. The faux chimneys on the stair buildings shall not to exceed the height shown on the revised plans, and may be modified consistent with any of the examples that the applicant showed the HPC during the August 9, 2022 meeting.

Vote:

Aye - All

Nay - None

The motion passed.

Case Z05737-052522 Howard Street Ventures, LLC (Wilcox Warehouse) – COA

John Winkler, on behalf of Howard Street Ventures, II, LLC (Wilcox Warehouse), has requested a Certificate of Appropriateness for Major Work (COA) to repair/replace and modify the exterior façade at 161 Howard Street (Watauga County PIN: 2900-79-8147-000). The applicant proposes to replace damaged stucco with natural stucco as well as repair the awning and roof.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA application for Major Work.

Chair Plaag announced that he is reopening this case from July 26, 2022.

Chair Plaag affirmed Mr. John Winkler, Howard Street Ventures, LLC applicant, and he swore in Mr. Laurence Lindsey from L Squared Engineering. Chair Plaag also swore in Ms. Jessica Mitchell, Long Range/Special Projects Planner, and Ms. Christy Turner, Senior Planner.

Chair Plaag asked Mr. Deal if he wanted to call on Mr. Winkler to address items discussed at the last meeting. Mr. Deal asked Mr. Winkler to state his name for the record. Mr. Deal asked Mr. Winkler how long he had been involved in the construction business; Mr. Winkler replied since 1971. Mr. Deal asked Mr. Winkler if he was familiar with the property being discussed on Howard Street; Mr. Winkler replied yes. Mr. Deal asked Mr. Winkler to present the evidence he had submitted to staff on potential awnings. Mr. Winkler noted that he had submitted to Ms. Turner several possibilities for awnings. Mr. Winkler added that he got the awning information from a company in Hickory, North Carolina, and this company is who he usually deals with for awnings. He said the frames are mostly aluminum some are steel, and they are available in a wide variety of colors. Mr. Winkler noted that he did not have a color or design; he continued that whatever color or design that is reasonable is okay with him. Mr. Deal asked the HPC if a fabric awning with an aluminum frame would be acceptable. Chair Plaag said yes, a fabric awning and aluminum frame would be acceptable.

Mr. Deal asked Mr. Winkler if another treatment could be used on the first-floor surface other than stucco. Mr. Winkler responded that it was his understanding that the Town does not allow any faux products to be used. Mr. Winkler said there is a natural stone and a thin brick that does not require a foundation. He explained they could be stuck directly to the building like faux rock or stone. He continued to explain that he did not know if these two types of treatment were acceptable. Mr. Winkler said the only way he knows is to put stucco on it and try to make

it look like it used to. He added that the only other change would be installing a fabric awning. Mr. Deal talked about Mr. Lindsey's testimony, and that one of the concerns included the previous application of stucco had been improperly installed and moisture was trapped behind the brick. Mr. Deal said one of the recommendations was to place a metal lath over it before the stucco was attached. Mr. Deal asked Mr. Winkler if he was proposing to replace the stucco on the building. Mr. Winkler said he thought it was the most reasonable and easiest way to adapt to all of the angles and offsets of the building. Mr. Deal said this concludes the questions that he had for Mr. Winkler.

Chair Plaag asked the HPC members if they had questions for Mr. Winkler. Member Watkins asked Mr. Winkler if he could put the old awning back in its place. Mr. Winkler replied in the affirmative, and he explained that the only problem with doing so is that he doesn't know where to find replacements for the old, broken terra cotta tiles on the original roof. Member Watkins asked Mr. Winkler if the old awning could be repaired and replaced. Mr. Winkler replied that the awning could be repaired and replaced due to the rotten plywood and sheathing. Vice-Chair Bond asked when the stucco was applied for the first time on the surface. Mr. Winkler noted Roger Wright and Kenneth Wilcox were the building owners at one time, and they had the stucco applied, which may have occurred around 1995 or 1996. Mr. Winkler said that Mr. Wright would have been in charge of this building and has since passed away.

Discussion ensued on the removal of the stucco. Chair Plaag asked Mr. Winkler if he had a contractor with historic preservation experience to offer an opinion on how to best manage the removal of stucco from the second-story brick. Chair Plaag also asked Mr. Winkler if the historic preservation contractor knew how to rehabilitate the façade of this building. Mr. Winkler replied no to Chair Plaag's questions, and explained he had used his own experience to remove all of the stucco, put the metal lathe on top of the brick, and secure it to the brick and block on that building. Mr. Winkler continued that if it is done correctly, this way of adding the stucco should hold up for years. Chair Plaag asked Mr. Winkler if he was aware that installing a wire lathe over historic brick permanently damages the bricks, so they can never be used as the exterior surface of the building again. Mr. Winkler answered that he wasn't sure if that was the original brick.

Discussion ensued on the exterior materials of the building. Chair Plaag explained that the original building built in the 1930s was made of block, and the brick was applied at different stages over the years. Mr. Winkler said he did not think the brick was historic and that there weren't three different types of brick on that building. He continued to state that one type of brick was put on the building in 1996, and the two types of brick were unknown when they were put on the building. Mr. Winkler said he was unsure how to restore the brick to make it look the same and didn't understand its benefit. Chair Plaag discussed some images included in the meeting packet and available at Digital Watauga. Chair Plaag referred to packet page 200, which indicates that by 1950 the upper portion of the façade on both the South and East elevation was brick and not concrete blocks.

Discussion ensued on the historical significance of the building. Mr. Deal stated that the historical significance is to the people or events, not to the structure and the business. Chair Plaag said the building itself is still part of its historical significance and the standards for the district apply regardless of the area of significance. Mr. Deal said he was not just arguing that it is not a historic building, but that it is not designated as a historical new construction in the area of significance. Chair Plaag said it is a historically contributing building to the historic district, and the elements of integrity define that including the existence of original materials on the building. Chair Plaag said the standards in the district for these buildings apply whether they are listed for their significance architecturally or historically, and the applicant has to meet both standards. Mr. Deal said he is not arguing that the applicant has to meet the criteria; however, he is trying to figure out the possible standards.

