

# PRESERVATION COMMISSION

## Minutes

July 12, 2007

Salisbury, North Carolina

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, July 12, 2007, in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Vice-Chair, Susan Hurt.

In addition to Susan Hurt, the following members were present: Jack Errante, Ronald Fleming, Deborah Johnson, Judy Kandl, Anne Lyles, Kathy Walters, and Anne Waters.

Susan Hurt welcomed all persons present and explained the meeting's purpose and procedures.

### Report from the Nominating Committee

Jack Errante made a motion for the nomination of Anne Lyles as Chairperson for the Commission. The Vice-Chair opened the floor for other nominations; there were none. Ron Fleming seconded the motion, and all members voted AYE.

Anne Lyles thanked the members of the Commission for their vote of confidence. She then proceeded with the meeting.

### Requests for Certificates of Appropriateness

H-27-07 **400 Blk. N. Lee St.** – Rowan Investments, Inc., owner – Michael Lippard, agent  
**Request:** New awnings, brick sidewalk, bollards, fence, façade renovations per submitted site plans.

Michael Lippard, architect, and Glenn Ketner, owner of Rowan Investment, were sworn to give testimony for the request.

As the slide presentation was presented, Mike Lippard testified that Rowan Investment would like to add new awnings above the doors and windows, brick sidewalk, bollards on the sidewalk to protect the awnings, install a fence within the property on corner, and install a painted mural of the rail walk logo on the corner building.

The fence, he said in response to Kathy Walters, will be a powder coated Black aluminum.

Glenn Ketner informed the Commission that they are doing a number of things on the properties in both the 300 and 400 blocks of N. Lee Street and named some artists who already have spaces. He said they are working on things like lighting and appearance, but will be doing other things to make it even more appealing to the artist community and others.

In response to a question from Jack Errante who asked if the brick sidewalk would be the entire length of the building, Mr. Ketner said that would be left up to the city. He hopes that the corner where the fence is to be located would be a primary area for brick sidewalks.

In response to a question from Judy Kandl, Mr. Ketner stated that the existing parking area would remain the same.

Mike Lippard testified that the awnings at the Firehouse Loft would be the model for the proposed awnings, in response to a question from Judy Kandl. She noted that the awnings did not appear to be inset into the windows and into the door openings as recommended in the guidelines, Mike Lippard stated that since the windows and doors are just flush openings into the brick, the awning is basically directly over the windows and lines up exactly with the windows. He said they are over the tops of the windows so that the windows would not be blocked.

Judy Kandl informed the applicants that a continuous awning is discouraged by the guidelines as shown over the air conditioning unit and 2 windows on the Kerr St. elevation. Glenn Ketner explained that the building is cooled by an existing air conditioning unit which has to have air around it in order to function properly. He thought that the best way to conceal the unit and also be consistent with the new look was to go with the continuous awning. He said, "We are just having to deal with practicality in the situation to try to do something to enhance the appearance."

Janet Gapen informed Mr. Ketner that there is a blanket approval for certain pallet of materials for the downtown area which includes brick and lighting fixtures which would not require additional approval.

In response to a question from Judy Kandl, Mike Lippard testified that the awnings, fencing and gooseneck lights will all be Black.

Wendy Spry informed the Commission that the signage could be approved as a minor work by committee.

There was no one present to speak in support or opposition to the request.

Ron Fleming made the motion as follows: "I move that the Commission find the following facts concerning Application #H-27-07 – that Michael Lippard, agent for Rowan Investments, Inc., and Glenn Ketner, owner, Rowan Investments, appeared before the Commission and sought a Certificate of Appropriateness to install new awnings, brick side sidewalk, bollards, fence and façade renovations, per submitted plan; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features & District Setting – Signage & Awnings, pages 54-56, guidelines 11, 12, 13, and 15; Parking & Paving, pages 57-58, guidelines 1 and 2; Landscaping & Streetscape, pages 59-60, guidelines 9 and 12, page 51, guidelines 1-6 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore,

I further move that a Certificate of Appropriateness for Application #H-27-07 be granted to Michael Lippard, agent for Rowan Investments, Inc., and Glenn Ketner, owner, Rowan Investments, Inc, to make the changes detailed in the application.”

Susan Hurt seconded the motion; all members present voted AYE.

