



Town of Beaufort, NC
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Town of Beaufort Historic Preservation Regular Meeting
6:00 PM Tuesday, July 2, 2024 - Train Depot, 614 Broad Street, Beaufort, NC 28516
Minutes

Call to Order

Chair McCune called the July 2nd, 2024 Beaufort Historic Preservation Commission regular meeting to order at 6:00 p.m.

Roll Call

Members Present: Joyce McCune, Chair; Bradley Hedrick, Vice-Chair; Bradley Cummins, Jonathan Haas, Marissa Morris

Members Absent: Tammy Hunsucker, Jessica Sabiston

A quorum was declared with five members present.

Staff Present: Mr. Kyle Garner, Planning Director, Ms. Jill Quattlebaum, Town Attorney; Mr. Jason Brinson, IT Director; Ms. Laurel Anderson, Board Secretary

Agenda Approval

Chair McCune notified the Board that Case #24-16 had requested to be tabled and removed from the Agenda to return at the September meeting.

Vice-Chair Hedrick made the motion to approve the amended Agenda and Member Cummins made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Minutes Approval

Vice-Chair Hedrick made the motion to approve the June 4th, 2024 Minutes as presented and Member Morris made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Administration of Oaths

Chair McCune gave the Quasi-Judicial Statement as follows: This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. The board must base its decision upon competent, relevant and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. All applications for Certificates of Appropriateness must be consistent with the Design Guidelines for the Beaufort Historic District & Landmarks; however, regardless of compliance with these Design Guidelines, the HPC will not approve a COA that is not congruous with the special nature of the Beaufort Historic District as a whole. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the applicant, the local government and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. For certain topics, this board may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Secretary Anderson then administered the Oath to Kyle Garner.

Items of Consent

1. Approval of the Orders for Case #24-14 400 Front Street, Case #24-15 100 Sunset Lane – Certificates of Appropriateness (COA)

Member Cummins made the motion to approve the Items of Consent as presented and Vice-Chair Hedrick made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Old Business

1. Case #24-02; 122 Craven Street – Window Replacement

Chair McCune introduced Case #24-02 and asked if any members needed to recuse themselves and hearing none, she asked for the Staff Report.

Mr. Garner stated that the applicant first appeared to the Commission in January of this year and the item was tabled so that a representative from the State Historic Preservation Office (SHPO) could evaluate the windows and offer advice as how to proceed. The applicant has since updated information that is included in the packet for the Commission's consideration as well as a description of the visit from Reid Thomas of the SHPO discussing options for the windows. Mr. Garner showed the specific proposed windows and where they would be located. He noted that the applicant had requested the Board move forward with a decision, and Mr. Garner also noted that he personally was not in attendance at the meeting in January when the application was first presented.

Secretary Anderson administered the Oath to the applicant, Brent Greenberg, and Robert Grote, Project Consultant for Andersen Windows.

Mr. Greenberg noted the noise level in the house was high through the windows, window rebuilds would take a long time, and most original leaded glass had been replaced already.

Vice-Chair Hedrick asked if there was a difference in the updated packet, Member Cummins asked why composite had been chosen over wood windows, and Chair McCune asked about the makeup of the proposed composite windows and the grids. There was further Board discussion regarding the applicant using wood windows and Mr. Grote showed a sample of the proposed composite window. Mr. Greenberg stated that he was willing to rebuild or

replace the four front windows with wood replacement windows. There was still hesitation from the Board to approve the request with the composite materials.

Chair McCune asked if there were any parties with standing, and hearing none and no further questions, asked for a motion for a Finding of Fact against Case #24-02. Member Cummins made the following motion: Having reviewed the record and having considered all evidence submitted and oral testimony for case #24-02, move that the Commission conclude that the pending application fails to meet the following design standards. Design Guidelines for the Beaufort Historic District and Landmarks: Window and Door Guidelines 6.4.1, 6.4.2, 6.4.3.

Vice-Chair Hedrick made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune then asked for a motion against a Certificate of Appropriateness for Case #24-02.

Member Morris made a motion to deny the Certificate of Appropriateness based on the following: Based upon the foregoing Findings of Fact, I move that the Commission conclude that the proposed project is incongruous with the special character of the historic district as a whole and that a Certificate of Appropriateness for Case #24-02 not be issued for the proposed work.

Vice-Chair Hedrick made the second and Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune then declared Case #24-02 closed.

2. Case #24-12; 523 Front Street – Signage (Revised)

Chair McCune introduced Case #24-12 and asked for the Staff Report. Mr. Garner stated that in May of this year the applicant received a COA for wall signage; however, the sandwich board was not included with that application and noted this new request was to place a 6.25 sq. ft. sandwich board in front of the Sea Bags business at 523 Front Street.

Secretary Anderson administered the Oath to the applicant, Alex Landry, store manager at Sea Bags.

