

**TOWN OF BOONE
SPECIAL HISTORIC PRESERVATION COMMISSION
CLG ORIENTATION
MEETING MINUTES
April 12, 2023, 9:00 a.m.**

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, Chuck Watkins, and James Sharp (via WebEx)

Council Liaison: Virginia Roseman

Student Member: Riley Ziegler

Town Staff in Attendance: Jessica Mitchell-Long-Range/Special Projects Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Ramona Bartos-Division Director of Historical Resources (SHPO) Raleigh, North Carolina, Kristi Brantley- Certified Local Government Coordinator (SHPO) Raleigh, North Carolina, Jennifer Cathey-Restoration Specialist (SHPO) Asheville, North Carolina, and Beth King-Architectural Survey Coordinator (SHPO) Asheville, North Carolina, Ellie McCorkle-HPC Intern

Call to Order

Chair Eric Plaag called the Certified Local Government Orientation meeting, held on April 12, 2023, to order at 9:03 a.m.

Certified Local Government Program

Ms. Kristi Brantley, Certified Local Government Coordinator, began reviewing a PowerPoint presentation that had been prepared by the State Historic Preservation Office.

Ms. Brantley began the presentation by explaining some planning tools, such as the National Register of Historic Places and a citizen's guide that is available online. She said she could email the link for these planning tools to the HPC and Planning Staff. She also talked about another tool, which is an interactive map that shows known historic sources. She explained that the green on the map outlines a study list for the Certified Local Government (CLG), and the blue on the map outlines the non-Certified Local Government.

Ms. Brantley spoke about the Amendment to the National Historic Preservation Act of 1980. She said that because of this act, this is how the Certified Local Government program came to be.

Ms. Brantley explained that a CLG is a partner in the federal preservation program that can administer local preservation laws (designation and regulation), maintain an inventory of historic properties, and assist the State with the National Register process. She added that any unit of government may apply for CLG status, and the National Park Service (NPS), with a Historic Preservation Commission (HPC), administers the CLG program.

Ms. Brantley talked about the Certified Local Government program and its preservation through partnership. She said the difference between the National Register and a Local Landmark Designation is that the National Register is eligible for tax credits. She said that in a ten-year span from 2011 to 2021, only five CLGs were certified. She said that in the last year, four have been certified, and they are the Town

of Boone, Alexander County, Union County, and the Town of Waxhaw. She added that more and more communities are recognizing how important historic preservation is, including economic development.

Ms. Brantley talked about the North Carolina CLGs as of September 2022. She said there are 52, which is the count that she uses, but there are actually 59 CLGs. She explained that when the program was first established, the National Park Service (NPS) allowed joint certification. She gave an example that Asheville and Buncombe County are both CLGs, and she counts them as one, although they use the same Historic Preservation Commission to do their work. She explained that Forsyth County, Clemmons, Kernersville, and Winston-Salem are all CLGs, and she counts them as one. She explained that the National Park Service is working to clear up these joint certifications. She said the NPS is hoping to provide more guidance on the joint certifications, and when SHPO receives the new guidance, they will rewrite the CLG Program that is on the SHPO's website.

Ms. Brantley explained the responsibilities of the CLG Program, which are enforcing appropriate state or local legislation for the designation and protection of historic properties, establishing an adequate and qualified historic preservation review commission, maintaining an updated inventory of historic properties within its jurisdiction, providing for adequate public participation in the local historic preservation program, participates in the National Register process, and receive CLG training annually.

Ms. Brantley pointed out that there are CLG trainings across the state. She said there is a CLG training that will be held in Asheville, NC, on April 21, 2023, and it will be handled by the National Alliance of Preservation Commission (NAPC). She asked Ms. Mitchell if the Planning Staff had looked into joining the NAPC, and Ms. Mitchell said she had looked into it. Ms. Brantley added that the NAPC is a good planning resource. She said there is a great benefit in attending these training sessions and being able to ask questions of other people who have obtained CLG status.

Boone Historic Preservation Commission Chair Eric Plaag said that he and Vice-Chair Bettie Bond attended a CLG training in 2018 that was held in Hendersonville, NC, and they both stated that attending the training was beneficial. Ms. Brantley noted that in 2013 there was a CLG training in Salisbury, NC; she added that in June 2023, there will be another CLG training held in Wilmington, NC, through the NAPC, but it will be on Disaster Resiliency. She said that later on in the year, there would be CLG training in Mount Airy and Washington County. She said there was a Cemetery Workshop in Mooresville, NC, in May 2022, and a CLG Training will be held in Swansboro in September 2023.

Ms. Brantley pointed out that there is a preservation email listserv and she encouraged everyone to join it.

