

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
MARCH 14, 2023, 3:00 p.m.
WebEx Video Conferencing**

Historic Preservation Commission Members in Attendance:

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

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, Jim Deal-Deal, Moseley, and Smith Attorney-at-Law, John Winkler-Winkler Organization, Judah Goheen-Winkler Organization, Brian Kossel, Skip Greene-Greene Construction Inc., and Chris Folk-Stone Restoration of America

Call to Order

Chair Eric Plaag called the HPC Quasi-Judicial meeting, held via WebEx, on March 14, 2023, to order at 3:03 p.m.

Chair Plaag introduced the Staff members as Ms. Jessica Mitchell, Long-Range/Special Projects Planner, Ms. Christy Turner, Senior Planner, Ms. Marlene Crosby, Board Secretary, and Ms. Allison Meade, Town Attorney.

Approval of Minutes

Member Watkins made a motion, seconded by Vice-Chair Bond, to approve January 17, 2023, meeting minutes as amended with the following changes:

- Page 3, paragraph one, second sentence change: “air Plaag” to “Chair Plaag”
- Page 4, paragraph five, fourth sentence change: “hard coast” to “hard coat”
- Page 8, paragraph nine, third sentence change: “Commission noted” to “Commission and noted”

Vote: Aye – All

Nay – None

The motion passed.

CASE Z05737-052522 – Wilcox Warehouse - COA – Modification of Previous 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 facade 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 opened this case and noted that the applicant's information began on packet page 15. He said most of the material for this case in the meeting packet is from earlier discussions. He said the newest material submitted by the applicant for this case begins on packet page 55 with the Stone Restoration of

America letter, Exhibit 11.

Chair Plaag swore in Ms. Christy Turner, Senior Planner, and Ms. Jessica Mitchell, Long-Range/Special Projects Planner.

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

Chair Plaag asked Mr. Jim Deal from Deal, Moseley, and Smith, if he was the applicant's attorney and had an opening statement. Mr. Deal said he was the attorney representing the applicant, and he felt that the HPC had heard enough opening statements about this case, and asked if he could begin the questioning of the witnesses.

Chair Plaag asked Mr. Deal to briefly summarize the request for this case. Mr. Deal said the request is to reapply a hard coat stucco system over the existing brick, as recommended by the masonry experts who have examined the building. He continued that the request also includes to then paint the finished stucco with a brick red color to resemble the original brick as much as possible. He added that the applicant feels this is the only appropriate method to deal with their situation.

Chair Plaag asked Mr. Deal to list the standards that support what the applicant believes justifies the proposed solution. Mr. Deal outlined the following Commercial Properties Within the District, Standards for Commercial Properties within the District, Architectural Components, and Details [Design Standards p. 61-67], Storefronts, Upper Facades, Side Elevations, and Rear Elevations:

- 1.4 When original or early storefronts or upper facades no longer exist, are too deteriorated to save, or cannot be reconstructed based on the available documentary evidence, retain the commercial character and any salvageable architectural details through a contemporary design that is compatible with the scale, materials, color, style, design, and texture of the surviving and surrounding historic buildings.

Mr. Deal talked about Design Standard 1.4, similar to surviving and surrounding buildings, in considering surviving and surrounding buildings in the Howard Street area, those do have stucco on them. He pointed out that the applicant's building has stucco and will continue to have stucco over part of the building. He said the main Wilcox building coming down Howard Street, the Winkler Herb building, has stucco on it. He said this design standard supports their proposed solution.

Mr. Deal continued to reference Design Standard 1.4 and pointed out that whenever a building façade is too deteriorated or cannot be reconstructed, you have to look at a contemporary design compatible with the scale, materials, color design, and texture of the surviving and surrounding historical buildings. He said this is the primary basis the applicant provides in their proposal based on the opinions of the experts who have viewed the property and the brick.

Chair Plaag asked Mr. Deal to call his first witness, Mr. George Perry Greene, Jr., nicknamed Mr. Skip Greene. Chair Plaag swore in Mr. Greene. Mr. Greene stated that he had been the owner and general contractor of Greene Construction Inc., based in Boone, North Carolina, for 54 consecutive years. Mr. Deal asked Mr. Greene if he had dealt with restoring or renovating existing buildings within the Downtown Historic District; Mr. Greene replied yes. Mr. Deal also asked Mr. Greene to give some examples his company has worked on in the Downtown Boone Historic District. Mr. Greene said the most visual example would be the Downtown Boone Post Office building approximately seven or eight years ago. He said last year, his construction company worked on the Farmers Hardware building to restore the brick facade on it. Mr. Greene said at different times, his construction company had worked on every building on King Street.