Discussion ensued on the building materials of the Wilcox Warehouse building. Chair Plaag referred to packet page 176 and pointed out that the two westernmost buildings in this photo were originally part of the Wilcox Warehouse building and were made of concrete blocks. Chair Plaag explained that there is concrete block in the lower part of the building. He explained when more work was done to the building in 1994 or 1995, they blew out

most of the storefront, remnants of brick, some of which is infill stuck in to fill in gaps, is visible. He continued to explain that this work to the storefront was to create a new set of doorways accessible from that level, as opposed to the ground level, and why the concrete block looks so new. Mr. Deal asked Chair Plaag if he had anything to show that the second level of that building was brick. Chair Plaag shared an image during the meeting that showed on the upper floor and the sides, the brick continues down and continues to the first-floor façade. Chair Plaag said the vast majority of this façade was a garage with bay openings because it was a warehouse. Mr. Deal asked if it was not brick. Chair Plaag said it was brick on the corner sides and between the openings on that façade, but most of that façade on the first-floor level was openings. Mr. Deal stated that it was difficult to determine what was between the windows. Chair Plaag acknowledged there was material except for openings. Mr. Deal said if Chair Plaag was stating his opinion that the whole building was brick, Mr. Deal stated he would disagree with his assertion. Chair Plaag said his point in raising the issue about the brick was not to argue with Mr. Deal about what would be appropriate on the first-floor or the storefront level of this building. Chair Plaag said the destruction done in the mid-1990s to the original skin of this building on the first floor had rendered it not salvageable. Chair Plaag pointed out that the first-floor matter is different from what is going on the second floor.

Chair Plaag read Section 1.2, included in the Staff Report within the meeting packet, and stated it is limited in what is known about the storefront; however, there is good evidence in that image of what the upper façade initially looked like. Chair Plaag continued now that the stucco had been taken off of it, it is at the point where the applicant is to reconstruct it, and that means not putting stucco back over it. Mr. Deal stated to also look at Section 4.2 and Section 4.6.

Ms. Meade assisted the discussion and stated she believed there will have to be staff testimony. She asked Mr. Deal if there was anything further for the applicant's case. Mr. Deal explained that there were two permits granted to replace the stucco and to replace the awning. He continued by stating an engineer provided a report and recommendation to attach metal lath and replace the stucco. Mr. Deal indicated it is his opinion such work would be in congruence with the district, looking at the building and what is down through there. He welcomed the HPC to ask questions, and that Chair Plaag reserved questions for Mr. Lindsey. Mr. Deal emphasized that there is a tenant of the building trying to open a restaurant and has been held up by this process. Ms. Meade stated that Mr. Deal's statement is his rendition of facts and is not evidence. She continued to explain that the HPC is to recall the testimony heard. She provided direction that the HPC is continue with questions as needed.

Discussion ensued on the additional materials submitted to Staff. Chair Plaag explained Staff had received from Mr. Winkler additional evidence via email that contained four documents. He noted that this evidence had been submitted after the meeting packet was published. Chair Plaag explained that there were awning, brick, stone, and stucco samples or finishes in the four documents. He asked Mr. Winkler if these four documents were incorporated into the case for the HPC's consideration; Mr. Deal confirmed that those four documents are for consideration.

Chair Plaag called Mr. Lindsey as a witness. He asked Mr. Lindsey what happens when you apply a wire mesh to an original brick that has been an exterior surface material and apply stucco over the wire mesh. Mr. Lindsey replied that he was not sure about the basis of this question. Mr. Lindsey answered that part of the question would depend on the brick's condition, and there are also three types of brick and concrete at the back wall. He explained that if it is not wanted for the brick to deteriorate from moisture to consider sealing it. He explained his suggestion would be to evaluate by direct testing if the metal lath screws would be acceptable to the brick to hold the length. Chair Plaag asked him when you install the wire mesh using those screws, they penetrate not just the mortar but also the brick surface. Mr. Lindsey said that wherever there is a specific pattern to the screws, depending on the materials to brick, the mortar has to be sunk to a certain depth. Mr. Lindsey continued that would be evaluated by direct testing to see if the brick would hold the screws. Chair Plaag noted that either way, when penetrating the surface of a sealed brick with a screw it is undoing the effectiveness of sealing the brick. Chair Plaag explained that in the pathway where the screw has entered, the brick surface becomes a pathway for

water intrusion. Mr. Lindsey stated the process could be to seal the brick and the screws in the metal lath after the fact.

Chair Plaag referred to the first letter that Mr. Lindsey submitted. Chair Plaag pointed out that the Howard Street Plan is not a Historic Preservation Plan. He asked Mr. Lindsey to set aside the question of the Howard Street Plan and explain why it would be preferred to seal all brick surfaces versus leaving the brick as it is instead of putting the stucco over it as a preferred option. Mr. Lindsey responded that he had previously stated he had to make his observation from the road and walkway, and did not have access to a lift to evaluate the second-story part of the building.

Chair Plaag confirmed with Mr. Deal that he had concluded presenting his evidence; Mr. Deal confirmed. Chair Plaag asked Ms. Turner to state her recollection of the submittal of this case. Ms. Turner said the permit application for a minor renovation was submitted late on March 10, 2022, and the applicant said the work would begin on Monday. She said she first saw the application late on March 10, 2022. She said she called Mr. Judah Goheen, from the Winkler Organization, and asked him how much work he proposed. Mr. Goheen said they would repair patches of stuff falling off the building. She explained this is why she issued a permit on that date because it sounded like they would be doing minor repairs to the building. She said that after that date, she left for vacation. She said the workers took off more stucco while she was on vacation. Ms. Shook called Ms. Turner regarding the removal of the stucco, and this was when Ms. Shook and Ms. Turner decided to make a Statement of Conformity on March 17, 2022. Ms. Turner stated that a Statement of Conformity was issued on March 21, 2022.

Chair Plaag asked Ms. Turner to explain the requirements of the Statement of Conformity. Ms. Turner said the application was submitted on March 21, 2022, when it was issued with conditions. Ms. Turner said the conditions of the underlying historic masonry shall not be subjected to any additional damage or otherwise compromised in the course of the stucco and replacement. Additionally, she continued to read that the scope of work in the narrative, staff must approve any changes or additions before work begins. Chair Plaag asked Ms. Turner to state the proposed description of the job. Ms. Turner read aloud the description to include a stucco repair/replacement, awning repair, and removal of electrical conduit to remove previous tenants plug in lights. She further stated that it is to utilize the same type of stucco consistency and finish, will be painted the same color previously painted, and the replacement of stucco will utilize existing furring strip locations for replacement of stucco on the façade. She continued with the repair/replacement will not further damage the existing materials underneath the stucco. She said the proposed description described the awning, and the applicant will re-order the tiles that were on the awning and only remove the electrical for the sign.

Chair Plaag asked Ms. Turner if he understood this application meant the applicant would utilize the same construction methods. Mr. Turner responded that, in essence, they would use the same types of furring strips in repairing or replacing the stucco where necessary.

