

**TOWN OF BOONE
SPECIAL HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
November 29, 2022, 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, Chelsea Garrett- diSanti, Capua, and Garrett Law Firm; Steve Owen-di Santi, Capua, and Garrett Law Firm Project Manager, and Bill Dixon-Appalachian Architecture, Mya Gittens, Jodie Feimster

CALL TO RECONVENE

Chair Eric Plaag reconvened the HPC Quasi-Judicial meeting, held via WebEx, from November 8, 2022, to order at 3:05 p.m.

CASE Z06158-101422 diSanti, Capua and Garrett – Certificate of Appropriateness (COA)

Chelsea Garrett, on behalf of 642 West King Street, LLC, has requested a Certificate of Appropriateness (COA) for major work for 642 West King Street in the downtown historic district for a renovation to the façade.

Chair Plaag gave a brief overview of the discussion from the last meeting regarding this case. He said the HPC had discussed some of the standards that would apply to this case and the various topics that need to be addressed regarding a possible new façade. He said the new façade would be keeping with the historic district standards or attempting to reconstruct the façade from some point during the period of significance.

Chair Plaag swore in Mr. Bill Dixon, Appalachian Architecture, Mr. Steve Owen, diSanti, Capua and Garrett Law Firm Project Manager, and Ms. Chelsea Garrett, diSanti, Capua, and Garrett Law Firm. Chair Plaag stated that swearing in Ms. Garrett was for any testimony she might offer, but not as her role in leading the case.

Chair Plaag swore in the following Planning Staff members: Ms. Jessica Mitchell, Long-Range/Special Projects Planner, and Ms. Christy Turner, Senior 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; had any commissioner had a conflict of interest regarding this case, including any financial interest in the outcome of the case, or a close familial relationship with any person affected by the outcome of the case. There were no answers in the affirmative.

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

Chair Plaag pointed out that Exhibit 10 had been added to the meeting packet for this case.

Chair Plaag asked Ms. Garrett if she had any objections to the materials in the meeting packet; she replied no, she did not have any objections.

Ms. Garrett explained that in Exhibit 10, Mr. Dixon had prepared a front elevation that attempts to address windows and the height of the windows. She said he also designed a courtyard proposal for the HPC to discuss and give feedback to the applicant on what the HPC would like to see in the courtyard.

Ms. Garrett asked Mr. Dixon to review the proposed front elevation in Exhibit 10 on packet page 60. Discussion ensued on the “Children in 1952 Spring Clean Up Parade” and the “Wagon Train on King Street” photographs as included in the meeting packet. Mr. Dixon wanted the HPC members to review these photos; Chair Plaag discussed that the photo source for the Wagon Train photo is from Digital NC collections and the date was misassigned, and should be circa 1963 instead of the credited circa 1950 – 1955. Mr. Dixon began by stating that referencing those pictures are in response to Member Watkins's comments from the last meeting regarding window heights in the proposed façade proportionally to the building heights in the building on the left. He referred to packet page 49, Figure 3. (Children in 1952 Spring Clean Up Parade), and packet page 52, Figure 5. (Wagon Train on the King Street) Mr. Dixon said if you compare these two photographs, you will see that somewhere in approximately 11 years, the whole attic area and window heights were changed. In Figure 3, he noted that the photograph showed taller windows coming up to about the middle of the second-level windows on the building on the left. He said in the Figure 5 photograph, the awning windows do not come up to the windows on the building on the left. He said he would raise the windows in the façade to the greatest height possible, given the existing ceiling height on the second level. He felt that Member Watkins's main concern was where the windows were relative to the taller windows in the building on the left. Mr. Dixon said these are the only changes the applicant is proposing at this point.

Chair Plaag clarified that the building would remain a stucco over a concrete block base. Mr. Dixon explained that the material is a hard-coat stucco over a metal stud frame and sheaving.

Member Watkins referred to the photo on packet page 48, Figure 3 (Children in 1952 Spring Clean Up Parade). He said this photo would appear to show a buttress on the left side of the building in question, and there might need to be a matching buttress on the other side. He wondered if the buttresses were considered minor architectural elements and may not be worthy of reproduction or if the elements needed to be discussed by the HPC. Mr. Dixon said it is evident that something is coming out from the primary façade around the two garage doors. Mr. Dixon said he thought it was more like a trim element around the doors of the proposed façade. Ms. Garrett commented and said she understood what Mr. Dixon was talking about in the photographs. She explained that when you are on W. King Street looking down, you can see the outline of it more. She said they look like the elements stepped out and could be added for trim.

