

Minutes

HISTORIC DISTRICT COMMISSION

Regular meeting

6:30 p.m. Nov. 1, 2023

Board Meeting Room of Town Hall Annex, 105 E. Corbin St.



Present: Chair Will Senner, Vice Chair Mathew Palmer, and members Elizabeth Dicker, G. Miller, Hannah Peele and Sara Riek

Absent: Member Bruce Spencer

Staff: Planner Joseph Hoffheimer and Town Attorney Bob Hornik

1. Call to order, roll call, and confirmation of quorum

Chair Will Senner called the meeting to order at 6:30 p.m. He called the roll and confirmed the presence of a quorum.

2. Commission's mission statement

Senner read the statement.

3. Agenda changes

There were no changes to the agenda.

4. Minutes review and approval

Minutes from regular meeting on Oct. 4, 2023.

Motion: Member Sara Riek moved to eliminate the redundant language in the three motions on Item 5, Page 2, of the minutes from the regular meeting on Oct. 4, 2023. Member Hannah Peele seconded.

Vote: 6-0.

Miller moved, Riek seconded to approve with modifications

Motion: Member G. Miller moved approval of the Oct. 4, 2023, minutes with the modification. Member Mathew Palmer seconded.

Vote: 6-0.

5. Written decisions review and approval

Written decisions from regular meeting on Oct. 4, 2023.

Planner Joseph Hoffheimer said there was a minor correction to be made to the paragraph numbering in the written decisions. This item was discussed before Item 4.

Motion: Miller moved to modify the written decisions from the regular meeting on Oct. 4, 2023, by renumbering Paragraph 4 as Paragraph 3; and renumbering Paragraph 5 as Paragraph 4. Member Elizabeth Dicker seconded.

Vote: 6-0.

Motion: Miller moved approval of the written decisions from the regular meeting on Oct. 4, 2023, with the modification. Dicker seconded.

Vote: 6-0.

6. New business

A. Certificate of Appropriateness Application: 418 W. King St.

Applicant is requesting approval for a 24 feet x 26 feet detached garage at the rear of the property (PIN 9864763236)

Senner opened the public hearing and asked for conflicts of interest or bias among the commissioners. Peele disclosed that she is a neighbor of the applicant.

Motion: Miller moved to recuse Peele from consideration of the 418 W. King St. application. Dicker seconded.

Vote: 5-0.

All commissioners disclosed that they had visited the site in preparation for reviewing the application. No additional conflicts of interest were disclosed.

Hoffheimer was sworn in. David Cates, speaking on behalf of the applicants, was sworn in.

Hoffheimer presented the staff report and noted the inventory information, application materials, and applicable design standards would be entered into the record as evidence. He provided the staff comments: Alley garages are uncommon in the Historic District, but staff find the location of the garage to be in keeping with the traditional relationship between garages and houses in the district. Because the existing shed is likely nonconforming, demolition or removal of the shed would be considered ordinary maintenance and would not need to be reviewed. The fence is not historic, and its removal would be approvable as a minor work.

Senner asked if Cates would like to add any comments before discussion of the application. Cates said he had nothing to add.

Senner asked whether all trees will remain in place. Cates said that when the application was initially submitted the plan was to leave all trees in place. However, after discussion with staff, the plan was modified to accommodate the setback for the right-of-way of the alley. The adjusted plan has the garage sited further away from the alley, which may require the removal of a small tree (below 24 inches in diameter) close to the existing shed. Hoffheimer and Cates confirmed that the plan submitted in the agenda packets is the current, updated plan.

There was discussion of the dripline of the larger tree adjacent to the existing shed. Cates said the garage will be built on a slab, so there will be no digging of a foundation. The commissioners reviewed some site images to evaluate the dripline of the tree and determined that the footprint of the new structure will encroach on the dripline by only a couple of feet at most. Cates assented that a tree protection fence can be installed. Senner reminded Cates that a tree protection fence should extend as near to the tree's dripline as possible because it is meant to protect the root system as well as the portion of the tree above ground. Senner noted that some tree protection fences in the district have been set closer to the tree's trunk than is ideal for full root system protection.

There was discussion of the proposed materials. Dicker inquired about the reason for choosing a fiberglass pedestrian door. Cates said the applicant chose fiberglass for ease of maintenance. Cates confirmed that the Hardie board siding will be smooth side out. Cates said that the garage doors will be metal.