Ms. Turner said that approximately the week after March 17, while she was on vacation, the staff went to the site and saw that a lot more work had been done than what was described. She said the applicant, around March 22, 2022, was asked to stop work on the building and to meet with staff. She said the staff asked the applicant to obtain a Certificate of Appropriateness (COA).

Chair Plaag referred to an application for a COA in the meeting packet dated March 24, 2022. He asked Mr. Turner if that was the date the COA application was submitted. Ms. Turner confirmed March 24, 2022, sounds right for when the COA application was submitted. Chair Plaag noted that the permit fee for the COA was not recorded as being received until May 25, 2022. She explained that at that time, Town Council was deciding how much a COA fee would be. She said the permit fee was \$374.00, plus advertising for adjoining property owner letters. She said the Council decided the COA permit fee would be \$100.00 until September of 2022, then Council would re-evaluate the cost of the fee. She believed the applicant was asked to wait to pay the fee until Council had decided

on the fee amount. Chair Plaag wondered whether the staff was asked to wait on the reviewing of the COA application until the fee had been paid. She said no, and the staff continued to review the application without paying the fee.

Chair Plaag asked Ms. Turner what happened after March 24, 2022, and if the applicant submitted any materials to support the case when the applicant paid his permit fee. Ms. Turner said that the staff did not receive information from the applicant until May 25, 2022, and the staff received the engineer's letter and photographs. She said that on June 9, 2022, the staff received a paint color sample and a project description. Chair Plaag asked Ms. Turner to explain what happens on the Town staff side once they received the information on May 25, 2022. Ms. Turner said that as soon as the staff received the information, they began to prepare a staff report for the HPC. She also noted that someone during the testimonies stated a project cost of \$225,000.00, but the applicant put \$29,000.00 on their application. Chair Plaag asked if the amount listed on the permit was relevant to the Town's codes and processes. Ms. Turner said we have a tiered system for existing buildings, and the project costs dictate what the applicant must do to the building to meet code standards. Chair Plaag confirmed with Ms. Turner that the repair work cost is not considered part of the tiered system.

Chair Plaag asked Ms. Turner to continue to explain what the staff does after they prepared the staff report on May 25, 2022. She said the staff reviewed the project descriptions and incorporated them into the staff report, and the adjoining owner property is posted according to the UDO requirements. He said the first meeting packet was published in June for the July quasi-judicial hearing.

Vice-Chair Bond asked Ms. Turner to clarify if the work on the restaurant is independent of the façade. Ms. Turner said that the proposed restaurant work is on a different permit application.

Chair Plaag asked Mr. Deal if he wanted to cross-examine Ms. Turner. Mr. Deal asked Ms. Turner if it would be expected for a person opening a restaurant to order a lot of equipment to be able to open the restaurant. Ms. Turner said yes, and the building inspector described that there was a lot of equipment left in the space the applicant was going to use. She noted that the applicant is supposed to include the restaurant equipment cost with their total building project cost.

Mr. Deal asked Ms. Turner about an email that she sent to Mr. Judah Goheen on March 15, 2022, saying the deadline to apply for the COA was March 24, 2022, before 3 p.m. for the May 10, 2022 meeting; he asked Ms. Turner if that was the recollection of that email. Ms. Turner said that was correct, and she remembered that email. Mr. Deal stated the email include a COA for the awning. She said the COA was for demolishing any part of the building or structure, including the awning and the terra cotta tiles as an addition to demolition to any part of the building or structure.

Chair Plaag asked Ms. Turner when she indicated that the deadline for the submittal of a COA application was to be listed on a given date, is it generally understood from the application that all supporting materials have to be in by the date for an applicant to meet the next date is for being on the agenda. Ms. Turner said yes, that is the general rule. She noted that the staff does accept some materials after that date up until we have to publish the meeting packet. Chair Plaag said that for an applicant submitting materials on May 25, 2022, the supporting documentation for a COA application wouldn't be sufficient to meet an early May COA hearing date.

Chair Plaag noted that at this point, we do not have other witnesses to testify for this case. He asked the staff if they had received any letters or requests to appear before this hearing. Ms. Mitchell said no, the staff had not received any letters or requests to appear before this hearing.

Discussion ensued on the comments from the HPC regarding this case. Vice-Chair Bond noted that she was having difficulty keeping up with the timing from when the applicant got a permit to do minor stucco repair, then less than a month, the whole proposed work had changed.

Chair Plaag said that he wanted to speak about some of the standards that were in place for this building and why he believed the applicant's proposal for this building is not appropriate. Chair Plaag referred to Section 1.2 and, in his opinion, this building features stucco at the South elevation that was installed using a flawed design in the 1990s. He said the stucco continues onto the East elevation, which is the upper half of the building, and it presumably suffers from the same problems. He hoped that a property owner recognizing that a problem like that would exist would also want to remove and correct the problem. He said, in his view, the visual evidence from the 1950s, which is during the period of significance for the district, shows that the second story of this building on the South and East elevations was covered in brick and that brick still survives. He stated his preference would be for the remaining stucco to be removed from both of those elevations, and completed following historic preservation guidelines and the district standards.

Chair Plaag stated, regarding the first-floor storefront on the South elevation, it was open to a redesign that meets the needs of the incoming applicant, and is congruous with other storefronts in the historic district, particularly along Howard Street. He said the applicant suggested various materials that can be used to accomplish the right storefront without it looking out of place. He said that it would be a brick or concrete block, and the concrete block would not be attractive. He said a stone finishing is like a natural stone, if the applicant were so inclined to use it. He stated it would not be stucco because stucco is not historic to the district as a historical material.

Chair Plaag read Section 1.5 and explained because the stucco has fallen off the upper façade, the replacement windows installed into those openings, probably in 1995, are exposed and it would be difficult to replace them as they are missized to the original openings. He said this is an opportunity for the applicant to replace those six windows with windows that are more historically appropriate to the historic district. He said the alternative is to find a way without altering the historic appearance of those brick window openings, or find an alternative way to repair the existing windows that is visually appropriate to the historic district. He said National Park Service Guidelines might help explain if there is any doubt about whether the façade should be removed. Chair Plaag read Section 1.6 and said this goes with the issue of the underlying brick that is now exposed.

Chair Plaag read Section 6.11, and he said in this particular case, the owner had removed the awning because it in had failed and rotted out from its frame and decking. He continued to explain that a number of tiles are missing from it. He believed that the applicant indicated his willingness to replace the awning with a more appropriate awning type. He indicated the applicant had provided awning samples. He detailed the provided awning samples submitted and explained which ones were appropriate. Chair Plaag stated the awning with red columns, and the one with the visible open frame is inappropriate for the historic district. He said the other samples, including the awning type with a metal frame, considering the awning is fabric and not vinyl, are appropriate types and would be suitable replacements for this building. He stated his willingness to work with the applicant to develop an awning that is appropriate to the historic district and placed on the storefront that needs to be redesigned.