Ms. Brantley explained that if a national register property is coming up before the National Registry Advisory Committee (NRAC), they review National Register Nominations when the NRAC meets three times a year, and make recommendations on whether to forward it to the State Historic Preservation Officer, who will forward it to the NPS. She added that before it is sent to the NRAC, as a CLG, the municipality would receive a notification not less than 60 and no more than 120 days with a copy of the nomination and notification to have a public hearing. She said the Mayor would also receive a notification for the public hearing.

HPC Chair Plaag said that the Blue Ridge Tourist Court is in line for a National Register Designation. He told Ms. Brantley that he was not sure if the SHPO office had been notified yet, and he wondered if it was because of the Town of Boone's recent CLG designation last December 2022. Ms. Brantley said that the Blue Ridge Tourist Court was heard in February, but because the Town of Boone was not yet certified when it was time for the 60-day notice to be sent out that the Town was not notified. She and Ms. Ramona Bartos, Division Director of Historical Resources, agreed that the timing could not be coordinated in time for the Blue Ridge Tourist Court 60-day notice. Ms. Brantley said that participation in the National Register process is regulated by the federal government, and the state has to follow its formats.

Ms. Brantley talked about the benefits of being a CLG. She said ten percent of the monies of the Historic Preservation Office from the Historic Preservation Fund is available to CLGs. She said the funding might be used as a matching grant to finance the following activities, Architectural/Archaeological Surveys, Architectural Plans or Feasibility Studies, National Register Nominations, Updates to Design Standards, Historic Preservation Plans, Pre-Development and Development Activities, and Physical Restoration/Rehabilitation.

Ms. Brantley said that CLG grants are a 60/40 match and noted that it is not a lot of money. She said that the City of Asheville and Buncombe County got a grant for the training camp that they are doing next week, and the City of Durham got a grant for some cemetery nominations. Member Watkins asked if the 40 match was a cash match. Mr. Ramona Bartos said it depends on the state, and North Carolina is dollar for dollar, which is more than 40 percent. Ms. Bartos asked Member Watkins if he was asking about the local match, and he said yes; she said the match could be in-kind or in staff time. She said that typically, SHPO likes to see the staff time because it shows a commitment that the locals want to see something through.

HPC Chair Plaag suggested to Ms. Mitchell that the HPC discuss asking Council for a grant for the R.L. Clay House. He asked if a property has to be National Register (NR) listed to receive a grant. Ms. Brantley said that a property in North Carolina has to be study-listed prior to being considered for the National Register. Ms. Bartos said you could ask for a CLG grant to do nominations. Ms. Brantley strongly encouraged the Town to study-list the R.L. Clay property.

Ms. Brantley talked about seed grants which are not large grants, and she showed photos and dollar amounts of grants for various projects throughout the state.

Ms. Brantley noted that there are also National Park and National Register grants, and Ms. Bartos pointed out that the community sometimes provides funds.

In summary, Ms. Brantley pointed out that there are three NC State Historic Preservation Offices (Department of Natural and Cultural Resources, Office of Archives and History) located in Raleigh, NC, Asheville, NC, and Greenville, NC. She thanked the Town of Boone HPC and Planning Staff for having this training. Ms. Bartos noted that Ms. Brantley works with 100 Commissions in NC and with her counterparts in other states on preservation.

North Carolina Local Preservation Certificate of Appropriateness (COA) Best Practices

Ms. Ramona Bartos gave an overview of the North Carolina Local Preservation Certificate of Appropriateness (COA) Best Practices. She talked about the SHPO YouTube Channel that is available that contains training videos. She thought there were about ten seminars available to watch. She said one of the videos is about "Enabling Legislation at the State Level". She explained that NC, through delegation and enabling the legislation, they have instructions to preserve, which happens at the local government level. She said the legislation sets the stage for the activities to be carried out by enabling legislation.

Ms. Bartos reviewed the different types of Historic Preservation Commissions. She first pointed out that NC G.S. §160D-303 & §160D-941 was (Formerly 160A-400.7). She said that Historic Preservation Commissions can deal with both historic landmarks and historic districts if the Town or City Councils opted for that designation. She said there are some cities that strictly deal with historic landmarks. She said Mecklenburg County handles its historic landmarks, and the City of Charlotte handles its historic districts. She said some cities use their Planning Board to do the work of the Historic Preservation Commission, and she thought that the City of Lexington is the only city using its Planning Board at this time. She said the Community Appearance Commission (CAC) could do the work of the Historic Preservation Commission, but she did not know of any cities using its CAC at this time.