Mr. Deal asked Mr. Greene if he had viewed the applicant's building, and Mr. Greene replied yes. Mr. Deal asked Mr. Greene to explain what he saw when he looked at the building. Mr. Greene said the first time he viewed the building, he was asked to give some possible recommendations for repairing the upper portion of the façade of the building. Mr. Greene said the lower portion of the building had originally been block and was now covered with vertical wood siding. He noted that the upper portion of the building had been stuccoed, but the stucco was now gone, and about 60 percent of the finished brick face was gone. He explained that some nail holes were visible that showed evidence of a metal lath, and additionally an area to the right where it makes a 90-degree, stucco is still there; however, this stucco was pulling off the existing masonry where you can see some metal lath exposed there.

Mr. Deal asked Mr. Greene if he considered himself well versed in restoring or repairing brick, such as what is shown on this building. Mr. Greene said he has a lot of experience restoring and repairing brick. He explained that the brick face mostly pops off because of water getting in behind it, and the water freezes and pops off the brick face. He added that this building had a metal lath nailed to it, and when the wire lath comes off, it pulls the face-off of the brick. He said it is especially evident around the windows and the window trim, and the corner of the building, you can see a lot of the finished brick pulled out. He said that the damage to the brick resulted from water damage. He asked Mr. Greene if it was feasible to restore this brick to its original condition or as near to its original condition as possible. Mr. Greene testified that there was no way to repair the existing brick to where it would look like the original brick. Mr. Greene added that anything you do to the existing brick would be like using a band aid on it and not fixing the issue. He said that the face of the brick would come off because of the moisture over time.

Mr. Deal asked Mr. Greene if he knew the business named Stone Restoration of America. Mr. Greene said he knows of that company and has worked with them. He said he worked on the Downtown Boone Post Office building with that company. Mr. Deal asked Mr. Greene if he asked Mr. John Winkler, the applicant on this case, to contact Stone Restoration of America. Mr. Greene said that he contacted Mr. Chris Folk at Stone Restoration of America and gave Mr. Winkler the contact information for Stone Restoration of America. Mr. Deal asked Mr. Greene why he contacted Stone Restoration of America. Mr. Greene said he contacted Stone Restoration of America because he worked with them previously on the Downtown Boone Post Office and the Farmers Hardware building. He added that this company's specialty is in restoring damaged brick in the Southeast.

Mr. Deal asked Mr. Greene for his recommendation on what to do with the brick on the second floor. Mr. Greene said from what he could see from the ground level, a large percentage of the face of the existing brick has come off and the other brick appeared to be loose. He said the more moisture that gets on the face of the existing building, the more that brick will deteriorate. He did not think there was any way to repair the brick where it would stay. He explained that if the loose material was removed and hard coat stucco was put on with a heavy metal lath base, would be the best way to repair it to where it would look like some of the other buildings on Howard Street. Mr. Deal said he had no further questions at this time for Mr. Greene.

Chair Plaag asked the HPC if they had any questions for Mr. Greene. Chair Plaag asked Mr. Greene if replacing the second-floor brick would be a possibility. Mr. Greene said he was sure the brick could be removed from the second-floor level; however, he explained that there would be a waterproofing issue where the brick sits atop the block. He said it would be a massive undertaking to take those old bricks out because they have been there for approximately 67 years. He added that it would be extremely difficult to get those bricks off without causing damage to the rest of the structure. He said the removal of the brick would cause a waterproofing issue that would have to be dealt with where those bricks, to a large degree, are waterproofing the interior structure now. He said if the existing brick were taken off, it would expose the whole structure to moisture then you have to re-waterproof the block before you put on the new brick.

Chair Plaag referred to the letter in the meeting packet from Mr. Chris Folk at Stone Restoration of America. Chair Plaag said the letter indicated that the second-floor brick wall is structurally sound in its current condition. Mr. Greene noted this brick wall is structurally sound and reiterated that if the face of the brick is left like they are, it will continue to absorb moisture, and the brick will continue to deteriorate. He added that there are either additional layers of brick or block behind the wall, which is the structural point for the wall.