Member Watkins referred to the proposed front elevation drawing and pointed out the section that showed the elements. Mr. Dixon said the elements could be in the photos because the left-hand corner is a double, if not a triple, wall. He said it is difficult to say where the inside corner is located without getting inside the attic because of shelves and law books. He said his intention was for the doors to be symmetrical on the interior. He said it would be difficult to gauge until he further investigated the interior.

Mr. Dixon said to address Member Watkins's comments on the buttressing, he suggested a buttress-type element be placed, as shown in Exhibit 10.

Chair Plaag said that Exhibit 10 contains an improved plan over the previously submitted drawing. He felt that from the applicant's examples, there had been a total loss of the façade elements for any period of significance. He said that after reviewing the standards and since nothing survives, it is the applicant's choice to treat this case as new construction that aligns with the standards for new construction on an existing building, or try to replicate, somewhat meticulously, an earlier façade.

Chair Plaag talked about another project that Mr. Dixon was involved in, which Mr. Dixon had consulted with Chair Plaag in his role as a preservationist; the building was the eastern half of the Farmers Hardware block for the Ben & Jerry's shop. Chair Plaag gave Mr. Dixon suggestions on what the State Historic Preservation Office (SHPO) would like to see and encourages is new construction that is compatible with the existing historical elements in the district or in the building that does not attempt to pretend to be original.

Chair Plaag said one of the things that he liked about Exhibit 10 is that it retains the third window that did not exist until approximately 1963. He said the fenestration pattern is moved up but is clearly not present later on in 1963. He said it is creating something that is stylistically appropriate to the period of significance for this building. He said a skilled reader of the building with knowledge of the photographic evidence that has been presented would not conclude that this is what this building originally looked like at any particular period in time. He said the building would be recognized as new construction. He said it is up to the applicant, but questioned if the solution would be for the applicant to go with new construction of an entirely new façade on this building since nothing of the original façade survives. He said he would like to review the standards again, but he thinks this proposed solution meets the standards.

Chair Plaag asked for feedback from the HPC on the proposed solution. Vice-Chair Bond supported the proposed solution. She liked the appearance of the garage doors and the elevating of the second-floor windows. Member Watkins supported the proposed solution. He liked the proposed windows on the second floor. He showed some concern for the appearance of the building sagging in the center. Mr. Dixon said the building is sagging in the center by about three inches in both directions going towards the center. He said that when Mr. Steve Owens dug around the front foundations, he found no foundations under the brick veneer, but they found cobblestone and muck. He explained that this is one of the reasons that the whole masonry wall is being taken down. He said the foundation would have to be rebuilt from the ground up with a metal stud wall. Member Watkins noted that Chair Plaag had explained at the last meeting that the applicant had three models to work from for this building and the stucco façade was one of those models.

Ms. Garrett reiterated her understanding of the discussion regarding the three façade options, and Chair Plaag clarified that it would be a reconstruction not a renovation, which has a higher bar than new construction or construction of a new façade. Chair Plaag pointed out that the applicant can use new construction as a proposed solution that the standards allow. He also stated that there is another path forward than requiring for reconstruction to be done when the higher bar is not required by the standards, and there are other options available in the standards.

Chair Plaag suggested that to provide clarity in the record moving forward, it would be helpful for the HPC to make a finding of fact that no elements of the historic façade of this building from any point during the period of significance survives at this point in time. He said the purpose of making this finding of fact is to open the door to considering the new construction of a façade on this historic building.

Motion and Vote:

Chair Plaag made a motion for a finding of fact, seconded by Vice-Chair Bond, that no elements of the historic façade of this building from any point during the period of significance survives at this point in time, and this finding of fact is to open the door to considering the new construction of a façade on this historic building.

Member Watkins added a friendly amendment that said no currently visible elements from a previous period. Chair Plaag accepted the friendly amendment, and he amended the motion. The amended motion was because no elements of any of those façade iterations during the period of significance are visible or appear to survive, the Historic Preservation Commission concludes that, in essence, those elements have been destroyed for the purposes of this application.

Vice-Chair Bond and Member Sharp supported the amended motion made by Chair Plaag.

Vote: Aye – All

Nay – None

The motion was unanimous.

Chair Plaag asked Ms. Allison Meade, Town Attorney, if she perceived any other findings of fact for this case. Ms. Meade responded that she did not perceive any other findings of fact for this case.

Chair Plaag moved the discussion to standards that apply to new construction elements. Chair Plaag said the following sections appear to be relevant to this application:

Design Standards for Commercial Properties within the District, Storefronts, Upper Facades, Side Elevations, and Rear Elevations

- Section 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.