Chair Plaag read Section 7.9, and he said it was evident from the image we were looking at earlier, that this building initially had terra cotta tiles as the coping element. He said the stucco would have to be removed, creating a gap that the current coping will not work on. He said this was an opportunity for the applicant to restore the original design element coping with this building.

Member Watkins explained his thoughts on this case. He said that we have a series of buildings that have been worked on over the years, and there does not seem to be a way to return them to their original façade appearance because it's made up of a variety of materials added over a period of time. He said the materials are mismatched and fairly cobbled together. He believed the choice was to either create a new building or use stucco to match what had been removed. He expressed his interest to find the most helpful solution to this situation.

Member Watkins discussed the awning, and explained if the applicant is to put a new style of the awning to meet the historic district standards, it will create a mismatch at the other end of the building. He added that the entire

façade of that group of buildings had been altered by adding the raised walkway, which changed the appearance of the whole building.

Chair Plaag told Member Watkins that he disagreed with his interpretation, and again he read Section 1.4. Chair Plaag indicated this standard is very clear about this exact example. He explained that if this was new construction, the HPC would have to apply the new construction standards, in which stucco is not an accepted new construction element in the historic district. He pointed out that this building is historically independent of the two buildings to the West. He said they are not historically linked, they were built at different times, and different owners owned them when they were built. He said they have become linked to the 1990s because of poor aesthetic choices made during the 1990s. He said in terms of historical components of the building, this building is a separate and independent building from anything to the West. Member Watkins concurred, but he didn't think the HPC could compel any owner to restore the Town from the past. He expressed that he did not see the HPC's purpose served by insisting on restoring this building other than what it was initially, which was a warehouse.

Discussion ensued on the building materials by Chair Plaag and Member Watkins on the building material outside the building. Member Watkins said he looked at the first floor of the building, and due to the combination of materials, it did not look like the original appearance of the building was recoverable. Chair Plaag said, in his opinion, the exterior skin is the actual brick that was on the second floor of the building. Member Watkins asked Chair Plaag what he would suggest restoring on the exterior of the second floor of the building. Chair Plaag suggested a modern contemporary storefront that would cover up the combination of materials, which Section 1.4 calls for in the historic district. Member Watkins conveyed he did not see what Chair Plaag suggested as an improvement to the building. He thought Chair Plaag was suggesting new construction, and what is being proposed by the applicant does not meet the standards for new construction in the historic district. Member Watkins detailed that the applicant is putting back on what they are taking off and did not see that as new construction. Chair Plaag said the standards are clear that non-historic materials in the historic district should be removed whenever possible. Member Watkins expressed that in this case, he thought it was excessively stringent to remove the non-historic material because of what is under it. He further explained that if this was an architecturally significant building and a significant amount of original material survived, it could be restored to its original appearance. He said there would be some reason to ask the applicant to remove the non-historic material. Member Watkins said that when this project was completed, he did not think the result would add anything more to the historic district than what was already there.

Ms. Meade stated that the evidence has not been accepted into the record, and it is appropriate to officially accept into the record all materials in the packet. She expressed the exception that if the applicant objects to the narrative on page 179, that could be excluded. Further, she stated the evidence presented as new material needed to be included. Chair Plaag asked if there were no objections he would accept into evidence the additional materials submitted and the version of the packet for this hearing. Mr. Deal objected to the said narrative but had no objection to the additional materials mentioned at this meeting being accepted as evidence. Chair Plaag noted the objection and excluded the History section on pages 179 and the top of page 180 of the meeting packet. Chair Plaag accepted into evidence the additional materials submitted for this meeting, the version of the packet for this hearing, and excluded the exception as stated by Mr. Deal.

Mr. Deal said the HPC is continuing to discuss among their members, and he thought the HPC needed to continue their discussion. He stated if the HPC decided on certain conditions, his applicant could discuss them.

Discussion ensued on the scheduling of the next meeting to continue this case. Ms. Meade said that she could meet with the HPC on Monday, August 15, 2022, at 3:30 p.m. Chair Plaag, Vice-Chair Bond, Member Watkins, Mr. Deal, and Mr. Winkler and the members of the Planning Staff said they could meet on the said date and time to continue this case.

Adjournment

At 5:50 pm, Chair Plaag announced that he is continuing this case until Monday, August 15, 2022, at 3:30 pm, via WebEx or until the next regularly scheduled quasi-judicial hearing date.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

Communication: August 9, 2022 HPC Quasi-Judicial Meeting Minutes (Approval of Minutes)

TOWN OF BOONE
SPECIAL HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
AUGUST 15, 2022, 3:30 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Town Staff in Attendance:

Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Allison Meade-Town Attorney, Engineering, Jim Deal-Deal Moseley and Smith, John Winkler-Howard Street Ventures II, LLC, Laurence Lindsey-L Squared Engineering

Call to Reconvene

Chair Eric Plaag reconvened the Boone Historic Preservation Commission hearing from August 9, 2022, held via WebEx, at 3:32 pm.

Case Z05737-052522 Howard Street Ventures, LLC (Wilcox Warehouse) – COA

John Winkler on behalf of Howard Street Ventures, II, LLC (Wilcox Warehouse), has requested a Certificate of Appropriateness for Major Work (COA) to repair/replace and modify the exterior façade at 161 Howard Street (Watauga County PIN: 2900-79-8147-000). The applicant proposes to replace damaged stucco with natural stucco as well as repair the awning and roof.

Chair Plaag reconvened the case from the August 9, 2022 meeting.

Chair Plaag swore in Ms. Jane Shook, Director of Planning and Inspections, Ms. Christy Turner, Senior Planner, Mr. John Winkler, an applicant for Howard Street Ventures, LLC, and Mr. Laurence Lindsey for L Squared Engineering.

Chair Plaag asked the Historic Preservation Commission members three questions. Did any commissioner have a fixed opinion about the case that is not susceptible to change; does any commissioner have 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; and third, has any commissioner engaged in any undisclosed ex parte communication regarding the application? There were no answers in the affirmative.

Chair Plaag noted that there appeared to be some issues of fact, that were in dispute with regard to the case, primarily concerning the history of the materials that were uncovered due to the failure of the stucco on this building. He asked Ms. Meade if it would be appropriate for the HPC to make findings of fact to those questions from the last meeting before the HPC obtains approval or non-approval of the application or discussion of approaches to repairing the façade. Ms. Meade noted she thought it was appropriate.

