

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 corner 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 installed 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 roof 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 rowlock or header sill 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 rowlock or header sill, 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 interior of 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 regard to 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 to that 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, at that time 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