Design Standards for Commercial Properties within the District, Windows Doors, and Awnings

- Section 6.16 – New construction, additions, and renovations to existing historic buildings or properties within historic districts should maintain established proportions and spacing of window and door openings.

Chair Plaag said that what the applicant has proposed in Exhibit 10 moves in the right direction to help accomplish the standards in Section 6.16 and does not violate another standard that exists elsewhere about new construction regarding making elements look like they are old. He noted that someone who knows how to read buildings would recognize this as a newly constructed façade, not a repetition of an earlier façade.

Chair Plaag asked the HPC if they wanted to discuss other standards related to the proposal for this application. He reminded the HPC that they are only referring to the South elevation façade.

Discussion ensued on building materials. Chair Plaag asked Mr. Dixon if the applicant proposed to use a natural stucco material. Mr. Dixon confirmed that the applicant has proposed using a hard-coat stucco material, not an exterior insulation and finish system (EIFS)-synthetic stucco material. Chair Plaag said that the terra cotta clay parapet material is a common coping material used in the district and would be appropriate. Chair Plaag pointed out that it appears that the 9-over-9 (9/9) aluminum windows have been proposed for the building; Mr. Dixon replied that is correct. He talked about the garage windows with the bay-style openings. He said that early testimony addressed what these windows are trying to accomplish. There was consensus from the HPC members that these proposed materials meet the standards for new construction in the historic district.

Chair Plaag referred to the previous discussion regarding buttresses and noted that he does not personally think the standards require them. He said if the buttresses are a component the applicant likes and wants to use, it would be an element previously found on this building. He said he would not object to the applicant using it on the building as a trim element. Member Watkins pointed out that he was not recommending that the buttress element be added to the design. He said he brought up the topic of buttress for discussion only.

Chair Plaag explained to Ms. Garrett that the HPC reviews and approves a design before it is accomplished. He thought the best way to handle the façade approval would be to approve Exhibit 10 as presented with the allowance for the addition of stucco-covered trim elements around the bay garage doors, as discussed during the hearing, if the applicant is interested in doing so. He asked Ms. Garrett if this was a fair way of addressing it. Ms. Garrett said yes and is open to hearing preferences on what they should and should not do. She said she would like to do what the HPC prefers within reason. Chair Plaag explained that he doesn't think it is HPC's position to voice preferences but to speak about what is acceptable according to the standards for the district.

Chair Plaag talked about the things that would be acceptable according to the design standards for this application. Chair Plaag said it was entirely up to the applicant to choose either the smooth surface stucco or the buttress element. There was consensus from the HPC that it is up to the applicant to determine if they want to use the smooth surface stucco or the buttress element in their design.

Discussion ensued on a speculative courtyard concept. Ms. Garrett said that she had discussed the landscaping and hardscaping in the courtyard in front of the building with the others in the law firm. She noted that Ms. Christy Turner, Senior Planner, had stated that no standards prohibited removable plantings, tables, or benches. Mr. Dixon explained that the original submission required extensive landscaping with the detail of trees, flowers, and plants. He said the proposal is designed more for people than for a lot of landscaping. He said it is south-facing and will have sun on it in the winter. He continued that it is located at the main intersection in Downtown Boone. It will include removable tables, benches, and plantings, with more hardscaping than landscaping.

Chair Plaag clarified the following items with Mr. Dixon. He asked if the existing brick pavers near the Doc Watson bench would stay where they are now; Mr. Dixon replied yes, the brick pavers would remain. Chair Plaag asked Mr. Dixon about the stained, patterned concrete and asked if that meant the color would be brown or some other aesthetically pleasing color. He wondered if the benches would be attached in a way that they could be moved if necessary. Mr. Dixon said that from what he discerned from the HPC's comments, anything proposed in the courtyard should be considered temporary and removable without causing any damage to the area. Mr. Dixon said this would include the existing, grade-

level planters there now, along with the big Fir tree and the plantings to the left of the entrance into the building.

Vice-Chair Bond noted that this particular location in the center of Downtown Boone will always be busy with people because of the Doc Watson statue, and it is in the center of Downtown Boone, considering W. King Street and Depot Street. She also noted that the Cultural Resources Department is planning a 100th birthday celebration for Doc Watson on the first Friday in March of 2023 at this intersection. Ms. Garrett said they plan on leaving the Doc Watson bench area alone except for re-working an entrance into the older part of the building.

Chair Plaag talked about the other standards listed in the meeting packet that apply to patios, terraces, streetscapes, and landscapes. He said there are references to surviving historical elements in each of these cases. He said the current yard is not historic to the period of significance because that element occurred later. He said that, in his view, there is nothing to be preserved in the courtyard. At the last meeting, the applicant discussed including street furniture like picnic or café tables, planters, and benches in the yard. He noted that these types of furniture are not like gas pumps that were mounted on the surface at an earlier time. He said that the street furniture that has been proposed is in keeping with the spirit of the project, and it aligns with the design standards as they are written for this type of project in the district.