Chair Plaag asked if there was any dispute that generally speaking, the approximate appearance of the applicants building at the time the decision was made to move the request to a COA application that, in essence was the same as the current condition of the building. Mr. Deal indicated there was no objection.

Chair Plaag indicated that he would like to refer to the board packet to review a few of the photos and asked Ms. Shook to share them on the screen for all to see. Chair Plaag first described the first floor façade of the building shown on packet page 174. He pointed out the following building elements: modern window and door treatments that are not historical; concrete block that did not appear to have ever had a painted finish or any other type of refined finish applied to it other than the stucco that was over it; that the concrete block looked new and not a component from the 1940s or 1950s; that on the far left of the photo a large window is shown followed to the left by four more windows; that to the left of the windows was a small seam of brick that extended down and adhered to the painted white concrete block that was uncovered, when the stucco came off. He noted that this last

component was related to the adjacent Wilcox Warehouse building that is located to the west of the applicant's building.

Chair Plaag next referred to the photo on packet page 198. He noted he believed the photo was taken circa 1960. He noted in the far distance, partially obscured by the trees, was the west building of the Wilcox Warehouse, and noted that the light-colored building in the center was the east building of the Wilcox Warehouse. He noted that the next two-story building in the image was the applicant's building. He pointed out a contrast in the masonry between the applicant's building and the east building of the Wilcox Warehouse as they appeared in 1960. He noted the Wilcox Warehouse building was very lighted colored, possibly because the concrete block was painted white.

Chair Plaag next referred to the photo on packet page 200 and noted that a clearer image of this photo could be viewed on the Digital Watauga website. He noted that it was clear from the photo, that the applicant's building was composed of masonry that appeared to be brick. He noted the east tower of the Wilcox Warehouse seemed to have concrete block on it, and the east building of the Wilcox Warehouse appeared to be brick.

Chair Plaag next referred to the photo on packet page 176 submitted by the applicant. He noted no portion of the applicant's building was visible in the photo. He noted, as discussed about the 1950s image, the building had concrete block on it that was not painted white. He noted the building to the west appeared to have brick rather than concrete block; that to him indicated that sometime between 1944 and 1960, the façade was painted a lighter color, possibly white.

Chair Plaag then referred to the photo on packet page 200 and noted that the second-floor façade of the applicant's building contained a fenestration pattern of six evenly spaced windows running across the south elevation second-floor façade. He noted on packet page 174 that the same fenestration pattern was visible in 2020. He further noted that these were not the original windows in the openings, and the fenestration pattern had not changed. He noted this meant that upper façade had not been modified to create bigger openings or to enclose the openings. He pointed out that the upper façade has not been changed from the period of significance for the district.

Discussion ensued on identifying any disputed facts. Chair Plaag noted that the applicant's counsel had disputed whether the brick material uncovered on the second-floor façade is historic as defined by the standards for the district. Chair Plaag indicated he also though a finding of fact whether the materials that lie beneath the stucco on the second floor east and south elevations are historic materials as defined in the standards.

Ms. Meade noted that the Commission should do their best to keep facts separate from the application of standards. Chair Plaag indicated his agreement and noted that he didn't believe that there was sufficient evidence available to definitely say the second floor material dates to the estimated date of construction in 1948. He further indicated that he would make a motion that there was sufficient evidence that the brick on the building does date back to period of significance for the district, which is expressed as 1918-1965.

Discussion ensued on the information contained in the Sanborn Maps.

Member Watkins noted that he was looking at the Sanborn Maps that indicated that the buildings were concrete construction. Chair Plaag indicated that though the Sanborn Maps were not entered into evidence he didn't think there was any harm to introduce them so long as there was no objection from the applicant. Mr. Deal indicated there was no objection.

Chair Plaag then shared on his screen the Sanborn Maps for the Town of Boone. Chair Plaag then described what was shown on the map for that portion of Howard Street. Chair Plaag noted that sometime there was an error in the Sanborn maps and noted that though the Sanborn Map noted the building in question was concrete block, he thought it was likely the building had been mapped before the construction of the building was finished. Mr. Deal objected to what he thought was Chair Plaag's characterization of what had occurred since he wasn't there and that there was no evidence submitted as to what had actually occurred.

Member Watkins asked Chair Plaag to explain the particular point that is in dispute. Chair Plaag said he had already explained that on packet page 174, the photo showed a thin seam of brick that appears to match the second-floor

brick that is visible in the applicant's photo at the west of that façade. Member Watkins asked if the Commission was assuming based on the photo that the entire façade of the applicant's building was initially brick cladding, and then somehow, the brick on the first floor disappeared. Chair Plaag said yes, on the first-floor façade, the brick and its piercings disappeared, and its fenestration pattern was obliterated as part of the renovations in the 1990s, except for the thin seams of brick that are original. Chair Plaag said he did not want to give the impression that there was a long expanse of brick along the wall of the first floor of the applicant's building at any time. He said there were several garage bay openings along the first floor of the applicant's building, as noted in the meeting packet.

Chair Plaag made motion that it was a finding of fact that based on the available historic photographic evidence, as well as the present photographic evidence submitted by the applicant that the brick elements that are visible on the second floor of the south elevation of the applicants building as well as the material that lies underneath of the stucco on the second floor, east elevation is brick that dates to the period of significance for the district, which is the period between 1918 and 1965; and for the purposes of this building dates to the period between 1947 and 1965. Chair Plaag asked if there was any discussion on the motion. Commission Member Watkins indicated that he understood that there were problems with the Sanborn Maps but he had never seen anything like the current maps where a surveyor was looking at brick and recorded it as concrete block. Chair Plaag then called for vote on the motion.

Vote: Aye-2 (Bond, Plaag)

Nay-1 (Watkins)

The motion passed.

Chair Plaag next made a motion that it was a finding of fact that based on statements made in evidence by the applicant's witness and descriptions in the packet submitted by the applicant of the proposed stucco repair application, the proposed work would cause permanent and irreversible damage to the second floor façade on both the south and east elevations.

Mr. Lindsey indicated that he objected to the motion. Mr. Lindsey noted that no one had proved that there was original brick on the building. Ms. Meade noted that it was not appropriate time for discussion from the applicant's witness. Mr. Lindsey continued to object. Ms. Meade noted that while Mr. Lindsey was out of order, she suggested that the Chair give more of an explanation for the finding of fact.