H-30-07 **602 S. Fulton St.** - Carl M. Short, Jr. & Luanne B. Short, owner

**Request:** Addition of Florida room and bath behind present structure, demolition of existing deck and well-house, existing addition’s tin roof to be replaced with rubber, installation of spiral staircase to roof, and addition of patio per submitted plans.

Carl Short, owner, and Tom Bost, contractor, were sworn to give testimony for the request.

Mr. Bost began by informing the Commission that following a meeting on site with the committee assigned to the project, one of the changes made was the installation of 3 double windows in a location where 2 triple windows were originally proposed that will match the existing windows on the house; all windows on that side of the house will match.

Carl Short informed the Commission that a Florida room and bath will be added onto the rear of the house. The addition will be a 1-story construction with flat roof, and no slight lines viewable above the existing structure; also not visible from Fulton St. or Marsh St. He further stated that the roof of the addition will match with the existing roof lines over both the side porch and the sunroom on the south side of the house.

He testified that the color of the proposed Taylor Clay brick is not identical to the original brick on the house but is a similar color. The non-original existing deck attached to the rear of the house will be removed and a new patio added. The patio will be located between where the Florida room ends and the extension of the “L” comes out on Marsh St.

An existing well house is also proposed for demolition.

Judy Kandl informed the Commission that the sub-committee, consisting of herself along with Anne Lyles and Susan Hurt, met with the owners and Tom Bost at the site. She said the key things discussed were the spiral stairs to the roof, the stairs coming out of the new French doors, window patterns, appropriateness of the roofline, railing and detail, and lighting. The contractor was asked to make all recommended clarifications to the drawings prior to the Commission meeting.

In response to a question from Jack Errante, Mr. Bost stated that the railing would be Black aluminum rather than wrought iron.

Janet Gapen verified that aluminum has been approved for handrails on steps on previous requests.

Susan Hurt stated her concern with the spiral staircase. She said in her opinion it does not conform to the guidelines for historic columns. Kathy Walters said the staircase would only be seen by the next door neighbor because of the way that the house wraps around the lot.

Judy Kandl noted that the spiral staircase is also visible on the rear elevation located to the right of the French doors.

Susan Hurt further voiced her concern with the large expanse of flat roof with railing, stating that she did not think that it conforms to the Design Guidelines. However, Anne Lyles reminded Susan Hurt that the committee had a concern that putting in a gable or the like would also be inappropriate.

Jack Errante questioned whether all of the existing flat roofs were original to the house, to which Mr. Short responded, "Yes."

In response to a question from Judy Kandl, Mr. Bost testified that the semi-circular steps with railing will come down from a landing.

### Public Hearing

The Chair called for persons who were present to speak in support of the application.

They were: Mary Arey, 415 W. Marsh St. and Carolyn Bare, 528 S. Fulton St.

There was no one present to speak in opposition.

There being no other questions from Commission members, Kathy Walters made the following motion: "I move that the Commission find the following facts concerning Application #H-30-07 – that Carl M. Short, owner, 602 S. Fulton St., appeared before the Commission and sought a Certificate of Appropriateness to demolish the existing deck and well-house, add a Florida room and bath behind the present structure, replace the addition's tin roof with rubber, install a spiral staircase to the roof, and add a patio per submitted plans; that Mary Arey and Carolyn Bare appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 3 – Additions, pages 46-47, guidelines 1-12 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-30-07 be granted to Carl & Luanne Short, owners of 602 S. Fulton Street to make the changes detailed in the application."

Jack Errante seconded the motion. Commission members Errante, Fleming, Johnson, Lyles, Walters, and Waters voted AYE; members Hurt and Kandl voted NO.

H-32-07 **722 S. Fulton St.** – Barbara M. Senter, owner

**Request:** Create an 8 ft. wide gravel driveway on the south side of the property extending 102 ft. from S. Fulton St. to the back yard which will require removal of a 19 in. tree from the front yard and a 10 in. tree from the side yard.

Barbara & Gordon Senter were sworn to give testimony for the request.

Mrs. Senter informed the Commission that she purchased the property located at 722 S. Fulton St., an eyesore for years, 2 years ago. The house and grounds have since been restored and is now on the market; however, parking has been a complaint of most of the prospective buyers. She stated that although parking is legal on Fulton St., the street is not wide enough to safely park. There are also problems with parking in the alley: 1) persons have to be told in advance that parking is available in the alley because it is not a known fact; 2) the condition of the alley. She informed the Commission that they have received feedback that the ally is not a location that you would want guests to see because of the condition of some of the structures. Mrs. Senter testified that they would like to remove 2 small trees and install an 8 ft. gravel driveway on the left side of the property. The driveway would be consistent with the other properties in the block.