Chair Plaag asked Mr. Greene if another way of expressing it is that the brick seen on the second-floor is a veneer over probably a concrete block, in your opinion. Mr. Greene says yes, that is what he thinks because many brick walls laid during that period were laid as a solid brick. He said he had not examined the wall to determine if that was true. He said the backing of it could be two or three more courses of brick or block.

Mr. Deal called Mr. Chris Folk from Stone Restoration of America as a witness. Chair Plaag swore in Mr. Folk. Mr. Deal asked Mr. Folk to state his name and the company where he works; Mr. Folk stated his name as Chris Folk for Stone Restoration of America. Mr. Deal asked Mr. Folk how long the Stone Restoration of America had been doing restoration work; Mr. Folk replied they are celebrating their 30th year doing restoration work. Mr. Deal asked Mr. Greene if he was familiar with the Town of Boone and if he had done restoration work in Boone. Mr. Folk said his company worked at the Downtown Boone Post Office, but he was not involved in this project. Additionally, Mr. Folk said his company had done restoration work at the Farmers Hardware building, and he was involved in that work. Mr. Deal asked Mr.

Folk if he had reviewed the building that was being discussed. Mr. Folk said on February 22, 2023, he and Mr. Greene visited the building.

Mr. Deal asked Mr. Folk, regarding a typical case, what his company would be discussing and looking to do for brick restoration. Mr. Folk responded that you often refer to masonry restoration as more of a tuckpointing dealing with the mortar. He said the assumption is the brick is sound, but the mortar has deteriorated over time. He said buildings over 100 years old and built before Portland cement was invented or used with a limestone-based mortar, and that particular mortar gets softer over time. He said his company would replace that mortar and give it a new face and more structure going forward.

Mr. Deal asked Mr. Folk if, in this case, when he looked at the brick on this building, is it possible for your company to do what you just explained. Mr. Folk noted that the mortar appeared to be in fairly sound condition; the stucco that has come off has removed the brick's face. He said once that face is removed, there is no way to put that face back on it in its current condition.

Mr. Deal asked Mr. Folk if he thought the wall appeared to be structurally sound, in reference to his letter included in the meeting packet. Mr. Folk agreed with Mr. Deal. Mr. Folk said he did not remove any of the brick; he is making his statements based on visual observation of the brick. Mr. Folk noted that he assumed it was a mass masonry wall, and there was no veneer with airspace behind it. Mr. Folk added that we do not know the depth of the wall or if it has multiple brick or block walls, but the wall appeared to be structurally sound.

Mr. Deal asked Mr. Folk, based on his experience and his view of the wall, what he would think was the best solution to deal with the second-floor. Mr. Folk said the second-floor could be faced with any number of materials. He said that one option would be in keeping with a masonry product, a Portland cement-based stucco hard coat system. He said other types of aluminum and different types of products could be used as an option, but they wouldn't necessarily be keeping with the historic standards. Mr. Folk said that, as mentioned earlier, there are examples in the Downtown area where stucco has been used.

Mr. Deal asked Mr. Folk if it would be possible for him to provide some samples of different stucco options for the HPC to review. Mr. Folk said he would be glad to do a mock-up of different materials on the building wall so the HPC can see them. He explained that many different types of stucco finishes or natural colors could be used, or as mentioned, painting over the top of the stucco is an option. He said another option is to leave the stucco in its natural state with a pigment dye. He said a coarse aggregate could be put in the stucco, which would be more typical of that period-type stucco versus a very fine aggregate. Mr. Deal said he had no further questions for Mr. Folk.

Chair Plaag asked Mr. Folk if at least the first layer of brick, not knowing what is behind it, could be replaced instead of being covered with a brick of similar composition, color, and masonry pattern. Mr. Folk responded that he was making the assumption that it was a masonry wall with multiple layers that had been mortared together. He said to remove that brick would potentially justify the structure of the wall versus a true veneer with an airspace behind it, where you could remove the brick and put a new

brick in front of it, including the airspace behind it, which is more modern-day masonry. He said, assuming the age of the building, it is probably a mass masonry wall that would jeopardize the structure if you were to remove that brick completely. Chair Plaag confirmed with Mr. Folk that the alternative option he just described was putting on a new veneer over what exists there with an airspace behind the wall. Mr. Folk said it would make a new façade and bring the whole exterior wall out, potentially six inches. He added that the footing and the support underneath it at that point and the roofing above when the façade is brought out that far would have to be dealt with.