Ms. Landry explained that the sandwich board was currently in the entryway of the business and they would like to place it on the sidewalk in front of the business.

Chair McCune cautioned that the placement of the board stay close to the building so as not to become a trip hazard.

Hearing no further questions, Chair McCune asked for a motion for a Finding of Fact for Case #24-12. Member Cummins made the following motion: Having reviewed the record and having considered all evidence submitted and oral testimony for case #24-12, move that the Commission concludes that the pending application meets the following design standards. Design Guidelines for the Beaufort Historic District and Landmarks: Signage Guidelines 8.6.1, 8.6.2, 8.6.5, 8.6.9.

Vice-Chair Hedrick made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Vice-Chair Hedrick made a motion to approve the Certificate of Appropriateness for Case #24-12 based on the following: Based upon the foregoing Findings of Fact, I move that the Commission conclude that the proposed project is not incongruous with the special character of the historic district as a whole and that a Certificate of Appropriateness for Case #24-12 be issued for the proposed work.

Member Morris made the second and Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune then declared Case #24-12 closed and notified Ms. Landry that the Minutes and Findings of Fact would be adopted at the next meeting and the COA would then be issued.

New Business

1. Case #24-17; 101 Middle Lane - Mixed-Use Building

Chair McCune notified the Board that she had been advised by Counsel to recuse herself as she was a member of the Beaufort Historical Association (BHA) board. Chair McCune asked for a vote for recusal and stated that Vice-Chair Hedrick would be taking over as Chair for Case #24-17. Ms. Quattlebaum explained that if the BHA were determined to not have standing then Chair McCune could be restored to the Board.

Member Cummins made the motion to recuse Chair McCune and Member Morris made the second. Vice-Chair Hedrick took a vote that was unanimously approved.

Voting yea: Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Acting Chair Hedrick asked Mr. Garner for the Staff Report. Mr. Richard Stanley, attorney for the BHA, asked for the case to be tabled until a survey could be obtained. After a brief discussion the HPC decided to move forward with the Staff Report.

Mr. Garner stated that the request was to construct a new mixed-use building at 101 Middle Lane on vacant property. He explained that the property has a zero foot lot line and the proposed building is three-story, mixed-use 35' high with the top two floors for residential use and the bottom floor for commercial use. Doors and windows are planned for the front and rear of the structure and solid brick on the sides with a flat roof.

The Board discussed the scope of the HPC and the Guidelines.

Secretary Anderson administered the Oath to the applicant, Jay Horton, Filter Design Studio.

There was discussion regarding massing and scale, visibility of the building from other streets, the surveyed property lines, encroachments from other properties, pedestrian access from the BHA, and parking requirements.

Acting Chair Hedrick asked if there were any parties with standing who would like to speak. Mr. Richard Stanley stated that he was a member of the BHA, two-time past president and served on their Board of Governors. Ms. Quattlebaum explained that to participate as a party in the action, a party has to be determined to have standing and that this was not a public hearing. She further explained to be a party with standing the party must be the owner of the property or the owner of a leasehold interest or a lessor, or they have to prove special damages unique to their property. Regarding other parties who do not have standing, the Board has the discretion to allow testimony if they believe the witness has competent material and substantial evidence to add to the matter at hand. The difference is the right to participate and the Board's discretion to allow a party without standing to participate.

Mr. Stanley stated that they would lose privacy and ability to walk through the property. There was Board discussion regarding which parties had standing and which parties did not.

The Board voted unanimously that the Beaufort Historic Association did not have standing in this matter.

Voting yea: Acting Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

As the BHA did not have standing Ms. Quattlebaum stated that Chair McCune could be restored to the Chair.

Member Cummins made the motion to restore Chair McCune and Member Morris made the second. Acting Chair Hedrick took a vote that was unanimously approved.

Voting yea: Acting Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune asked the public to keep their statements and questions within the HPC's scope only and to not repeat comments made by other participants.

Secretary Anderson then administered the Oath to Bill Snyder, current president of the BHA; Marina Bonaventura, representative of the Cru Bar; Barbara Paerl, owner of Fabricate; and Patricia Suggs, director of the BHA.

Participants discussed the BHA bus garage, pedestrian access, streetscape, encroachments, State Historic Preservation Office review, rooftop structures and usage, and the special nature of the historic district.

Mr. Horton addressed the concerns and opinions of the participants and stated for the record that he wanted to work with everyone. He also stated that the owners of the property in question had been under hardships from the other properties as well including encroachments from those properties, and that he had a sealed survey of the property and the BHA was welcome to obtain their own survey as well. He also stated that the roof would only be accessible from the third floor.

The Board considered Guidelines 7.1.1, 7.1.2, 7.6.1, 7.6.2 and felt that more information was needed in the application.