Jack Errante stated that he had inspected the property prior to the meeting and saw that there was no parking available at all except on the street or in the alley in the back; however, he had questions concerning the removal of the 19” tree. He asked if it was diseased or had other problems.

Mrs. Senter testified that the tree was not diseased but it was not a very nice looking tree.

Dr. Senter testified that the tree was somewhat diseased in the top and referred members to the slide presentation. He said, “it’s just kind of a nothing tree, nothing like the 2 magnificent trees in the back.”

Wendy Spry informed the Commission that she met with Mark Martin who did an inspection of the tree and found that there were some structural problems. He recommended removal. In response to a question from Jack Errante she stated that the dogwood tree is less than 18 inches.

Judy Kandl said the guidelines state that a when a tree is removed it is to be replaced with another from an approved list. She asked Mrs. Senter if she knew what the replacement would be.

Mrs. Senter said they would be willing to plant 2 trees in the front of the yard.

Susan Hurt informed Mrs. Senter that her request was the 4<sup>th</sup> since she has been a member of the Commission to add a new driveway to a historic home. She said, “I’m not sure that these people are going to come back and buy the house if part of the sidewalk and back yard goes from greenery to gravel.” She further noted that the others had been denied because of the design guideline which requires that the same historic spacing be maintained.

Kathy Walters noted that the 722 St. Fulton St. house is the only one on the block (except the corner house) which have site drives with no Fulton St. driveway.

Mrs. Senter stated that the neighbor next door has problems with people parking in their parking lot all of the time.

Anne Waters said, "There is an alleyway that is accessible," and asked what the concerns were with the alleyway.

Mrs. Senter testified that the alley was very rough. She said the pictures shown did not show the worst of it. She said, "I'm sure if I lived there I would be uncomfortable with guests having to come around to that alley." She said she did not know if there was a guideline for conditions in the alley or not but it was really a rough alley.

In response to a question from Jack Errante who asked who owned the alley, Dr. Senter said, "It belongs to the city."

Judy Kandl stated that the fact that the house may or may not sell should not be considered. The Commission will base their decision from the guidelines only from the fact that the request was made for a driveway.

Mrs. Kandl noted that the area photo shows that there are 2 other mid-block houses which have driveways so a precedent would not be set. She said, "I think it is consistent with the pattern for that block."

The Chair called for persons present to speak in support of the request.

Carolyn Bare, (already sworn) testified that she was in favor of the driveway. She informed the Commission of her own family members who had looked at a house to purchase in the same block but chose not to because they did not want to have to go into the dark alley at night. She said she believes that concessions need to be made when it affects the potential livability of a home.

Margaret Lipe was sworn to speak in support of the request.

Mrs. Lipe testified that she was a realtor with Wallace Reality and has the house at 722 S. Fulton St. listed. She verified the fact that many prospective buyers have loved the character of the home but have expressed concerns about the property with the main objection being that the only approach by automobile to the back of the property is through the alley. She informed Commission members that the Senters, along with several adjoining neighbors, have attempted to improve the appearance at the back by removing an abandoned car, painting the privacy fence, landscaping the back yard and adding a pretty brick walk from the existing wooden fence up to the porch. They have also extended the picket fence to increase the size of the enclosed back yard leaving room for limited space for resident parking and for a future garage.

Mrs. Lipe suggested instead a shallow circular drive. She said, "other homes in the historic district have front drives.

Anne Lyles called for persons present to speak in opposition of the request.

Barry & Lori Myers, 730 S. Fulton St., were present and sworn to speak.

Barry Myers, referring to the slides, pointed out his house and the Weeping Cherry tree located between the large tree proposed for removal and the corner of the porch which is just on his property line. He stated his concerns of what would probably happen to his tree, and his concern for the close proximity of an automobile in the proposed new driveway to his front porch. He said the bedrooms in his house are all located on that same side.