Member Watkins asked if the solid white diagonal in the proposed courtyard drawing are things to be installed in the courtyard. Mr. Dixon said he had chosen not to include all the gridlines in the center of the drawing. Chair Plaag noted that without the gridlines, it makes the text more visible in the drawing.

Ms. Garrett talked about the afternoon sun shining into the courtyard area. She noted that she did not want to remove the shade from the courtyard's corner. She suggested adding big tree pot plantings that provide shade and are an allowed species. Chair Plaag said that in terms of the HPC and the design standards, the street furniture are seen as a non-permanent feature of the courtyard. He said this gives the applicant the flexibility to move the furniture around at different times. He noted that he did not see anything in the design standards that would limit what the applicant is proposing for the courtyard. He said there is a possibility that the Planning Staff may find something in the ordinance that might limit what is being proposed for the courtyard.

Chair Plaag asked if there was additional material to be presented by the applicant or other comments from the Planning Staff or HPC on the proposal. There were no further comments or material presented regarding the modified courtyard proposal.

Motion and Vote:

Member Sharp made a motion, seconded by Vice-Chair Bond, to approve the issuance of the requested Certificate of Appropriateness following the Exhibit 10 façade design presentation.

Chair Plaag added the following friendly amendment: with the understanding that the applicant has the option of adding trim elements around the garage doors that are stucco covered as discussed, and any courtyard design will be in keeping with the materials and generalized layout of the preliminary drawing provided by the applicant.

Ms. Meade pointed out that the HPC's ultimate decision is set forth on the last page of the staff report on packet page 43. She said the question is whether the proposed modifications are congruous with the historic district.

Chair Plaag added another friendly amendment and suggested that Member Sharp could add that it is the finding of the HPC that the proposed changes are congruous with the historic district and its associated design standards. Vice-Chair Bond and Member Sharp accepted this friendly amendment.

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

- Where there is a conflict between the application information (October 14, 2022), the plans (October 14, 2022), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
- The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

There were no other conditions placed on this application.

Chair Plaag asked Ms. Garrett if she had any objections to the conditions that were automatically placed on the approval of this application. Ms. Garrett stated that she had no objection to these conditions.

Vote: Aye – All

Nay – None

The motion was unanimous.

Chair Plaag closed the public hearing on this case at approximately 4:09 p.m.

Other Discussion by Board Members or Staff

Ms. Mitchell informed the HPC that Member Sharp had let her know that he would not be able to attend the December 6, 2022, Advisory meeting. She told the HPC that she would like to poll to make sure that the rest of the HPC members would be in attendance at that meeting. She said the meeting packet would likely be posted on Friday afternoon. Chair Plaag and Vice-Chair Bond said they would attend the December 6, 2022, Advisory meeting.

Chair Plaag informed the HPC that he would not be able to attend the January 3 or January 10 HPC meetings. Ms. Meade suggested that the HPC move their quasi-judicial meeting to January 17 at 3 p.m. and their advisory meeting to January 24, 2023, at 3 p.m. Vice-Chair Bond asked if the HPC should look at another date to possibly continue the January 17, 2023 meeting just in case it is needed. Ms. Mitchell suggested that the HPC wait until January 17, 2023, to schedule a continuation of the meeting if needed.

Chair Plaag asked how many cases would be on the January 17, 2023, quasi-judicial meeting agenda. Ms. Mitchell said there was one case.

Discussion ensued on HPC training. Vice-Chair Bond confirmed that the HPC training would be on Thursday, December 1, 2022, through the School of Government. She confirmed that she could attend the training. Member Sharp confirmed that he would not be able to attend the training.

Chair Plaag confirmed that the HPC February meetings would be held on Tuesday, February 7, for the advisory meeting and Tuesday, February 14, 2023, for the Quasi-Judicial meeting.

Ms. Mitchell said the Planning Staff would inform the applicants that the January 3 quasi-judicial meeting has been moved to Tuesday, January 17, 2023.

Ms. Mitchell informed the HPC that she had contacted Member Sharp regarding the work plan. She said Member Sharp is gathering the information he wants to share with the HPC and Planning Staff. She said she has work plan information that she will share at the next HPC advisory meeting during the work plan discussion.

Adjournment

Vice-Chair Bond made a motion, seconded by Member Watkins, to adjourn the meeting at 4:19 p.m.

Eric Plaag, Chair

Marlene Crosby, Board Secretary