Chair Plaag explained that when he previously asked Mr. Lindsey how he would attach the brick, then Mr. Lindsey described using wire mesh. Chair Plaag said that at that time, he asked Mr. Lindsey whether that wire mesh would require penetrating the surface of the brick and putting holes in the brick. Mr. Lindsey responded that is correct that the screw would penetrate the brick but not the mesh. Mr. Lindsey continued to object. Ms. Meade indicated that now was a time for debate, that this was a situation where the HPC is making findings of fact. Mr. Deal asked Mr. Lindsey to refrain from speaking but noted that he objected because he thought Chair Plaag was giving his opinion rather than facts regarding the damage to the building.

Chair Plaag indicated that he would like to further explain the reasoning behind the motion. Mr. Deal again objected to the Chair's opinion as being fact. Ms. Meade noted that his objection was noted for the record. Chair Plaag continued that the reason for the motion is that not only the material submitted in the packet, by the applicant, which describes the process for attaching the treatment, to whatever the substrate is, but also the answers from Mr. Lindsey on direct questioning, indicated that attachment of the wire mesh would have to go through the brick in order to make that treatment successful. Chair Plaag called for a vote on the motion.

Vote: Aye – (Bond, Plaag)

Nay – (Watkins)

The motion passed.

Chair Plaag next made a motion, seconded by Vice-Chair Bond, that based on statements made in evidence by the applicant's engineer, Mr. Laurence Lindsey from L Squared Engineering, the photographs in the meeting packet showed the second-floor, east façade was likely composed of the same brick material seen on the second floor, south façade. And given that the second-floor, east façade is covered with stucco that was likely applied using the same methods at the same time as the stucco applied to the south façade in the 1990s, the current stucco treatment is likely to fail and potentially cause damage to the historical materials of the second-floor façade.

Mr. Deal objected to the finding of fact in this motion because he said there is no evidence or testimony to support it.

Vote: Aye - (Bond, Plaag)
Nay - (Watkins)
The motion passed.

Chair Plaag then made a fourth motion, seconded by Vice-Chair Bond, that based on visual evidence submitted in the meeting packet and statements by the applicant's engineer witness, Mr. Laurence Lindsey from L Squared Engineering, the evidence indicated that multiple sources of modern infill material and various modern piercings had penetrated the first-floor façade of the south elevation of the applicants building. The Historic Preservation Commission finds that the historical materials and appearance of the first-floor façade have been largely destroyed and are therefore unrecoverable.

Mr. Deal agreed with this finding of fact because he did not know what was on the first floor.

Vote: Aye - All
Nay –None
The motion passes.

Discussion ensued on the historic district standards. Chair Plaag indicated that he though the standards in 1.2 were clear that the Commission had an obligation to preserve the upper façade and the non-historic coverings of the upper facade should be removed. He continued that the Commission already knew the stucco that was on the south elevation failed, because it was improperly installed and there is evidence that suggests that stucco on the second floor, east elevation is probably applied in exactly the same way. He further indicated that in the interest of helping the applicant preserve his building, not do further damage, and not have an instance of all of that stucco coming crashing down either on the roof of the next door building or on people walking on the sidewalk, it would be wise to remove the stucco on the east elevation, especially since the standard at 1.6 encourages that. and the standard recommends, you know, the language is should be removed, the standard encourages that.

Chair Plaag noted the Commission had made a finding of fact that the first floor of the south elevation that there is nothing to recover of the facade elements but that overall the architectural integrity of the first floor was obliterated. He continued that standard 1.4 notes that when a storefront can't be saved, the applicant shall retain the commercial character with contemporary a contemporary design compatible with surviving and surrounding buildings and felt that the Commission should guide the applicant on what materials would be appropriate for a "contemporary design". He noted the standards were clear what materials were and were not appropriate to the district; that stucco is one of those that was not appropriate to the district in new construction or contemporary design. He said this puts the HPC into a position to guide the applicant on making a storefront for the first-floor level of the building that is congruent with the district and meets the standards of the historic district for new construction of a storefront with a contemporary design.

Mr. Deal asked Mr. Winkler if, in his opinion, he had a doable repair to the first-floor brick above the walkway. Mr. Winkler asked if it was acceptable to use wood siding rather than brick on the first-floor façade to make this process go faster.

Discussion ensued on the use of wood siding as a façade building material. Chair Plaag explained that the applicant's building is located in the Town's Central Fire District, with certain fire code restrictions on building materials. Ms. Shook consulted with a building inspector who said that any wood could be used as long as it meets the building code and it does not have to be fire retardant.

Discussion ensued on the replacement windows for the building façade. Mr. Winkler noted that about three window frames on the second-floor façade are rotten and need to be replaced. Chair Plaag let Mr. Winkler know that the historic district standards in Section 1.5 state that the requirement to replace windows is to use windows that match the original windows in configuration, appearance, materials, and the windows that were there during the period of significance. Chair Plaag told Mr. Winkler that a Palmer Blair photo is available that shows the windows of his building, and the staff could provide him with a copy of it. Chair Plaag also noted that the windows should be wood and not of vinyl material.

Discussion ensued on the applicant providing a sketch of the proposed storefront design. Chair Plaag explained that the proposed contemporary design drawings featuring wood elements to create a new storefront would have to meet the historic standards regarding new construction for storefronts and staff approvals. He said if the staff in their review saw something that needed further review by the HPC, they would bring the case back to the HPC. Chair Plaag asked Mr. Winkler if he would be all right with this arrangement for efficiency. Mr. Winkler voiced his concern about reviewing his proposed design drawings and possibly being brought back to the HPC if the staff finds an issue in their review. Ms. Meade told Mr. Winkler that the HPC is offering him the flexibility to present proposed design drawings to the staff to review, and they will determine if the proposal meets the historical standards; if not, they will present it to the HPC to review.

Ms. Shook said it is her understanding that the HPC is working with the applicant to decide how to proceed with the façade renovation on the first-floor façade. She said if the applicant is using wood products, the staff would need to know the size, type, and color of the wood, and the staff would also need the details of the awning and brick materials.

Chair Plaag noted that he wanted to make it clear that he was not specifying wood siding but wood elements that comply with the historic standards for storefront design new construction.

Chair Plaag explained that the HPC had not seen a proposed design plan from the applicant. He added that the good faith part on the HPC's side is to say, as long as the applicant is meeting the standards in the design plan that is submitted and it does not violate any section of the standards; the HPC would grant a COA. He encouraged the applicant to review the standards and work with the staff to create a design congruous with the district for new construction storefronts. He suggested that the applicant not-substitute materials for wood or other materials.

Ms. Meade voiced her concern to Chair Plaag that she knows that the HPC wants to help the applicant move his project along, but the HPC the right to require a design be submitted with specific materials to be reviewed by the HPC for approval.