Chair Plaag talked about the damaged brick faces. He said from what Mr. Folk described, it is not all that different from what happens with a spalled brick where water infiltrates into the brick itself through the freezing, and it pops off the face, and the finish of that brick is lost. Mr. Folk said that is a fair way of describing spalling. Mr. Folk added that sometimes it is a cracked brick, and maybe the face has popped off. He said in this case, it is dealt with more on a surgical basis, removing multiple bricks in an area and putting new bricks back in their place. Mr. Folk said that he did not measure the percentage, but it looks like over 80 percent of the faces have been removed, and a large part of the wall has lost its face.

Chair Plaag asked Mr. Folk if, in his opinion, replacing the spalled bricks, or the bricks that have lost their faces, it is not practical or realistic to do that kind of work given the number of compromised bricks. Mr. Folk said that is a true statement. Chair Plaag and the other HPC members had no further questions for Mr. Folk at this time.

Chair Plaag asked Mr. Deal if he had other witnesses that he would like to call to testify on behalf of this case. Mr. Deal said he did not have other witnesses to call to testify at this time. Chair Plaag asked Mr. Deal if he had any objections to the materials in the meeting packet for today's hearing. Mr. Deal said he had no objection to the materials in the meeting packet.

Chair Plaag asked the Staff if they wished to present a statement regarding this application. Ms. Turner said that Staff did not have anything to add at this time. Chair Plaag asked the HPC if they had any questions for Staff regarding this application; the HPC did not have questions for the staff.

Chair Plaag asked if there was any other interested party to speak or present evidence supporting the application; if there was any non-party witness to speak or present evidence supporting the application; if there was any interested party to speak or present evidence in opposition to the application; if there was non-party witness to speak or present evidence in opposition to the application. There were no answers in the affirmative.

Chair Plaag told Mr. Deal that he would normally ask him if he wanted to rebut any of the evidence in opposition, but there was none, he assumed the answer to that question was no. Chair Plaag asked Mr. Deal if this was accurate; Mr. Deal replied yes.

Chair Plaag asked the Staff if they wanted to make a closing statement. Ms. Turner said Staff did not wish to make a closing statement.

Chair Plaag opened the floor for Mr. Deal to make a closing statement. Mr. Deal recalled that Member Watkins had said in a previous hearing that we don't have a great solution to what we would like to do. He continued that it appears that the only feasible situation is to come back with a hard-shell stucco, as suggested by Mr. Greene and Mr. Folk, who are professionals and have dealt with this type of restoration work throughout their careers. Mr. Deal said that he thought the applicant would be willing, if the HPC would like to see two or three various stucco options that might be available. Mr. Deal said that the applicant tried to get the best product possible for this section of Howard Street to get this brick covered, and move on with this building.

Chair Plaag referred to packet page 23 and asked Mr. Deal to clarify if the awning had been approved. Mr. Deal said he was not positive whether the staff approved the awning when they approved the lower level of the building. Ms. Turner confirmed that the HPC had agreed to approve the cable-hung awning when they approved the lower level of the building.

Chair Plaag asked Mr. Deal if he had presented all of his witnesses; Mr. Deal replied yes. Chair Plaag closed the testimony phase of this case. Chair Plaag said if something comes up in the discussion, he reserves the right to reopen the hearing for this case and turn to either a witness or the applicant's representative for further discussion. Mr. Deal agreed with Chair Plaag.

Chair Plaag opened the floor for the HPC to discuss the evidence at hand and the standards or findings of fact that apply to them. He strongly urged the HPC to make motions for a finding of fact, particularly with regard to the assertions made by the applicant that the second-floor brick is compromised beyond repair, and specifically about the proposed treatment being the best viable solution to dealing with the second-floor part of the building.

Vice-Chair Bond noted that she felt the HPC had heard all the evidence they needed in the proposed solution that Mr. Folk discussed. She stated that it is the clearest and easiest solution with the state of the brick. She mentioned how it was described with the various treatment by Mr. Folk. She concluded that what was presented was the best solution considering the state of the brick.

Chair Plaag pointed out what he thought was difficult about this case. He said we have several different design standards applied to this case in conflict with one another. He said he felt confident that all the HPC members agreed with the Design Standards that apply to this case. He encouraged the HPC members to add Design Standards if they thought other standards applied to this case.