Ms. Bartos reviewed how the character of a historic district is defined. She first pointed out that NC G.S. §160D-944 was (Formerly §160A-400.3.C). She said the special significance of the historic district area is to preserve the history, prehistory, architecture and/or culture. She said the historic districts possess integrity of design, setting, materials, feeling, and/or association; she explained that for historic landmarks, it uses the same criteria with different considerations for "association" to the integrity list. HPC Chair Plaag gave an example of the integrity of a building and said if the HPC tried to put the Watauga Industries Handicraft building on the National Register, they would have to consider that the building had been moved back and not in its original location. He said this would create a criteria situation with the National Register but not necessarily an issue on a local level. Ms. Bartos mentioned that there are local historic districts in NC that are not on the National Register and some that are. She said the HPC can choose what should be nominated for the National Register.

Ms. Bartos explained that the establishment of a historic district and legislative action is up to the discretion of the Town or City Council, and the administering of the historic district is done by the enabling legislation and the bylaws of the HPC in their month-to-month work. She mentioned a case that happened in the late 1970s, just when local preservation was getting started in NC. She said that Ms. Brantley could provide a copy of it, it is entitled, "A-S-P Associates vs. City of Raleigh, 258 S.E.2d at 452, 456 (1979)."

Ms. Bartos reviewed the requirements of a Certificate of Appropriateness (COA). She pointed out that NC G.S. §160D-102-947 was (Formerly §160A-400.9). She explained what is regulated within a district or landmark. She said the exteriors of buildings are regulated, and it is rare that interiors of buildings are regulated, especially in private structures. She said there are some places that regulate the interior of buildings only in public landmarks or private landmarks (with private owner consent). She talked about regulating the erecting, altering, restoring, moving, and demolishing of buildings. She said that on the exterior of a building, there are regulations for any building or other structure, masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, above-ground utility structure, and other outdoor advertising signs. She said with an outdoor sign the substance of the speech cannot be regulated.

She said that aspects such as historic signs, color, significant landscape, archaeological, and natural features have to be in the ordinance at the time of approval of a COA or at some time in the future for it to be covered for COA work.

Ms. Bartos asked HPC Chair Plaag if they regulated color. He explained that the HPC does not regulate color, except to prohibit neon colors in the Downtown district but the Unified Development Ordinance (UDO) references a color palette and the requirements for color. Ms. Bartos pointed out to the HPC Chair Plaag that the law does allow it if the Council allows it. She also pointed out that there could be a long discussion on the regulation of color. She said the preservation dividends may not be what you would want to see.

Ms. Bartos pointed out a pitfall for the Staff to watch out for when applicants are amending their COA application for interior work to cover exterior work, she said to make sure Staff evaluates if it triggers the COA process or how it relates to the building permit process. She referenced that the document should be referenced as "Principles and Standards", instead of how they were formerly called "Principles and Guidelines."

HPC Chair Plaag explained that the HPC had reviewed approximately eight or ten COA cases so far, and in every case, the applicant has had difficulty understanding the standards that apply to justify what they are proposing in their case when it is time for them to make their presentation. He further explained that in one of the cases that the HPC heard, the applicant had to keep coming back maybe four or five times. He said only the fifth time the applicant made the argument for their case from the standards standpoint. He said, similarly, that the HPC is sometimes reluctant to ground the proposal in the standards. He asked Ms. Bartos how the HPC and the applicants get to the place where they feel like this process is familiar to them. Ms. Bartos said that Ms. Jennifer Cathey would be able to answer this question in her presentation. She said it is difficult for someone to understand unless they are immersed in historic preservation because of the lingo and the terms used. She said that one way to address this issue is to know the historic buildings and what is significant about them. She added knowing about the buildings' materials and form, and also knowing the standards about preserving, protecting, and serving the significant form and materials, while allowing for appropriate or well-designed change. She said that by knowing the historic building, key features, form, and materials, then you know what you can change and what you really need to preserve. Ms. Bartos added that a good place to begin would be to see if the application is asking the things necessary and having the applicant have a pre-application meeting with Staff to go over the application process. She suggested mirroring the process used by the National Park Service. Ms. Bartos asked if some guidelines are provided for the HPC and applicant to follow during the review of the case. Ms. Mitchell said that the Staff prepares a staff report, and that the Staff does have pre-application meetings with the applicants. She also explained that the Staff is looking at the standards and trying to prepare a flowchart that might be useful in helping the HPC and the applicant through the COA process.

Ms. Bartos first pointed out that NC G.S. §160D-102 -947; §160D-406 was (Formerly §160A-400.9). Then, she talked about the requirements before any COA can be considered, which are the Rules of Procedure and the principles and standards. She said the Staff could approve minor work at their administrative level. She said denials could only be done by the Commission. HPC Vice-Chair Bond voiced her concern with the minor works review and an issue with stucco falling off buildings. Ms. Bartos said she and Ms.