Discussion ensued on the proposed design plan. Chair Plaag noted that the applicant had stated that they need direction to know what they need to propose, and because of this, he suggested the HPC meet with the applicant in two weeks if that gives the architect enough time to create a proposed design plan for the first-floor façade. He said the proposed design plan could be submitted to the staff for review.

Mr. Deal voiced his concern about potential issues with the proposed design plan, possibly not being accepted. He said they might have to move into the re-design phase, perhaps leading to a future meeting. He pointed out that there is not a list of acceptable wood products in the standards, which is a struggle for the applicant to find a product that meets the standards. He said this struggle could lead to a lot of back and forth. He noted that the applicant could try to get a proposed design plan to the staff, and in two weeks, at the next meeting, we can address it again. Mr. Deal confirmed that if the staff cannot approve the proposed design plan, they will present it to the HPC for review.

Ms. Shook voiced her concern transferring the review to staff because the standards for new construction, specifically materials, do not give any guidance regarding to siding or other appropriate materials. She pointed

out that from the staff's perspective, Staff would only apply the standards for new construction to the proposed design plan. She said that Staff may not be looking for contemporary wood elements in the review of the plan the same way the Commission would.

Chair Plaag asked Vice-Chair Bond and Member Watkins if they preferred to see a proposed design plan before issuing a COA for this case. Member Watkins responded that if given a choice, he would approve the request to re-stucco the building because he thought it was the only solution that removes the issue of having to design the storefront. He said he was uncomfortable with the other recommendations made by the HPC.

Vice-Chair Bond said some discussions have ruled out the re-stuccoing of the façade. She felt the second-floor façade, which is brick, needs to be cleaned up and the old stucco taken off of it, rehabilitate the brick, and add new windows. She said the first-floor façade is beyond any kind of restoration. She said she would prefer to see a proposed design plan because she does not want to approve a COA until the HPC is ready.

Mr. Lindsey commented on the bricks on the second-floor façade. He said that every brick there is either partially or completely damaged, and the bricks have the potential to be sealed, but the brick surface will never appear uniform. He further commented that he had examined the brick on the second floor, and most of the bricks are in some state of deterioration.

Ms. Shook noted that the staff is available to assist the applicant in the process if necessary.

In summary, Chair Plaag pointed out that the HPC had reviewed with Mr. Winkler about removing the stucco and preserving the brick on the building to ensure that it lasts on both the second-floor, south elevation, and the visible portion of the second floor, east elevation. Chair Plaag said the HPC gave some general guidance about a contemporary storefront design and that Mr. Winkler had suggested using wood products as long as the products meet the relevant section of the standards for the district regarding new construction for storefronts. He said that a fabric material was suggested for the awning. He suggested that the architect follow these ideas as provided by the HPC.

Mr. Winkler asked Chair Plaag how he should address the existing windows when making the proposed design plan. Chair Plaag suggested that Mr. Winkler propose replacing the windows with a wood and the appropriate window muntin type. Chair Plaag pointed out that if Mr. Winkler had to come back to the HPC later to review the replacement windows, that would require a new COA application. Ms. Turner pointed out that a COA is valid for one year. Ms. Turner provided contact information for Ms. Jennifer Cathey, who is with the State Historic Preservation Office (SHPO) and can suggest what to use to help restore the building.

Chair Plaag asked Mr. Winkler to submit his supplemental materials to the staff by Friday, August 26, 2022.

Discussion ensued on the date and time to continue this case. Chair Plaag suggested scheduling a special HPC meeting to continue the discussion on this case. The HPC members, the Staff, Ms. Meade, Mr. Deal, and Mr. Winkler agreed to continue this case on Tuesday, August 30, 2022, at 4 p.m. via WebEx.

Adjournment

At 5:12 pm, Chair Plaag announced that this case would be continued until Tuesday, August 30, 2022, at 4:00 pm, via WebEx or until the next regularly scheduled quasi-judicial hearing date.

Eric Plaag, Chair

Marlene Crosby, Board Secretary



Town of Boone Planning and Inspections Department

Memorandum

To: Historic Preservation Commission

From: Jessica Mitchell

Date: 8/25/2022

Subject: Watauga County Jail Local Landmark Designation Report – Response from SHPO

Please see the attached documents from SHPO – including the email correspondence for their response, the response letter, and documentation required by Staff following designation.

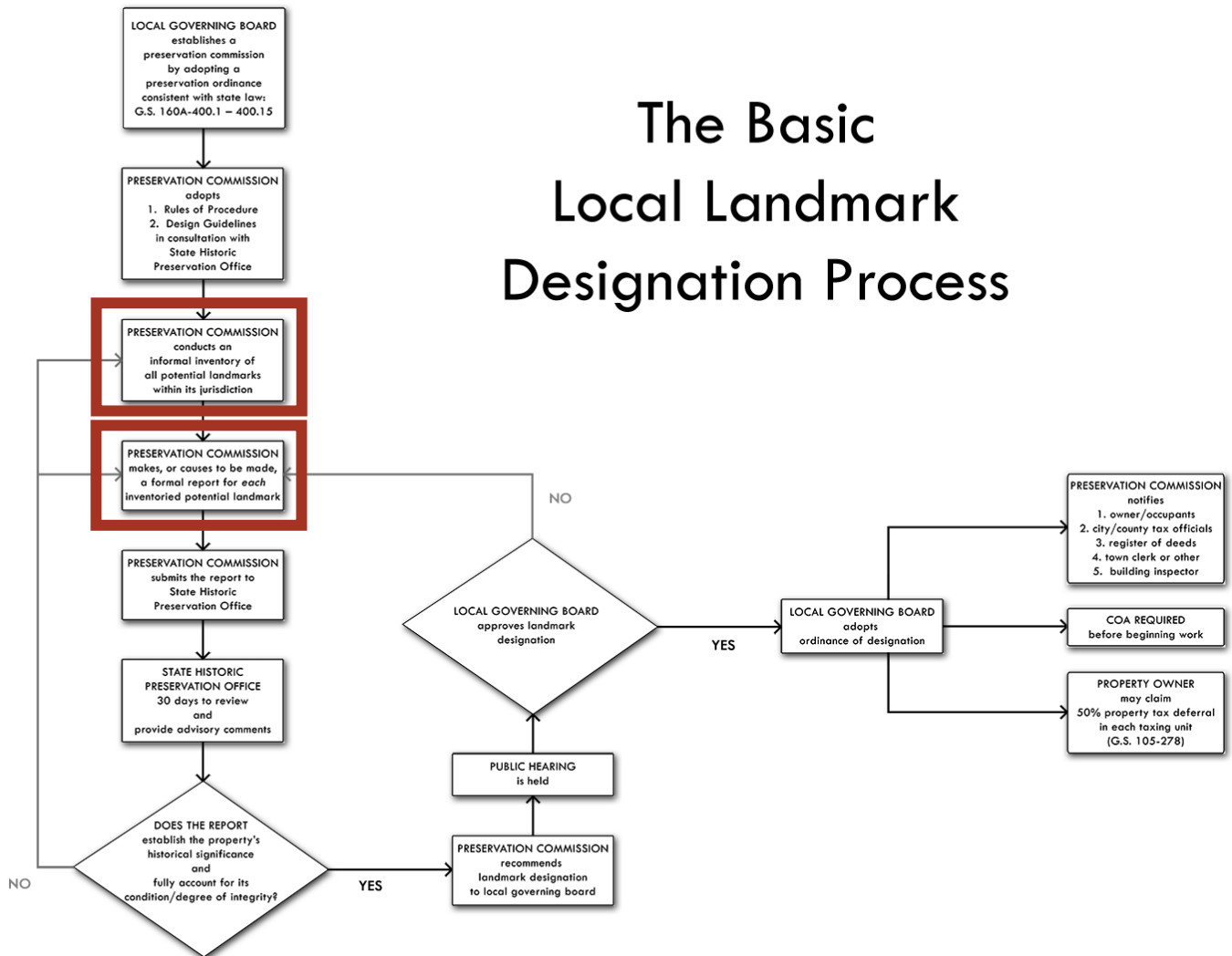
Planning Staff received these on August 20th, meeting the 30-day review period.