Member Cummins made the motion to table the application and have the applicant return with streetscape renderings in context, mechanicals, and showing landscaping on all sides and Member Morris made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

2. Case #24-18 Construct Three Townhome Units at 101 Ann Street

Chair McCune introduced Case #24-18 and asked if anyone needed to recuse themselves; hearing none she asked for the Staff Report. Mr. Garner stated that the request is to construct three townhome units at 101 Ann Street and this property is the former Beaufort Inn that received a COA for demo and is currently undeveloped. He showed a vicinity map identifying the property and elevations and submitted them into evidence along with his Staff Report and other information included with the agenda packet.

Mr. Horton, Filter Design Studio and applicant, explained that the three townhomes would be masonry sided and all pavement would be permeable.

The Board discussed the painted masonry, the grade and true elevation, landscaping, and the massing of glass on the Gallants Channel side noting Guidelines Form and Rhythm 7.6.2 and 7.6.3. Chair McCune read into the record Guidelines Building Placement 7.1.5 which references a policy statement in Chapter 5 being: *“The vistas of Beaufort’s waterfront play a crucial role in defining the character of Beaufort’s Historic District. These include, but are not limited to: the sweeping vistas across Taylor’s Creek, Gallant’s Channel, and Town Creek; and views of the Historic District, particularly Front Street, from the water. An important factor in evaluating certificates of appropriateness for new construction and additions to existing structures will be the impact, from both the land and water on the vistas of Beaufort’s waterfront. Generally, new construction, or additions to existing structures, that encroaches into the vistas of Beaufort’s waterfront should be permitted only to the extent necessary to allow*

reasonable use of the property. In weighing the impact of new construction and additions to existing structures, the commission should consider the traditional setting or context of the subject property relating to the vistas of Beaufort's waterfront."

There was further discussion regarding the setbacks, the different styles of the sides of the townhomes, possibly softening the glass façade on the Gallants Channel side, the view along Ann Street noting Landscaping Guidelines 8.1.7 and 8.1.14, and the mechanicals on the roof.

Town Attorney Ms. Quattlebaum noted for the record that there had been several concerns including CAMA, Army Corps of Engineers' involvement, stormwater, and erosion and sediment control which had been redirected to the appropriate department and are not within the authority of the HPC. She advised prospective parties with standing that any testimony regarding those issues would not be competent and substantial material and this meeting was not the appropriate venue.

Chair McCune asked if there were any prospective parties with standing.

Secretary Anderson administered the Oath to Bradford Quick Chadwick, adjacent property owner at 111 Ann Street. Mr. Chadwick claimed special damages as a reduction in value as a result of the erosion and runoff from the townhomes. He later added odor, health, and security.

The Board voted unanimously that Mr. Chadwick did not have standing in this matter.

Chair McCune asked if there were any other witnesses who would like to speak. There were none.

Mr. Horton requested stabilizing the worksite and moving forward with the dock and bulkhead even if the COA were tabled.

Vice-Chair Hedrick made the motion to table the application with the exception of the docks and Member Morris made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune asked for a motion for a Finding of Fact for Case #24-18 for the docks only. Member Morris made the following motion: Having reviewed the record and having considered all evidence submitted and oral testimony for case #24-18, move that the Commission concludes that the pending application meets the following design standards under the Design Guidelines for the Beaufort Historic District and Landmarks: Docks, Piers, and Boardwalks Guidelines 8.7.1, 8.7.2.

Member Cummins made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Vice-Chair Hedrick made a motion to approve the Certificate of Appropriateness for Case #24-18 for the docks only based on the following: Based upon the foregoing Findings of Fact, I move that the Commission conclude that the proposed project is not incongruous with the special character of the historic district as a whole and that a Certificate of Appropriateness for Case #24-18 be issued for the proposed work.

Member Morris made the second and Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune then declared Case #24-18 closed.

Board Comments

There were no Board comments.

Staff Comments

Mr. Garner explained the department's summer intern's historic district cataloguing project which would tie in with resilience and future staff reports. He again mentioned working with the State Historic Preservation Office to update the HPC's Guidelines. Mr. Garner also reiterated that all Board members must speak clearly into their microphones during the meetings.

Commission / Board Comments

- a. The Board thanked Staff for the great packet.
- b. Chair McCune noted a few enforcement concerns around the historic district that were being worked on by Staff. She also mentioned Dorothea Dix hospital in Raleigh which had just received a grant for restoration and noted the importance of historic preservation.

Staff Comments

- a. Mr. Garner thanked the Commission members who had participated in the recent Certified Local Government training given by the State Historic Preservation Office.

Adjourn

Member Cummins made the motion to adjourn and Member Morris made the second. Chair McCune took a vote that was unanimously approved.

Voting yea: Chair McCune, Vice-Chair Hedrick, Bradley Cummins, Jonathan Haas, Marissa Morris

Chair McCune declared the July 2nd, 2024 meeting adjourned at 9:20 p.m.

Chair, Joyce McCune

Board Secretary, Laurel Anderson