Brantley could provide a list of items that would help the Staff when reviewing minor work. She said if what Staff is reviewing does not fall within the items on that list, then Staff might need to raise the proposed minor work to a higher level of review. HPC Chair Plaag stated that the HPC did discuss this topic and worked out a process for the Staff to follow. He further explained that the stucco that HPC Vice-Chair Bond mentioned earlier had started out as a minor work for stucco repair, but the stucco kept falling off of the building.

Ms. Bartos reviewed the requirements for quasi-judicial decisions. She first pointed out that NC G.S. §160D-406 was (formerly NC G.S. §160A-947). She said that section now mandates use of a standard process for all quasi-judicial decisions across the board for all land use decisions rather than retaining similar but different procedures. She noted that quasi-judicial classes were available through the School of Government, and she highly recommended that everyone takes the class.

Ms. Bartos explained that quasi-judicial is delegating historic preservation fact-finding to a body of experts and removes the decision from the political process, which often centers on “who the owner is, who the objectors are, and whose ox is being fattened or gored”. She said there is a book entitled, “Quasi-Judicial Handbook for Boards Making Development Regulation Decisions” that can be found at the UNC Chapel Hill press.

Ms. Bartos said the nature of the quasi-judicial decision is similar to a court decision; the general law is applied to a particular situation based on evidence and standards, and the Commission uses judgment to adjudicate how preservation regulation applies to a particular situation based on principles and standards.

Ms. Bartos reviewed the standard for the review of COAs. She said the Commission shall take no action except to prevent that which would be incongruous with the special character of the landmark or district. She said the special character of the landmark would be found in the district’s designation report.

Ms. Bartos reviewed the standard for review of COA’s case law. She said incongruity is a contextual standard that must derive its meaning, if any, from the total physical environment of the Historic District. She added that the conditions and characteristics of the Historic District’s physical environment must be sufficiently distinctive and identifiable to provide reasonable guidance to the Commission applying in the ‘incongruity’ standard. She said there has to be a good understanding of the designation report. She said that figuring out the incongruity will be the grounding for the decisions for what is being reviewed and the significance of it.

Ms. Bartos reviewed where to locate the special character. She said to look at your designation regulation or ordinance for the historic district or landmarks. She said does the designation report say what is incorporated into the designation ordinance and does the designation report say enough. She said that over time SHPO has asked for the designation report to be revisited to enforce that the special character is being protected.

Ms. Bartos reviewed the mechanism to preserve the special character of a historic district or landmark through design review. She also reviewed the standards to inform quasi-judicial decision-making.

Ms. Bartos first pointed out that NC G.S. 160D-102.-947 was (Formerly §160A-400.9). Then, she reviewed the due process requirements for a COA, and how they are to inform adjacent owners plus others because

they are entitled to receive notice under local regulation. She added that it requires a public evidentiary hearing, following NC Open Meetings Law, and to review and act on a COA application no more than 180 days from filing. She added that anyone can ask the Historic Preservation Office for expert advice related to a case, but it may not be binding.

Ms. Bartos talked about a case between “Meares vs. Town of Beaufort.” She said that in this case, they were trying to figure out what to do with the infill based on what had been there before and that no longer existed. She said the case was about a new building that should be consistent in height and scale with the pre-existing historic structure. She explained that with this case, you cannot be more restrictive than is allowed pursuant to the authority delegated to the local Commission by the General Assembly because you are using the context of “what had been before” versus “what has been designated” for the district or landmark. She said you would look at the designation report to see the history of the historic structure.

Ms. Bartos talked about a case between “Sanchez versus Town of Beaufort.” In this case, a neighbor intervened after the Board of Adjustment reversed the Historic Preservation Commission’s denial of a COA. She explained the applicant wanted to demolish a 16’ tall cottage and build a taller building in its place; however, the HPC would allow 24’ but not 27’ 3” sought by the applicant. She stated the neighbor sued, alleging “special damage” from the construction of the house that would block her view of the river and Carrot Island. Further, the neighbor said the proposed use is prohibited by law, and the height did not conform with the HPC guidelines. Ms. Bartos said the outcome of the “Sanchez versus Town of Beaufort” case led to the concepts of “arbitrary” and “capricious.” She explained that the concepts arbitrary and capricious are whimsical or willful and unreasonable actions without consideration or in disregard of facts or law or without determining principle. She said that arbitrary is a determination not supported by substantial evidence, a decision that lacks a rational basis where there is no substantial relationship between the facts disclosed by the record and conclusions reached by the board. She said that the HPC does not want to fall into a position of whimsical under these concepts and should stay within the guidelines.