Lori Myers began by thanking the Senters for the work done to the house. She said, "I think it's just wonderful, the house is beautiful." She informed the Commission that her concerns were "cars back and forth and back and forth" and "my Weeping Cherry tree." She also spoke of her concern of either of the trees being removed, and stated, "I just hate to see any tree go." Mrs. Myers also spoke of the driveway being located right up against their bedroom windows.

In response to a question from Anne Lyles, Dr. Senter said the distance between the side of the Myers home and the beginning of the driveway would probably be 12 ft. Wendy Spry said although she had not measured the distance, it looked to be 12 feet, 9 inches. She informed the Commission that zoning allows the driveway to go right up to the property line.

Barry Myers read the following Driveway and Offstreet Parking guidelines: (6) *It is not appropriate to locate off-street parking in the front yard* (7) *It is not appropriate to locate off-street parking in a side yard if areas would be visible from the street or front yard.*

In response to a question from Jack Errante who asked if there was any distinction made between a driveway, a parking area, and a parking lot, Janet Gapen said she believes that the driveway guidelines are found in 2 different sections in order to make the distinction. She said, in this case, the driveway will extend to the rear of the property allowing access, and the parking would be on the driveway.

Deborah Johnson asked the Myers if they used the alley for parking or if they had their own drive for parking to which Mrs. Myers responded, "We have a small side drive." Mr. Myers explained that they are located on a corner so park on the curb of McCubbins St. where they have a 2-slotted driveway. He said they have a privacy fence around their entire back yard.

Jack Errante asked if there would be any objection to the possibility of a fence being located between the 2 houses and putting the driveway by the fence. Both Lori and Barry Myers expressed their objections to that idea as a solution. Mr. Myers said, "If a fence goes up, our tree would have to go."

Barbara Senter then presented the idea of bringing the driveway in some and going around the tree.

Anne Lyles agreed with that possibility; however, Mrs. Myers said she would rather not see a driveway at all. She said, "We will be there from now on."

Anne Lyles asked if there were others present to speak in opposition to the request.

Melissa Eller, 719 S. Fulton St., was sworn to speak.

Ms. Eller stated that one of her concerns is the fact that 2 driveways already exist directly across the street from the proposed location of the new driveway so there will be 3 driveways coming out at the same place. She questioned whether there was any possibility of widening the drive on the Safrit's side which could be shared in order to avoid any other egressions onto S. Fulton Street, and would also put the drive closer to the kitchen at 722. Ms. Eller also suggested opening up the entrance from the alley to the back yard of the house and installing a gate. She said, "Alleys were the flavor of the historic homes in years past."

Anne Lyles commented that the alleyways in the past were not the primary entrance but were used more utilitarian, "sort of where the trash trucks used to come through and pick up trash and so forth." She further stated that the residents of the house at 722 would still have a problem with people not being able to come to the front if they were sharing a driveway with the Safrits.

Judy Kandl stated that one of the defining characteristics of a shared driveway is that they tend to be single width and then widen as it goes back, with some of it going to one house while some of it goes to another. She said in this case, if the driveway is widened it would no longer have the proportion of a typical shared driveway.

Mary James, 727 S. Fulton St. was sworn to speak in favor of the request. Ms. James stated that the single factor as to why the house has not sold is because of the back alleyway, and the only access to the house from the driveway is through the back. Ms. James said that she thinks the location proposed is the only place the driveway can go. She said her driveway is one that is located directly across the street but she could not see that being a problem – everybody's got driveways.

Dr. Senter informed the Commission that he agrees with the objections that have been brought up by the Myers; however, he thinks they may have to do it anyway. He said, "I would much prefer not to put a driveway there but I don't think we have any choice. He agreed that the prongs from the Weeping Cherry do come over into their property but he thinks they could simply be cut off about 6 or 7 ft. up. He said he thinks they can do the driveway without disturbing the root system by taking the sod off and putting gravel on top of it.

Dr. Senter informed the Commission that 2 years ago they discussed the possibility of putting a circular drive in front of the house but were very much discouraged when told that it would almost certainly not pass the Commission, so the idea was dropped. He said, "In my judgment that would actually be the preferable way to do it." He said it would be less dangerous, and there would not be a need to back out into the street, there would not be cars parked along the side of the Myers' bedrooms, there would be cars parked in the front, and only one tree would have to come down. The dogwood could stay.

In response to Anne Lyles, Janet Gapen said, "You can amend the application and vote on it as amended."