Chair Plaag referred to packet page 36 and read the following Design Standards for Storefronts, Upper Facades, Side Elevations, and Rear Elevations that create a conflict for the Commission in addressing the case.

Commercial Properties Within the District, Standards for Commercial Properties within the District, Architectural Components, and Details [Design Standards p. 61-67], Storefronts, Upper Facades, Side Elevations, and Rear Elevations:

- 1.1 Whenever possible, historic storefronts and storefront features such as entrance configurations, display windows, doors, clerestory windows, transom bars, and windows, bulkheads, corbelling, cornice work, windows, stonework, stringcourses, structural glass, and other architectural flourishes should be retained and preserved. When repairing these features, retain and preserve in place the original elements as much as possible. If repair is not possible, replace damaged elements with materials that match the originals in composition, design, texture, color, and other visual qualities.
- 1.2 When reconstructing a historic storefront, upper façade, or other elevation, use historical research and evidence as the basis for the design. Reconstructed storefronts should incorporate original dimensions, proportions, and architectural elements.
- 1.4 When original or early storefronts or upper facades no longer exist, are too deteriorated to save, or cannot be reconstructed based on the available documentary evidence, retain the commercial character and any salvageable architectural details through a contemporary design that is compatible with the scale, materials, color, style, design, and texture of the surviving and surrounding historical buildings.

Chair Plaag pointed out that in Design Standards 1.1, the text says that if you cannot repair it, replace it with like kind materials in terms of appearance and composition, and workmanship, which is emphasized through Design Standards 1.2 and 1.4 to a degree. He said that Design Standard 1.4 leaves an opening that Mr. Deal referred to on behalf of his client that says, when they cannot be reconstructed, based on available documentary evidence, then retain the commercial character and use a contemporary design that is compatible with the scale, materials, color, style, design, and texture of the surviving and surrounding historic buildings.

Chair Plaag talked about the question of surrounding historic buildings. He said the HPC recognized from some other COA cases that a poorly worded standard that creates the possibility that new elements on historic buildings that are not appropriate to the district could be used to justify some new element on a given historic building. He thought that, in a way, this is the problem that the HPC is facing in this case. He said the HPC has to go by this particular standard and how the text is worded now.

Chair Plaag referred to packet page 37 and read the following Commercial Properties Within the District, Standards for Commercial Properties within the District, Architectural Components, and Details, [Design Standards p. 69-73], Masonry:

- 4.2 Whenever feasible, historic masonry, including decorative masonry features, should be repaired rather than replaced or covered. When replacement is necessary, it should always be completed using traditional materials of composition, size, color, shape, pattern, texture, and quality to the originals that are being replaced.
- 4.5 When repairing or replacing masonry or mortar, take care to maintain the alignment, bond pattern, joint spacing, color, texture, and size of the original masonry.

Chair Plaag pointed out that under the specific masonry Section 4 of the Commercial Standards it is clear that when a repair is not possible, replace with new masonry that matches the original. He added that Mr. Greene and Mr. Folk, both of whom have satisfactorily established their credentials and experience in working on historic buildings, have indicated that the idea of pulling down the veneer, assuming it is entirely a brick wall would likely jeopardize the integrity of the South façade of the building. Chair Plaag noted that he did not believe it was entirely a brick wall, but rather a veneer over block. He pointed out that Mr. Folk discussed another solution, leaving the existing wall in place and putting up a new veneer over the current one. He said that following this solution does not do what the commercial standards say, which is to preserve those dimensional representations of this building. He added that putting on a veneer over the top of the existing veneer would alter the historical and spatial relationship of the building. He said he went through all this information to say there was no good solution.

Chair Plaag explained that the applicant has proposed stucco as a treatment option. He continued that as Mr. Folk noted, many treatments that might be appropriate under the Design Standards for exterior treatments could be used. He stated there are other treatments that would not be appropriate, such as corrugated tin on the front of the building. He continued that another possibility is an example of the first floor with the use of board and batten siding, which is present in the Historic District and as a modern commercial treatment for the building.

Chair Plaag asked the HPC members to give their opinions on how the HPC can reconcile the conflicting standards, especially given that trying to impose the strictest of those standards might create more problems than the HPC can solve.