Ms. Bartos pointed out that enabling legislation does not permit the HPCs to “cherry-pick” certain properties located within the historic district in order to determine the congruity of proposed construction. She said the HPC must look at the total physical environment of the historic district.

Ms. Bartos talked about meeting behaviors. She suggested that the HPC articulate the standards when applying them to the case, follow Robert’s Rules guidelines or another set of guidelines, and stay with the same topic. She said the HPC, during the hearing of a case, needs to be present, engaged, completely devoted, and attentive to what is going on, be polite and respectful, and not use a cell phone.

HPC Chair Plaag explained that there had been an issue with applicants presenting their proposed plans that do not quite meet the requirements. He said the applicant would ask the HPC about the proposed changes they need to do to meet the requirements. Ms. Bartos said the HPC is limited in what they can do to help the applicant with their plan. HPC Member Watkins confirmed that this is an issue with the applicant wanting approval, and they are willing to do anything within reason for it, they want suggestions from the HPC that will help them get approval. He said if he understood correctly, the HPC would be better to turn down the application and ask the applicant to meet with Town Staff to discuss how to make

their proposed plan in compliance and bring back to the HPC a new proposal. Ms. Bartos said this is one way to handle it. Ms. Brantley suggested that the HPC and Staff reach out to Ms. Kristi Harpst, Program Manager of Historic Districts for the City of Charlotte, because her office does an excellent job in having the pre-application meeting to help reduce these kinds of issues. Ms. Jennifer Cathey, Restoration Specialist, added that there is a learning curve for HPCs, the Staff, and the community on the COA process. Ms. Bartos said that some municipalities would have an annual retreat and discuss all of the COAs they reviewed to look at how the results were handled and how they might improve their review process.

In summary, Ms. Bartos suggested that the HPC read the proposed application in the meeting packet prior to the hearing and for the applicant to bring their proposed application material and information to the staff to review prior to the meeting. She also suggested for the HPC to complete a COA application and give their feedback to the Staff on it; in this exercise, she explained that the HPC could determine if the application is asking the application all the questions needed.

The Secretary of the Interior Standards for Rehabilitation

Ms. Cathey gave a presentation on “The Secretary of the Interior Standards for Rehabilitation”. She explained that these standards are named after the Secretary of the Interior because the Department of the Interior operates the National Park Service, which in turn operates the National Register of Historic Places and other Federal Preservation Programs which are connected to the Commissions. She further explained that over the years, “The Secretary of the Interior Standards for Rehabilitation” has been adopted formally for use by Commissions.

Ms. Cathey talked about the HPC’s connection to the standards, and she outlined the following: professional standards for historic preservation, guiding principles for design review for historic landmarks and landmark districts, and how design guidelines documents developed by HPCs are generally based on the standards. She asked HPC Chair Plaag if the Town had a set of design standards. He said that we did for the Downtown Historic District and explained that we are in the process of writing them for the individual landmarks. He added that in lieu of design standards, the HPC leans toward “The Secretary of the Interior Standards”. She asked if the Town has the set of the “The Secretary of the Interior Standards” published within the design standard, and Ms. Mitchell replied yes, and it is also available on the Town’s website.

Ms. Cathey reviewed the Development of the Standards. She explained the history of the following: the National Historic Preservation Act was started in 1966, the Tax Reform Act was started in 1976, the Secretary of the Interior Standards for Rehabilitation were published in the Federal Register and was started in 1977, and the Guidelines for Applying the Standards was published by the National Park Service and establishing practical advice to accompany the Standards started in 1979.

HPC Chair Plaag explained that on one occasion, there was a disagreement within the HPC on which of the four categories of standards are the correct ones to apply to a case. He clarified with Ms. Cathey that the HPC is supposed to be using the Standards for Rehabilitation. Ms. Cathey asked Ms. Brantley who referred to the CLG Handbook. Ms. Bartos thought it would depend on the goal of the constituent because it might be, for example, a historic house museum, and it might depend on the re-use or context of the building. Ms. Brantley read from the Handbook that we should strongly encourage CLGs to adopt the

appropriate Department of the Interior Standards for archaeology and historic preservation relevant to their activities.

Ms. Cathey pointed out that over the years, the Secretary of the Interior Standards have developed the following approach to historic rehabilitation which are to preserve (secure, stabilize or hold steady), restore (return to form, appearance, materials dating to specific historic time period), reconstruct (wholly or rebuild or recreate based on research and documentation), and rehabilitate (update for modern use while conserving features, materials, spaces, form the convey historic or architectural significance).