Kathy Walters pointed out that the frontage at the Kluttz and the Storey residences, who also have circular drives, is considerably wider than 61 ft.

Dr. Senter presented a sketch of what a circular driveway would look like.

Janet Gapen said it would probably be necessary for the Street Division Manager to see the site. She said the best option would be to withdraw the application, gather more information and re-submit a new application.

Barbara Senter said, "Being the owner of the house, I would like to say that I would like, if you can, to get a vote tonight on the side driveway; I would like to go ahead and do that if the Commission can do that."

Judy Kandl said they should find out what Mark Martin has to say about the Weeping Cherry tree. She also stated that if they actually want to go with the circular drive another discussion would have to take place in order to consider all the factors related to the change. She said it would not be appropriate now because a new design would need to be submitted.

Mark Martin, Landscape Manager for the city, was sworn to give testimony for the request.

He testified that cherry trees are sensitive to the environment so any changes that are made in the soil area are going to affect the tree. It is a Weeping Cherry, not a standard Cherry, so if 6 ft. is cut, it will be changed. He said heat from the graveled driveway would even affect the tree. It may not be killed but some of the roots would be affected that could be detrimental and cause problems and the tree could possibly die.

He testified that the Elm tree has had some storm damage in the top which is the reason for its shape. It also has some decay in the bottom. He said even though it is fairly healthy, it does have serious problems, and if it was in his yard he would remove it.

The Dogwood has a lot of decay in it and the least acceptable tree of the three.

Anne Waters stated that if there was no alleyway at all and the owners were landlocked she would have no problem with the driveway, but the fact that it is accessible and it's just the fact that the alleyway is unpleasant and the city won't look after it is a solvable problem. She suggested the consideration of some type of feature that could be a path to the front door.

Susan Hurt stated that first and foremost they need to consider whether the proposal meets the Design Guidelines. She said a lot of green space will be taken away. "I do not think it conforms to the Design Guidelines."

Anne Lyles read the following Driveway and Off-street Parking Guidelines:

1. Retain and maintain the historic configuration and materials of existing driveways and alleys whenever possible.
2. Construct new driveways to conform with the spacing, the width, the configuration, and the materials of existing driveways.
3. Locate new driveways so that a minimum of alteration to historic site features, such as landscaping, walkways, and retaining walls, is necessary. Avoid damage to historic curbs and sidewalks.
4. Use driveways and alleys to access side and rear parking areas and garages.

9. For new parking areas, use paving material that is compatible with traditional paving materials for driveways in the district.
12. Incorporate existing mature trees into new parking areas whenever possible, and introduce new trees to maintain the tree canopy.

Wendy Spry suggested sending the request to a committee, who would meet on the site, take measurements, and then if the Senters decided to put a curve in or to request the circular drive; either could be taken care of at the next meeting.

In reference to statements from Mr. Myers who asked who was responsible for the upkeep of alleyways, Wendy Spry explained that alleyways are public property. She said the abutting property owners can get together to improve the alley; the city is not responsible.

Mrs. Senter again stated that she would like to go with a vote at the present meeting.

Janet Gapen explained that the vote would be on the application as presented and any modifications would need to be made at another meeting.

Jack Errante requested that more information be submitted with a new request including scaled site plans, all landscape and ground covered changes as stated in the guidelines.

Susan Hurt made the motion as follows: “I move that the Commission find the following facts concerning Application #H-32-07 – that Gordon and Barbara M. Senter, owners of 722 S. Fulton Street, appeared before the Commission and sought a Certificate of Appropriateness to create an 8-ft. driveway on the south side of the property extending 102 ft. from S. Fulton St. to the back yard; this will require removal of a 19-inch tree from the front yard and a 10-inch tree from the Side yard; that Carolyn Bare, Margaret Lipe, Mary James, appeared before the Commission to support this request; that Lori & Barry Myers and Melissa Eller appeared in opposition to the request; this request should not be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Driveways and Off-street Parking, pages 60-61, guidelines 1,2,3,4,9 and 12; Chapter 4 – Site Features & District Setting – Landscaping, pages 62-63, guidelines 1,2,and 3 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-32-07 be denied to Gordon and Barbara M. Senter, owners of 722 S. Fulton Street, to make the changes detailed in the application.”

Anne Waters seconded the motion.