Member Sharp asked Chair Plaag about the age of the existing stucco. Chair Plaag explained that the best estimate is that the stucco treatment was first applied to this building in approximately 1994, when there was a major renovation. He added that Mr. Deal referred to this earlier with the Winkler Herb Building, which was the Wilcox Drug Company complex. He said that in 1994 the renovation work was done to make it look like one complex rather than two separate buildings. He added that 1994 is well outside the period of significance for the Historic District, making the stucco not a historical treatment. He said that when the HPC reviewed the Mast Store COA case, they saw buildings Downtown that had stucco applied to them during the period of significance. He explained that the HPC's position is that they have generally taken in the standards in consideration of cases, if there is a historical precedent, meaning in the period of significance for a given building, it is acceptable for the applicant to come back with a proposal for a similar stucco treatment. Member Sharp said that this clarifies and indicates that there is a lack of best options available.

Member Watkins noted that the choices are to replicate a façade or a partial façade that was proven to have been on a building. He pointed out that there are a number of stucco buildings on Howard Street, and the stucco finish appears to be mostly the same. He said, in this case, we have a stucco finish that we know is on the building is historic. He felt that the HPC did not need to look at a number of different stucco finishes because the HPC would be subject to their own idea of what a tasteful stucco finish would be. He said in his view, the proposal from the applicant is reasonable, and he will vote to approve it.

Chair Plaag voiced his concern about the HPC granting carte blanche to put any stucco finish on the building. He talked about other buildings in the district, for instance the former Swafford Tire Store and the Vetro building, which have stucco finishes that were not used during the period of significance and are not congruous with the district. For this reason, he would like to see a condition allowing the HPC to review and approve a set of stucco finish options provided to the HPC so they can say whether they are good and are congruous with the district.

Member Watkins reiterated his previous statement that he meant that the applicant matches the stucco finish taken off of the building. He explained that the stucco finish is a close approximation of the stucco finish on every other stucco building on Howard Street. He said it certainly matches the building to the left of the façade. Chair Plaag asked Member Watkins if he would agree to a condition that says that whatever stucco finish will approximately match the stucco finish of the Wilcox Drug Company to the west of this building. Member Watkins agreed that it would be appropriate to make that condition.

Chair Plaag asked Member Watkins if, when he talked about the stucco finish, did he also mean the color of the stucco finish, even though the HPC does not regulate color. Member Watkins said the applicant indicated that the color red they provided was chosen to match the brick. He said after he reviewed the color, it did not seem to match the color of the brick when viewed from a computer screen. He said if the applicant intends to duplicate the color, it would be a good idea for the applicant to check on the color they have selected for the stucco finish.

Chair Plaag explained that because the applicant is proposing painting over the stucco to achieve the red color, and he is opposed to that. He said he had rather refer to Mr. Folk's statement regarding a natural color. Chair Plaag noted that he assumed that would be a tannish or sand color. Mr. Folk agreed with Chair Plaag about the color, and explained that other types of natural finishes are based on the type and color of sand used, mortar color used, or the Portland cement colors used to achieve the natural color versus painting over the top of the stucco finish.

Chair Plaag pointed out that he thought it would be preferable from the HPC's standpoint to have the ability to regulate the color, as the HPC can regulate mortar color. He added that it seems fair for the HPC to request to see a natural finish that approximates the appearance of the other stuccoed buildings immediately to the West. He asked Member Watkins if he agreed. Member Watkins disagreed because the buildings on Howard Street are painted. He said if the applicant had planned to do the treatment on the whole row of buildings, that would be one thing, but that is different from what the applicant has proposed to do with this building.

Chair Plaag asked Member Watkins if he opposed the applicant's proposal to match the brick in color or if Member Watkins was just concerned that the applicant's proposal did not match the existing brick. Member Watkins responded that the applicant should recheck the stucco finish color to see if it matches the brick. Member Sharp thought that in terms of the color of the proposed stucco, rather than trying to match the color of the stucco to resemble the original brick, the applicant looked at acceptable colors used during the period of historical significance on separate finishes. Chair Plaag said this is difficult

because we have so few color historical images from that period. He said he was fairly confident that the stucco on the front of the law offices next to the Mast General Store building was tan, and that the Mast General Store stucco was a bright white stucco from color historical images. Chair Plaag asked Mr. Deal if he remembered that stucco finish. Mr. Deal said that was when it was Hunt's Department Store, it was a white stucco in the 1950s and early 1960s. He said the applicant would work with whatever color the HPC wanted. He thought the red color was suggested to try to match the brick. He said the applicant is fine with a more natural color or whatever the HPC would think would be appropriate from a color perspective.