Becky Cicale, the applicant, was sworn in. She added that the metal garage door will be painted to match the color of the house.

Senner noted that the site is relatively compact and invited discussion about the massing of the garage compared to the house. He added that he does not find the massing incongruent with the rest of the district. It was mentioned that the mass of the structure is mostly hidden from public view by the slope of the lot and the trees.

Miller read from Design Standard 2 for New Outbuildings and Garages, which says that roofs should be compatible with the primary building. Cates mentioned they attempted to keep the pitch of the roof slight to minimize vertical mass and avoid competition with the main building. Miller referred to a note on the application that stated that because the structure was under 12 feet in height it could be sited closer to the lot line. There was discussion of the zoning and massing reasons for the roofline being a lower pitch compared to the primary structure's roofline. There was discussion of the language in the design standards and the meaning of the term "compatible" in the context of roof pitch. It was acknowledged that the proposed structure is minimally visible from the street and therefore allows for some flexibility regarding compatibility.

Palmer inquired why the roofing material chosen was different from that of the house itself. Cates said the reason was based on the cost differences between metal and asphalt.

There was discussion of the existing shed. Cates did not know its age but shared that it was not site-built. Hoffheimer stated that his research shows that it is not old and there is no record that it received any staff or commission approval.

Cates said that the garage doors face north.

Senner raised the fact that although the house has a King Street address, it is valid for the commission to consider the public visibility of the garage from North Hillsborough Avenue because of the street right-of-way through the alley. He noted that it is logical that this public view doesn't warrant the same weight as the character-defining view of the house from King Street, but that the structure's siting at the rear of the lot does not fully occlude it from public view. The commissioners clarified that the lot is not a corner lot but is situated two lots west of North Hillsborough Avenue.

Palmer mentioned finding nothing inappropriate about the application and noted that the proposed structure appears to be a larger, nicer version of the existing shed.

There was discussion of the location of the lighting on the structure. Cates confirmed that one light fixture would be placed directly over each of the center of the garage doors and the pedestrian door.

Palmer pointed out that the house has had additions over the years and that the pitch of the main house is a shallower pitch than that of the subsequently added ell in the rear. Cates added that the porch also has a very slight pitch.

Senner summarized the discussion by stating that the commissioners were in agreement that nothing in the application is incongruent with the Historic District.

Senner closed the public hearing.

Motion: Riek moved to find as fact that the 418 W. King St. application is in keeping with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: New Construction of Outbuildings and Garages. Dicker seconded.

Vote: 5-0.

Motion: Dicker moved to approve the application with conditions. Palmer seconded.

Vote: 5-0.

Conditions: Installation of a tree protection fence around the existing tree being saved, 10-15 feet from the trunk, or as large a distance from the trunk as can be accommodated.

Senner reminded the applicants that all changes, no matter how small, should be discussed with staff.

B. Certificate of Appropriateness Application: 319 N. Churton St.

Applicant is requesting approval for moveable LED spotlights in front of the Burwell School (PIN 9874072965)

Senner opened the public hearing and asked whether there were any conflicts of interest or bias among the commissioners. None were disclosed. All commissioners disclosed that they had visited the site in preparation for discussion of the application.

Senner swore in the applicants: Mayor Pro Tem Matt Hughes, speaking in his role as chair of the Historic Hillsborough Commission; and Steve Peck, former chair of the Historic Hillsborough Commission. Stan Morris, a member of the public in attendance to speak in support of the application, was also sworn in.

Hoffheimer introduced the staff report. He stated that the inventory information would be entered into the record. He said that spotlights that up-light a character-defining feature on a historic structure are considered a major change and are not approvable at the staff level. There is no record of this type of lighting having been approved by the commission in the past. The lights in the example photo of the 401 N. Churton St. condo building are permanent light fixtures that the commission and/or staff found to be appropriate for the district. Hoffheimer mentioned that the commissioners had had some questions about the spotlights at Town Hall that were referenced in the application. He shared photos of the spotlights, which illuminate the sign on East Orange St. and the flagpole but do not appear to be in use. Staff were not aware of them, and there appears to be no record of staff or commission approval for those lights. It is possible that they have been in place for over 18 years. They do not illuminate the Town Hall structure itself. Other lights at Town Hall used for security purposes are not spotlights or up-lighting.