Ms. Cathey asked HPC Chair Plaag if the Town of Boone had any historic landmarks. He responded that there are the Downtown Boone Post Office, Linney House, Linney Law Office, Blue Ridge Tourist Court, and the Watauga County Jail. Ms. Cathey said every local landmark and local district and everything that is listed in the National Register of Historic Places had obtained that designation because it has been evaluated and documented as having significance in history or architecture and integrity. She explained that integrity means that the building or site was intact enough to convey its historic significance. She said the things that are looked at when reviewing significance and integrity are design, setting, materials, workmanship, feeling, association, and location. She said if we can attribute these things to a historic building or site, we can say it has high integrity. She pointed out that integrity of location is needed for a National Register listing and is not required for local landmarks.

Ms. Cathey explained that “integrity” is conveyed by building form and materials. She explained that form is the overall shape of a building or structure and its components; materials are the physical components of a building or site; and materials are combined or assembled during a particular period of time and in a particular way distinct to individual buildings and districts.

Ms. Cathey reviewed the concepts and goals of the Standards for Rehabilitation. The concepts are compatibility, reversibility, and authenticity. The goals are to identify materials and features, retain, preserve, conserve, protect, maintain, and repair.

Vice-Chair Bond brought up an example regarding a recent case involving clerestory windows. Ms. Cathey mentioned that in tax credit rehabilitation projects, they work to be compliant with Secretary Standards, and also in working with building codes, alterations can be made such as a recessed door and the opening of the door.

Ms. Cathey reviewed the Guideline Documents of the Standards of the Interior. She said these documents interpret the standards. She said the guidelines that SHPO uses the most is “The Secretary of the Interior’s Standards for the Treatment of Historic Properties.” She said this document has a good, user-friendly format, and it is available through the NC government printing office. She said this document also shows the best practices that are recommended and which ones are not recommended.

Ms. Cathey reviewed how the Standards that lead you to consider overall preservation goals. She stated questions to consider such as, is there a demonstrable need for repair, is sound historic building fabric retained, is damage or harm to building and site features and material avoided, and does work maintain the overall appearance and character (integrity) of the original building?

Ms. Cathey said the Standards are general, versus how the HPC design guidelines are specific. She exemplified that the Standards have broad design principles applied to buildings and sites of all types in any location, developed for use in federal programs, and adopted for commission use. Contrastingly, she stated the HPC design guidelines are specific, detailed design principles, crafted for application to specific buildings or neighborhoods, and developed for HPC's use.

HPC Chair Plaag noted that the HPC had encountered where we have one standard that is very clear and in keeping with "The Secretary of the Interior Standards" general guidance, or there will be another standard in that section or an adjoining section that is equally justified, yet applied to a specific property it creates a conflict. He felt this is the area that the HPC has had the most trouble navigating through the COA process. He said he had directed the HPC that they need to negotiate those conflicts the best they can while looking at the overall picture of the property in its long term.

Ms. Cathey handed out a copy of "The Secretary of the Interior's STANDARDS FOR REHABILITATION" and a copy of a cheat sheet for "The Secretary of Interior Standards for Rehabilitation of Historic Properties." Document is available upon request to Staff.

HPC Chair Plaag talked about one of the Mast Store cases that the HPC previously reviewed and a decision had been made on it. He explained that the stucco was removed that exposed an old ghost ad on the building, and he noted that this was a public safety situation. He said the applicant wanted to simply re-stucco the wall. He said the standards stated that generally speaking, the stucco is not historic to the period of significance; however, he explained the HPC does allow stucco on buildings where it previously existed during the period of significance. He said another standard said that when ghost ads are unveiled, we want to preserve them and make them visible to the public. He added that we want to prevent covering masonry that has been uncovered and preserve the masonry. He said this building was badly damaged. Ms. Cathey said this building is a very interesting case study on navigating the standards. She said there has to be a reasonable compromise by the HPC in these types of situations. She talked about the process for findings of facts about the conditions of a specific building. Ms. Bartos added that when you have a conflict, the stricter rules apply to it and asked if this was embedded in the design standards to be used in situations of conflict. She pointed out that public safety trumps preservation. She said one thing the HPC could have done was document the building. HPC Chair Plaag said the HPC did document the building, they allowed the stabilization of the masonry and it to be covered with hard-coat stucco. She referenced NC G.S. §160D-951 in reference to this conversation. She noted that she had seen this situation come up with solar panels as well. Ms. Cathey suggested that somewhere in this type of process, schedule a consultation with a preservation architect or an experienced mason to inform in a decision. She also suggested being clear when laying out the finding of facts on a building.