Planning Staff wanted to present these documents to the HPC for members' review and comments. In our review of the material, we wanted to make the HPC aware of SHPO's concerns with certain building features that led to their decision not to recommend local landmark designation.

Based on the local landmark designation process (see flowchart below) following SHPO's response of not designating, the steps for the HPC are below designated by the red boxes. Please see page 2. The flowchart was provided to Staff by SHPO when beginning the designation process.

The third document, as the letter explains, is paperwork Staff would submit to the SHPO following the designation of the property after the complete process, including a public hearing and a zoning map amendment are complete.

The Basic Local Landmark Designation Process



Jessica Mitchell - EXTERNAL EMAIL - Watauga County Jail HPO Comments

From: "Brantley, Kristi" <kristi.brantley@ncdcr.gov>
To: Jessica Mitchell <jessica.mitchell@townofboone.net>
Date: 8/20/2022 10:28 PM
Subject: EXTERNAL EMAIL - Watauga County Jail HPO Comments
Cc: "Cathey, Jennifer" <jennifer.cathey@ncdcr.gov>
Attachments: WT0067_HPO formal Review.pdf; WT0067_REQUEST FOR DESIGNATION CONFIRMATION.docx

Jessica,

Attached is a copy of a letter written in response to the proposed designation of the **Watauga County Jail, 142 Burrell St., Boone, Watauga County**. Please share a copy with your Commission Chair.

Also attached is a copy of the designation confirmation form for the property. If the ordinance is adopted to designate the property, please return a completed copy of the confirmation form to me with the date the ordinance was adopted.

Architectural Survey Coordinator Beth King reviewed the report and offers the following comments:

This is a thorough report.

My concern is the three-season porch, which covers a substantial portion of the façade and was added to the jail after it was placed on the Study List (1984). Although there is some debate about whether the jail had a porch when first constructed in 1889, photographs demonstrate a porch was in place by 1905, well within the proposed period of significance (1889-1927). The enclosure of the porch created a significant impact to the historic materials, workmanship, and design of the building and also affects feeling. Based on these alterations, I do not recommend local landmark designation of the Watauga County Jail at this time.

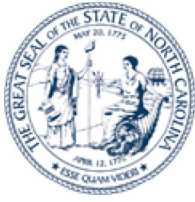
Would the owners be open to removing the recent porch and possibly replacing it with an open porch sympathetic to one present during the period of significance?

Beth also recommended, because of the substantial change to the façade, the highly altered interior, and the large addition to one side of the rear wing, the applicants should talk with our National Register Preservation Specialist Hannah Beckman Black before pursuing National Register listing.

Please let me know if you have any questions.

Best,

Kristi



Kristi Brantley

CLG/Local Government Coordinator
 NC State Historic Preservation Office
 NC Dept. of Natural and Cultural Resources
 Phone: [\(919\) 814-6576](tel:(919)814-6576)
kristi.brantley@ncdcr.gov

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And don't forget your Ws! Wear. Wait. Wash.

WEAR a face covering.

WAIT 6 feet apart from other people.

WASH your hands often.





**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

August 20, 2022

Jessica Mitchell
Long Range/Special Projects Planner
Town of Boone, NC

Via email: Jessica.Mitchell@townofboone.net

RE: Proposed Designation of the **Watauga County Jail, 142 Burrell St., Boone, Watauga County.**

Dear Ms. Mitchell:

Thank you for the report we received on the proposed designation of the Watauga County Jail. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the Watauga County Jail is of special local significance because of its association with the early correctional institution history of Watauga County and because it is the only extant, nineteenth century government building in Watauga County.

We have shared our concern with staff regarding the character altering changes to the front facade that have diminished the architectural integrity. However, the report is thorough and well written and should provide the Boone Historic Preservation Commission and the Town Council adequate information to determine if the property has the requisite special significance for landmark designation.

Local landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance of the property would be subject to the design review procedures of the preservation commission.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Boone Historic Preservation Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the Watauga County Jail. Please contact me at 919-814-6576 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style.

Kristi Brantley
Local Preservation Commissions/CLG Coordinator

CC: Commission Chair

Enclosure

REQUEST FOR DESIGNATION CONFIRMATION

To: Jessica Mitchell, Boone Historic Preservation Commission
From: Kristi Brantley, Local Preservation Commissions/CLG Coordinator
Date: August 20, 2022

When the local governing board has concluded its action on the designation ordinance for the **Watauga County Jail, 142 Burrell St., Boone, Watauga County**, please inform me via either:

1. the form below, mailed to me at 4617 Mail Service Center, Raleigh, NC 27699-4617,
2. the form below, emailed to me at kristi.brantley@ncdcr.gov, or
3. call me at 919-814-6576 with the information requested below.

Also, please let me know of any provisions in the ordinance that are different from those specified in the report (such as boundaries). Thank you for your cooperation.

To: Kristi Brantley, Local Preservation Commissions/CLG Coordinator
From: Boone Historic Preservation Commission
Date: _____

The designation ordinance for the **Watauga County Jail, 142 Burrell St., Boone, Watauga County**, has been adopted by the local governing board.

Yes _____ **No** _____ **Date of Designation** _____

Ordinance provisions different from designation report:
