



Historic Preservation Commission Agenda

Town of Swansboro

Tuesday, December 20, 2022

I. Call to Order

II. Approval of Minutes

- [a.](#) November 15, 2022 Regular Minutes

III. Old Business

- [a.](#) **Text Amendment related to Massing standards in the Historic District**

Presenter: Andrea Correll, AICP Planner

Following review of Massing Standards, draft ordinances, specific statutes, and recent legal case laws related to such, staff has prepared a Text Amendments to Appendix III Historic District Design Standards, Section 11 New Construction.

Recommended Action: Recommend approval of the requested text amendments to the Planning Board.

- [b.](#) **Reconsider Action on Fence Review**

Presenter: Paula Webb, Town Manager

In May of 2022, the Historic Preservation Commission took action to remove fences as staff review and for them to be reviewed under minor work. It was discovered that no text amendment was forwarded for adoption following that action.

This information was shared with incoming Planner Andrea Correll, who proposes that the HPC reconsider its action with the notable experience she has with historic preservation.

If the HPC is inclined to reconsider, a formal motion to rescind its previous action would be in order.

Recommended Action: Motion to allow fence review/approvals to remain as staff approval.

IV. Public Comments

V. Chairman/Board Thoughts/Staff Comments

VI. Adjournment

**TOWN OF SWANSBORO
HISTORIC PRESERVATION COMMISSION
NOVEMBER 15, 2022, REGULAR MEETING MINUTES**

Call to Order

The meeting of Swansboro Historic Preservation Commission was called to order at 5:30PM. Those in attendance were Christina Ramsey, Ed Binanay and Jonathan McDaniel and ALT members Gregg Casper and Elaine Justice.

Amend Agenda to Elect a Chairperson for this Meeting

On a motion by Jonathan McDaniel, seconded by Christina Ramsey, election of a chairperson for tonight's meeting was added. All members were in favor.

Approval of Minutes

On a motion by Christine Ramsey, seconded by Ed Binanay, the October 20, 2022, regular meeting minutes were unanimously approved.

Elect Chairperson for tonight's meeting

On a motion by Christina Ramsey, seconded by Jonathan McDaniel, Ed Binanay was elected as Chairperson at tonight's meeting. All members were in favor.

Old Business

A. Certificate of Appropriateness 2022-07/ 206 Walnut Street

An application for Certificate of Appropriateness was submitted by Commercial Roofing Systems for Larry Spears for an *after the fact* major work to complete a new metal roof at 206 Walnut Street. The kitchen portion of the roof was completed before the stop work was issued. The other portions of the roof have been covered with underlayment awaiting historic board review.

The public hearing was opened at 5:34pm.

Mike Patterson of Commercial Roofing Systems represented Mr. Spears and made the following points:

- Durable, modern version of galvanized material in galvalume color – an example of the same is on the old Town Hall/502 Church Street
- The home was built in the 1860s – the new material will not change the historical look of the home
- A small ridge cap will be added, six inches on each side of ridge

Planner Correll stated the following:

- A COA application fee of \$200.00 and *after the fact* fee of \$500.00 were paid
- 14 homes in the district were identified with metal roofs
- During recent CLG training in September, State Historic Restorations Specialist John Wood noted that a preferred metal roof material was the double lock standing seam. In speaking with Mr. Patterson, he shared that the double lock material was very expensive

and not typically installed on residential homes but more on commercial structures due to the cost. If the Board was interested in making the double lock material a required material, a text amendment would be needed.

The public hearing was closed at 5:47 PM.

On a motion by Jonathan McDaniel seconded by Christina Ramsey, COA 2022-07 / 206 Walnut Street was approved by unanimous vote based on:

Appendix III Historic District Design Standards, Section 2.1 Roof Form and Pitch – Roofing materials contribute to the character of early Swansboro buildings. Depending on the ages and styles of the buildings, roofs can be covered with a variety of materials ranging from asphalt shingles to terne-plated metal. It is extremely important to install appropriate roofing material when conserving the character of early buildings.

(5) Galvanize - to coat steel or iron with zinc, as for example, by immersing it in a bath of molten zinc.

3.1 Roofs - Standards

3) New roofing materials should be compatible with either the existing or original roofing material. The new material should match the historic material as closely as possible in color, shape, size, and texture....

Text Amendments related to Demolition by Neglect and Enforcement

Planner Correll introduced text (below) to address Demolition by Neglect and Enforcement.

§ 152.485 DEMOLITION BY NEGLECT

Demolition by Neglect (DBN) shall mean and include the failure by the owner or such other person who may have legal possession, custody, and control of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features), either designated as an historic landmark or found to have historic significance, to keep the exterior features free of decay, deterioration, and structural defects, in order to ensure that the same shall be preserved. The term “demolition by neglect” shall also include the failure of such owner or other person having such legal possession, custody, and/or control, to repair, upon written request by the Town of Swansboro Historic Preservation Commission on behalf of the Town of Swansboro, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including, but not limited to, the following defined and prohibited conditions of neglect and defect:

1. Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.
3. Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

6. Defective protection or lack of weather protection for exterior walls and rood coverings, including lack of paint, or weathering due to lack of paint and/or other protective coverings.
7. Rotting holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, windows, and door frames, cornices, entablatures, wall facings, and architectural details that cause the delamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
10. Deterioration of fences, gates, and/or accessory structures.
11. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

§152.486 PROCEDURAL REMEDIES WHEN DEMOLITION BY NEGLIGENCE IS DETERMINED

1. Applicants must provide a sealed report from a structural engineer who has inspected the site and consult with the Town Planner who will consult with NC State preservation office on the submittal and ask for additional information if needed as well as the Town Building Official and Town Engineer.
2. The report must contain a breakdown of the structural integrity of the building including the roof, walls floors, windows, doors, and foundation. A detailed description of each structural component that needs work must be provided with the remedy for repair along with documentation that the component is 50% or more structurally unsound.
3. If water infiltration is occurring an engineer must provide a sealed site plan showing solutions to the stormwater issue. The calculations will be reviewed by the Town's Engineer.
4. Submit 2 sealed sets of building plans and a site plan along with any exhibits that are needed for the review. The Town staff will work through the review process prior to taking the recommended drawings and exhibits to the Swansboro Historic Commission for consideration of a COA to facilitate and document the corrective action needed.

§ 152.487 COMPLIANCE AND ENFORCEMENT.

(A) Compliance with the terms of the certificate of appropriateness shall be enforced by the Administrator and when appropriate by the Board of Commissioners. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a continuous period of six months shall be deemed a failure to comply with the certificate of appropriateness, and, without further action, the certificate of appropriateness shall be null and void. In addition to any other remedy provided by this chapter or by law, this chapter may be enforced in the same manner and violations hereof are punishable according to the procedures and penalties for violations of the zoning ordinance and town codes. In case any building, structure, site, area or object within the Historic District is about to be demolished, whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed except in compliance with the ordinance, the Town Board, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal; to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such a building or structure.

(B) Additionally, nothing contained in this ordinance shall prohibit, impair, or limit in any way, the power of the Town of Swansboro to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic District in violation of the provisions of this chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of other remedy or remedies provided herein or in other ordinances or laws. (See G.S. §§160A-175 and 160A-389).

(C) When Demolition by Neglect (DBN) properties have been identified and added to the DBN List, the general steps, actions, decision points, and owner's needed responses when receiving notice of violation from the Town Planner is as follows:

1. A completed DBN complaint form is submitted to the Planner and stamped with the received date and initials. Staff may fill out the complaint form based on email or phone call from a complaint. Email or regular mail is preferred, however if a phone call is received the Town Planner will respond by email and email should be sent to the complainer and the HPC. The Planner will report to the HPC at the next regular meeting.
2. Within 14 days following receipt of the DBN complaint, a status report of the complaint investigation and actions taken is mailed to the complainant and, if warranted, the property owner is notified of the violation. The complaint investigation is reported to the HPC at its next regular meeting if there is a basis for complaint. The Town Planner is the responsible party to prepare and present the reports to HPC.
3. If there is a basis for complaint, the property owner in violation has thirty calendar days to respond to the documented violation(s) contributing to demolition by neglect. The property owner may respond by phone, email or in writing. A follow-up shall be sent in the event the property owner responds by phone. A copy of that email shall be sent to the HPC within two business days of the call. The Planner shall maintain a record of communication with the property owner. The Town Planner is the responsible party to prepare and present the reports to HPC.
4. If the property owner fails to respond or to address the violation(s) by the required deadline, The Town Planner will report Town enforcement action at the next HPC meeting.
5. The HPC evaluates the staff notification of the DBN findings for a property and determines whether to proceed with further action.

§ 152.486 MUNICIPALLY OWNED PROPERTY.

(A) Municipally owned property will be subject to the same regulations as privately owned property if located within the Historic District.

(B) If consideration is being made for possible town acquisitions of historic property, the Swansboro Historic Preservation Commission should provide input in all stages of planning on the usefulness of the acquisition. However, acquisition and restoration of historic property should remain the domain of private enterprise whenever possible.

On a motion by Christine Ramsey, seconded by Jonathan McDaniel the text amendments as discussed above were recommended to the Planning Board with the addition of reference to the penalty section of the UDO should someone not comply. All members were in favor.

Chairman/Board/Staff Comments

Positive feedback was offered on the new town website and that exterior work on the Visitor's Center looked nice.

For clarification, it was noted that the two parking spaces in front of the Visitor's Center would be eliminated. Staff had also identified several spaces throughout downtown that could be marked as handicap spaces.

Public Comments

None

Adjournment

The meeting adjourned at 6:12PM.



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Text Amendment related to Massing standards in the Historic District**

Board Meeting Date: **December 20, 2022**

Prepared By: **Andrea Correll, AICP Planner**

Overview: Following review of Massing Standards, draft ordinances, specific statues, and recent legal case laws related to such, staff has prepared a Text Amendments to Appendix III Historic District Design Standards, Section 11 New Construction.

Background Attachment(s): Draft Ordinance Amendment to the UDO Appendix III, Section 11.

Recommended Action: Recommend approval of the requested text amendments to the Planning Board.

Action: _____

Draft Ordinance

WHEREAS North Carolina General Statute 160D-605 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS NCGS 160D-605 also states that when adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendment is consistent with the current Comprehensive Plan, specifically the CAMA Land Use Plan, Implementation Recommendations and Strategies supports preserving historic character and village charm, further noting that the historic character of development defines this community and considers the action taken to be reasonable and in the public interest.

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

Appendix III Historic District Design Standards

SECTION 11 NEW CONSTRUCTION

11.1 New Construction – Standards

(A) Intent

It is the intent of these regulations to assure that new construction including additions are congruous with the special character of the district. In considering new construction, the Commission and/or the Planner shall encourage design that is harmonious with the character of the district.

Consultation with the Swansboro Historic Preservation Commission in the early stages of a new construction project to become familiar with its procedures and aspects of design recommended.

Having an architect or other professional prepare a massing study is required. Massing studies enable graphic analysis of the shape, form, size and building envelope of proposed new construction. The massing study provides the applicant a way to document the proposed building height and scale and other elements of the proposed construction as they relate to nearby existing buildings, especially in the block.

BUILDING HEIGHT/SCALE

8) Make the scale (the relationship of a building's mass and details to a human being) of the proposed building compatible with the scale of other contributing structures in the historic district. This relationship to building mass should include nearby buildings in the block and adjoining open space.

MATERIALS

11) Keep the siding and trim material of the proposed building consistent with materials traditionally used on the immediate block and in the historic district. The physical elements of the building, such as stone or wood walls, brick, fencing, landscaping mass, building facades and other elements, or combinations thereof shall be included.

TEXTURE

17) Create in new construction a similar degree of texture that is found in contributing buildings in the historic district. However, concentrate on the ability to blend rather than duplication. Texture is the relief on a building surface that is achieved through the use and interaction of a variety of building materials and shapes. Materials such as weatherboard siding, decorative fishscale fish scale shingles, and beaded board porch ceilings are examples of wooden architectural elements that have different physical and visual qualities and contribute to the “texture” of a building surface.

FORM AND RHYTHM

23) Create form and rhythm in new construction through the use of architectural elements and details. Study neighboring historic structures on the block to see if a consistent treatment of elements exists and emulate this ~~feature~~ pattern in the new construction. However, limit the amount in which one new building emulates a contributing building unless the building is a reproduction of an existing contributing building from the Town’s Historic District. In which case, a key stone should be imbedded in the foundation to identify when the new building was built.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, (Month) (Day), 2022.

Attest:

Alissa Fender, Town Clerk

John Davis, Mayor



Historic Preservation Commission Meeting Agenda Item Submittal

Item To Be Considered: **Reconsider Action on Fence Review**

Board Meeting Date: **December 20, 2022**

Prepared By: **Paula Webb, Town Manager**

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Background Attachment(s): None

Recommended Action: Motion to allow fence review/approvals to remain as staff approval.

Action: _____