HPC Member Watkins explained that, when in these situations, often times, the HPC would be asked a question in the middle of a hearing about how stable is the masonry, is it life-threatening or non-life threatening. He said the HPC needs feedback from a professional mason about the condition of the masonry. He said that in this situation, should the HPC table or continue the case until the applicant can provide a professional mason? Ms. Bartos said asking for expert advice to get the answers is an option. HPC Member Watkins asked to what extent can the HPC compel an applicant to provide professional testimony. Ms. Bartos said the HPC could ask SHPO for expert advice or the applicant, but it might be on

the HPC to seek the advice. HPC Chair Plaag stated that the HPC had taken the approach that the burden is on the applicant to provide the evidence to support their case. Ms. Cathey said that in the pre-application meeting, the Staff might see a tricky issue in the application and suggest to the applicant to get some expert advice on the front end. HPC Chair Plaag noted that there will always be applicants that will try to do the least they can do to get through the COA process. He felt this is sometimes part of the issue. He added that there have been applicants that have come to the hearings with the information needed for approval.

Ms. Cathey added that we need to seek and cultivate the skill of preservation trades because not everyone has these trades handy.

In summary, Ms. Cathey reviewed how to apply the Standards for Rehabilitation, which were to: review the Standards and the district's design standards documents now and then; get to know your landmark buildings and districts materials, history, and significance; take a conservation approach towards significant materials, features, and spaces; allow for judicious alteration that supports ongoing historic building and site use; utilize the extensive guidelines for applying the standards supplied by the NPS and TPS; seek assistance from professionals with experience in applying the Standards.

Architectural Survey and National Register Programs

Ms. Beth King, Architectural Survey Coordinator from the Western Office in Asheville, North Carolina, gave the last presentation in this orientation. Ms. King stated that there are about 3,000 non-archaeology properties listed, and this includes 580 historic districts and their properties that make about 75,000 resources within those districts.

Ms. King explained the National Register Listing process in North Carolina. She said the process starts with the NC State Study List and a draft nomination submittal that goes to the National Register Advisory Committee, which is made up of architects, historians, archaeologists, and other people that have some specialty that relates to the National Register. She said they make a recommendation based on a presentation by the SHPO staff. She noted that she is the one representing Watauga County. The committee will vote on whether or not it is a good candidate for the study list and make a recommendation to the State Preservation Officer. The next step is the nomination will be sent to Washington, DC, to be formally listed; then, the successful candidate would receive a letter and certificate that they have been added to the study list or not added to the study list, which occurs in very rare cases. She said in some cases, after the Mayor has received the letter about the recommendation, this is a green light to go ahead and hire a professional consultant to prepare a nomination that is sent to SHPO to be reviewed by the SHPO staff based on region, then it will go to the National Register Advisory Committee, then on to the National Park Service for listing.

Ms. King explained how the study list properties are identified. She said the Blue Ridge Tourist Court and the J. Kenneth Lee House were two properties that were identified through architectural surveys. She said there are two ways that the SHPO can receive study list applications. She explained that they can be from a property owner or an interested party, and you do not have to be the owner of the property to apply for it to be study listed as well as the architectural survey.

Ms. King talked about the comment form that is important to a CLG. She explained that once the staff reviewer in the SHPO office who is reviewing the form and once the preparer of the nomination have agreed that a draft is in its final form, then it will be scheduled for presentation at the next available meeting that occurs each year in February, June, and October. She said if that property is in the jurisdiction of a CLG, part of the window of time has to include a 60-day comment period. She said the comment is asking if the CLG believes that it meets or does not meet the criteria for listing or not in the National Register. She said this time period gives the CLG time to provide a reasonable opportunity for public comment at the local level and is usually done at a regular HPC meeting.

Ms. King said that if there is a nomination for a district, it is not uncommon for an SHPO representative or an outside consultant to be present at the HPC meeting for public comment purposes.

Ms. King stated the types of things that can be listed in the National Register buildings, structures, sites, objects, and districts.

Ms. King reviewed the National Register Criteria for Evaluation. The four main criterion are Criterion A – Events/Patterns of History, Criterion B – People, Criterion C – Design/Construction, and Criterion D – Informational Potential. She explained that Criterion A is used often to list schools and education. Criterion B is for people that were significant persons in our history. Criterion C are for properties that embody distinctive characteristics of a type, period, or method of construction, that represent the work of a master, or that possess high artistic values. Criterion D is often used for archaeology, and a research plan will be needed.