Chair Plaag clarified that he was not opposed to the painting of the stucco because it was done historically in the Historic District when stucco existed elsewhere. He said he would need time to review the standard for it. He thought from a congruous standpoint; he thought painting it red did not feel right, but he did not know if he could point to a specific standard that addresses it.

Vice-Chair Bond felt that the applicant has offered to use stucco to make it a part of Howard Street, and to be congruous with the surroundings. She expressed that she would like to see this go forward with the understanding to view which finish would do best to represent the time that this building existed during the period of significance. She expressed that painting the stucco was setting the applicant up to repaint it after it faded, or the paint might peel off in the future.

Chair Plaag asked Ms. Meade if it would be useful for the HPC to make findings of fact on whether repair or replacement of the existing brick is possible or feasible without endangering the building itself. Ms. Meade told Chair Plaag that findings of fact are only necessary where a fact is both disputed and material to the legal findings of the board. She said if they are not both of those, you may also feel free to proceed by reaching a legal conclusion, but then explaining how you reach that conclusion based upon facts as you have found them. Chair Plaag stated that there are standards that are in conflict, but not evidence that contradicts what has been discussed about repair and replacement. He clarified with Ms. Meade that it is not necessary to do findings of fact, but the HPC should ground their rationale in the testimony that they heard in this hearing; Ms. Meade agreed.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to approve the application as written with the understanding, based on the expert testimony the Commission has heard including the following conditions:

- Where there is a conflict between the application information (resubmittal February 28, 2023) and the plans (original May 25, 2022, resubmittal November 18, 2022, resubmittal December 8, 2022, and resubmittal February 28, 2023) the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or its (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 stucco finish must duplicate the pre-existing stucco as closely as possible.

Mr. Deal, on behalf of the applicant, agreed to the condition. He said the applicant would want the building to look similar and be congruent with the other buildings.

Chair Plaag asked if there was any discussion. He noted that, in his opinion, reapplying stucco to the upper façade of this building probably doesn't fit with some of the standards for the Historic District. However, he added that when he tried to apply the standards that are applicable to this situation, it was made very clear to him that, knowing what we know now, the work would either further alter the historic appearance of the building, or it would result in damage to the building that could potentially be catastrophic over time. He reiterated that this is a case with no good solutions. He reiterated Member Watkins's opinion that this might not be the best solution, but it might be the best solution, given the circumstances when the HPC heard this case. Chair Plaag said that he was satisfied with the testimonies of the witnesses, which is why he was going to vote in support of the application at this time, even though he was opposed to it previously.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag added there are elements that can be evident to future applicants about this process, which is for applicants to be able to point to the standards that justify the work they want to do. He explained that the Commission is looking for the applicants to make that case to them, framed with the standards. Additionally, he added that the evidence needs to meet the evidentiary standard of being competent, material, and substantial evidence.

Chair Plaag told Mr. Deal that he did not see a requirement for the applicant to return to the HPC for any further review of this application based on the condition that the applicant agreed to. He also told Mr. Deal that he believed it is understood that Staff can review the stucco information that will be provided by the applicant. Chair Plaag said if Staff has an issue, they can determine if it needs to go back to the HPC for further review. He stated that there was an agreement on what was meant regarding the stucco. He further stated that he would like for Staff to be flexible, within the boundaries of the condition the HPC previously imposed, about not requiring a new COA application for the year that the HPC has allowed for this issue to be resolved. He said he would like to see in practice that this be continued for this particular case, if some issue arises with the stucco. He said he wanted to avoid seeing the applicant have to apply all over again to resolve it. He confirmed with Ms. Meade that there were no issues with this, since the condition already exists; Ms. Meade agreed.

Chair Plaag read aloud the standard conditions of approval on packet page 44. He asked Mr. Deal if he or his applicant had any objection to these standard conditions; Mr. Deal replied no. Chair Plaag clarified that the motion did not need to be rephrased. Ms. Meade stated that the standard conditions of approval are automatically included, whether they are specified or not.

Chair Plaag closed this case at approximately 4:23 p.m.

Adjournment

Vice-Chair Bond made a motion, seconded by Member Sharp, to adjourn the meeting at 4:24 p.m.

Eric Plaag, Chair

Marlene Crosby, Board Secretary