Hoffheimer added that the commission would have to determine whether moveable light fixtures that operate all night are effectively permanent. He also noted that staff have allowed the moveable fixtures for special events under the conditions that the fixtures are temporary and only used for those events. He added that the commission would need to evaluate the lights solely on appropriateness for the district because the commission does not regulate nuisances or light pollution. The commission typically does not make decisions based on safety and security unless warranted by external requirements related to a substantial change. The purchase of a product prior to approval does not have any impact on the commission's final decision.

Senner asked Hughes if there was anything he would like to note about the application before the commissioners discussed. Hughes stated that there is a desire amongst the applicant group to illuminate the house beyond special events. Further, they would like to provide illumination of the large, uneven yard is during nighttime events and meetings.

There was discussion of whether and how illuminating the house will provide safety to people walking in the yard. Peck stated that the lights are small and easily moveable, so they can be turned out toward the yard to illuminate the walkway. They can also be physically relocated into the yard to broaden their effect.

Peck mentioned that the house is very dark at night and that its existing porch light does not provide much illumination. There is currently no illumination to provide security for the valuables in the house during the evening when no one is present. He added that providing this illumination also shows off the character of the house to the public at night.

Hughes and Peck acknowledged that there have been no break-ins during their tenure that they know of that would lead to a need for security lighting. Commissioners wondered whether there might be other ways of providing security for the house besides lighting, and if a different type of lighting might be more effective in providing safety for people walking in the yard. Peck confirmed that there is an interior security system in place.

Dicker asked for clarification that the applicants want to use the lights to both illuminate the ground and the building for different situations. Peck assented that they are asking for approval to use the lights in both ways.

There was discussion of whether the material of the proposed light fixtures is compatible with the historic character of the building. Peck acknowledged that the Historic Hillsborough Commission did not consider the congruity of the materials with the historic character of the building, and he said that the organization had mainly focused on what it viewed as safety, security, and beauty provided by the illumination. Peele asked about the visibility and placement of the fixtures. Peck said they are placed within the vegetation at the front of the house, and that they would likely be visible in the daylight. Peele mentioned that she would feel more concerned about the congruity of fixtures that are more prominently visible.

The commissioners mentioned examples of lighting within the district that shines down to illuminate walkways, such as footlights and human-scale post lights.

There was no fixture dimension listed in the product information, only packaging dimensions.

Dicker inquired about the coach lights on the neighboring condos. Hoffheimer noted that those lights are entry lights that were approved by the commission as part of the approval of the condo building. Additional fixtures were approved as a minor work because they were found to be compatible with the district and the visual effect is just to light the entryway, not to illuminate the architectural features of a historic building.

Hoffheimer added that illuminating the porch from sunset to sunrise has not been done for any other historic institutional structures in the district. He mentioned that however this application was ruled upon could have an impact on up-lighting of other public buildings.

Palmer remarked that the application is attempting to achieve dual goals of illuminating a building and illuminating walkways, and he reminded the applicant that one of the objectives of the commission is to be consistent, leading the commissioners to think through the future implications of the decision on the rest of the Historic District.

There was discussion of the applicants' use of the fixtures for special events. Hoffheimer noted that temporary use of lights for special events is typically handled as ordinary maintenance. There were no objections from the commission regarding temporary use for special events.

Morris, who lives next door to the property, spoke in support of the application. He said that the property is very dark and that it would be nice to have lighting. He mentioned that neighboring porches have lights lit at night and that illuminating the Burwell school would have safety implications not just for people visiting the site, but for the entire community and neighborhood.

Hoffheimer mentioned that there are many ways of lighting the property that could be approved as a minor work. He reminded the commission that the application up for consideration is about the up lighting of the building.

Senner agreed that there are many examples of lighting of porches and fronts of properties that is congruent with the district, such as footlights and down lights. He explained that the commission was struggling reconciling the proposed up-lighting approach with other applications more congruent with the district.

Palmer said that this application was a good start in thinking through the lighting of the site. Senner added that there is likely a thoughtful way to provide permanent lighting that meets the goals of the Historic Hillsborough Commission and is congruent with the district. Palmer added that the commission would be hesitant to set a precedent by approving the application.