Ms. King reviewed the following seven criteria considerations:

- A. Religious Properties are eligible if it derives its primary significance from architecture or artistic distinction or historical importance.
- B. Moved Properties are difficult to list, and they are a property removed from its original or historically significant location. She explained these can be eligible if it is significant primarily for architectural value or it's the surviving property most importantly associated with a historic person or event.
- C. Birth Places or Graves are eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life.
- D. Cemeteries are eligible if it derives its primary significance from the graves of a person of transcendent importance, from age, distinctive design features, or from association with historic events.
- E. Reconstructed Properties are eligible when it is accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same associations has survived.

HPC Chair Plaag mentioned that the Hickory Ridge buildings at Horn in the West are approaching the 50-year mark.

- F. Commemorative Properties are properties primarily commemorative in intent that can be eligible if design, age tradition, or symbolic value has invested it with its own historical significance, and a good example of this is the Wright Brothers National Memorial Monument in Dare County.

- G. Properties That Have Achieved Significance within the Last Fifty Years represent a property achieving significance within the last fifty years is eligible if it is of exceptional importance an example is the J.S. Dorton Arena in Wake County, and it is listed.

Ms. King said a resource must have “historic integrity” and an example of that is the Foster’s Log Cabin Court in Buncombe County.

Ms. King talked about Contributing and Non-Contributing Resources. She said it is important to know in a district that some buildings are non-contributing sometimes due to age or lack of integrity. She showed examples from the Winston Historic District that pointed out the difference of contributing and non-contributing.

Ms. Bartos asked Ms. King to give the status of surveys from Watauga County. Ms. King received a very good survey by Tony VanWinkle, and she is still waiting on the Boone survey to come into their SHPO office. HPC Chair Plaag noted that the HPC is working on those materials. He also pointed out that Dr. Kristen Baldwin-Deathridge from Appalachian State University has been using her class to begin the surveys for two neighborhoods, Cherry Park and Daniel Boone Park. He said when the students have completed their surveys, they will forward them to the HPC for their review. He said it is his understanding that the students are not doing deep research on the individual properties and their history. Ms. Brantley asked if there were survey site numbers with the neighborhoods, and HPC Chair Plaag said there were no site numbers with them. HPC Chair Plaag said that when the surveys are submitted to the HPC, the HPC would ask for those numbers. Ms. Bartos said that she did not have the staff to process the site numbers. She said there are usually three or four state-wide surveys going at one given time, and Ms. King currently has ten surveys. She said this sudden influx of surveys is because of hurricane recovery money.

HPC Chair Plaag asked for an update on the new survey documentation database. Ms. King responded with they would like to move their database online. She hoped that it would be integrated with the HPO web. She said that currently, their data is stored in a combination of an Access and SQL server, and it does not have the capacity to communicate to the GIS system because of the way it is set up. She showed how their survey files are stored on scanned sheets. She showed the HPOWEB map of the Designated Historic Resources and Historic District boundaries (with center points). She said the blue dots are National Register, the green dots are study lists, and the red dots are determined eligible. She said they hope to make more data accessible by clicking on the map. She said they would not be making all of their data available without certain credential access. She said that all of their files are available by request, they just need to receive the request first. She noted that they do not intend to put interior photos on the internet, but they would like one good photograph.

Ms. King talked about making a proposed plan for the digitizing of their survey files, and they need funding to do it because there are about 136,000 files to digitize and she noted that it would be a complicated process because there are newspaper clippings, photos, and other paper copies to scan.

HPC Chair Plaag told Ms. King that he is making headway on the survey documentation. Ms. Bartos asked if they could get the digital copy. Ms. Mitchell said she had just started working with some of the paper files, and she remembered being connected to a portal that the survey files could be uploaded to. Ms. King said if Ms. Mitchell could send her the database, she could make the records in-house. HPC Chair

Plaag said he had all of the digital survey packets at his house, and he is sending files to Ms. Mitchell so they can print them and label them; then, the copies are given back to him to put in the packets. He said he would like to continue this process, and he plans to give SHPO a paper copy file of each property. He said that when he is done with all of the files, he would send all of them to SHPO through the portal. Ms. King said it is still a requirement to receive paper copies, but she would like to check to see if that is still the case. She said that currently, they are not moving completely away from paper, but they hope to streamline the process where the consultant is only working digitally. She added that they would prefer to get all of the files at the end of the project rather than in piecemeal. HPC Chair Plaag said that when the project is complete, he would drive the files to the SHPO office.

Ms. Bartos thanked the HPC and the Staff for all of their support and congratulated them on their new CLG status. HPC Chair Plaag thanked Ms. Bartos and her SHPO staff for presenting this training session; he thought it was beneficial for all who attended.

Adjournment

Chair Plaag adjourned this meeting of the CLG Orientation at 11:42 a.m.

Eric Plaag, Chair

Marlene Crosby, Board Secretary