Senner remarked that the Burwell School is a treasured architectural landmark, and that there is a degree of care and sensitivity that warrants that the commission consider those properties in a particularly sensitive way.

Senner summarized the conversation: The commission is fully supportive of opportunities for lighting the property, but there is concern that these fixtures and their application are incongruent with the character of the district, particularly for a property as significant as the Burwell School.

Senner closed the public hearing.

Motion: Miller moved to find as fact that the 319 N. Churton St. application is in keeping with the overall character of the Historic District and complies with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are consistent with the Historic District Design Standards: Exterior Lighting. **There was no second.**

Miller confirmed that his motion was made for discussion purposes, following procedures discussed at the Oct. 26 special meeting. There was discussion of the procedures for finding an application incongruent with the standards.

Riek clarified for the applicant that the commission finds the proposed lighting to be incongruous with the district, but that they welcome proposals for lighting the site that are more congruous.

The commission asked the applicants if they would like to table the application with an intent to bring a new plan for permanent lighting, or if they would prefer to submit a new application if a new lighting plan is designed in the future. Hughes said they would prefer a binary vote on the application. Hoffheimer

mentioned that a clear yes or no answer will provide clearer direction if similar applications come in in the future. He also mentioned that if a subsequent application were submitted by the Hillsborough Historic Commission, it is possible that it would be considered a minor work and would not need commission approval.

Town Attorney Bob Hornik confirmed with the commission that based on the discussion, using the lights for special events would be appropriate.

Motion: Senner moved to find as fact that the 319 N. Churton St. application is not in keeping with the overall character of the Historic District and does not comply with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are inconsistent with the Historic District Design Standards: Exterior Lighting, in particular because of their permanent nature and the up-lighting of the building, and because of the material of the lights. But the Historic District Commission would love to see an alternate approach to site lighting in the future, that could potentially be approved by staff as minor works. Dicker seconded.

Vote: 6-0. Abstained: Miller.

There was discussion about the procedural process of allowing time for discussion between a motion and second, and then a vote.

Motion: Miller moved to find as fact that the 319 N. Churton St. application is not in keeping with the overall character of the Historic District and does not comply with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are inconsistent with the Historic District Design Standards: Exterior Lighting, in particular because of their permanent nature and the up-lighting of the building, and because of the material of the lights. But the Historic District Commission would love to see an alternate approach to site lighting in the future, that could potentially be approved by staff as minor works. Dicker seconded.

Motion: Miller moved to reconsider the finding of fact. Senner seconded.

Vote: 6-0.

Motion: Miller moved to find as fact that the 319 N. Churton St. application is not in keeping with the overall character of the Historic District and does not comply with all relevant standards of evaluation based on the commission's discussion of the application and the standards of evaluation in Section 3.12.3 of the Unified Development Ordinance because the plans are inconsistent with the Historic District Design Standards: Exterior Lighting, in particular because of their permanent nature and the up-lighting of the building, and because of the material of the lights. Dicker seconded.

In response to the previous motion, Hoffheimer clarified that if the Burwell School were to bring an application for minor works such as footlights, it would be looked at solely based on that application; what was discussed at this meeting or as part of a motion would not be considered as part of that process.

There was additional discussion about procedural process.

Vote: 6-0.

Motion: Dicker moved to deny the application as submitted. Senner seconded.
Vote: 6-0.

7. General updates

Subcommittee updates will be moved to next month.

Re-election of officers was not included in the agenda and can be moved to next month.

Next month's meeting is not on a Wednesday but on the Thursday of the following week because of a staff conflict.

The design standards modifications coming out of the subcommittee will be presented next month. The draft will be sent out further in advance than usual. The hope would be for approval or approval with conditions, and staff would make any changes prior to late December. The modifications would go through the Planning Board before going to the joint public hearing in February.

There was discussion and clarification of the procedural processes discussed at the Oct. 26 special meeting.

A member of the public asked for advice about a renovation process in the district and a potential application to remove a structure. Senner mentioned that the commission cannot legally comment on an application in this forum, but he recommended discussing the specifics with staff.

8. Adjournment

Senner adjourned the meeting at 7:57 p.m. without a vote.

Respectfully submitted,



Joseph Hoffheimer
Planner
Staff support to the Historic District Commission

Approved: December 7, 2023