Commission members Ronald Fleming, Susan Hurt, Judy Kandl, Jack Errante, and Anne Waters voted AYE to deny; members Deborah Johnson, Anne Lyles, and Kathy Walters voted NO.

Susan Hurt informed Mrs. Senter that she had the option of resubmission to the Commission or an appeal of the decision to the Zoning Board of Adjustment.

H-33-07 **116 E. Council St.** - Robert A. Crum and Cherie L. Turner, owner  
**Request:** Bolt three 3' high, 5' wide concrete panels to the side of the building to be covered with mosaic tile, creating art

Robert Crum and Cherie Turner were sworn in to give testimony for the request.

Staff presented the slide presentation as Robert A. Crum, a full-time professional artist, showed the location of the proposed placement of 3 mosaic panels located on the east side of the building and visible to the front and the sidewalk. He testified that the style of the proposed tiles will be the same as the panels in color but not in composition. The color palette was presented.

Mr. Crum informed the Commission that the panels would be bolted into the mortar of the building. As an example, he presented a photograph of the panels that were bolted to the side of a 4-story building in Phoenix AZ in order to show exactly where the bolts would enter the building. He testified that he would make sure the bolts used would be strong enough to hold the weight of the 75 lb panels.

Susan Hurt noted that Mr. Crum has testified that the bolts will go into the mortar, not the brick; and the only other consideration for the Commission would be the change to the historical character of the building. She said, "I am not aware of any specific design guideline that doesn't allow you to decorate a building."

Judy Kandl referred the members to the guidelines from 2.3 Changes to Buildings - Side and Rear Façade which would also be appropriate criteria to consider since there is no true guideline for art.

Janet Gapen stated that the Secretary of Interior Standards is a national model that can always be applied when there is a situation that the guidelines do not specifically address.

Karen Alexander, 419 S. Fulton St., was sworn to speak in support of the request.

Wendy Spry referred to the members to a letter submitted in favor of the request from an adjoining property owner who was unable to be present.

There was no one present to speak in opposition to the request.

Jack Errante made the following motion: "I move that the Commission find the following facts concerning Application #H-33-07 – that Robert Crum and Cherie L. Turner, owners of 116 E. Council St., appeared before the Commission and sought a Certificate of Appropriateness to bolt three 3' high, 5' wide concrete panels to the side of the building, to be covered with mosaic tile, creating art; that Karen Alexander appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Signs, pages 54-55, guidelines 5 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness #H-33-07 be granted to Robert A. Crum and Cherie L. Turner, owners of 116 E. Council Street to make the changes detailed in the application."

Kathy Walters seconded the motion; all members present voted AYE.

H-34-07 **508 S. Fulton St.** – Leo & Virginia Wallace, owner

**Request:** Remove a 51 ½” diameter Ginko Bilboa tree located in the front yard

Leo Wallace and Virginia Wallace were sworn to give testimony for the request.

Staff presented slides.

Mr. Wallace informed the Commission that the request to remove the tree is upon a recommendation from Davie Tree Company and Mark Martin. The house, he said, is on the National Register of Historic Places and is over 105 years old. Referring to the house’s columns in the slide presentation, Mr. Wallace said if one column was knocked down by the tree the house would be damaged almost irreparable. He further informed the Commission that the inspection by Davie’s Tree Co. found that the tree has decay, cavities, and no support in some of the limbs. Mr. Wallace said he and Mrs. Wallace love the tree but have the fear that it could fall and seriously damage the house.

Mark Martin, City Landscape Manager (already sworn) made the following report of the recommendations from Davie’s Tree Company:

- Prune to clear the house and remove any dead wood from the tree.
- Inspect the cable and bracing that is currently in the tree to repair and replace as needed.
- Deep root fertilization to stimulate the tree.

Mark Martin said the recommendations seem to indicate that they are interested in helping the tree to survive.

He stated that his determination was that the tree does have some decay, as well as limbs that could threaten the house if not pruned.

Mr. Martin further informed the Commission that the tree is almost as significant as the house. Salisbury has a lot of trees, he said, but this particular tree was actually on the NC Forest Resources Big Tree List as one of the largest trees in the state of North Carolina, now holding 2nd place. He stated that the Wallace’s tree is trying to take care of itself by putting on some extra roots to make up for its decline, which is the reason that the sidewalk is obviously buckling up. He said the tree is well worth saving and he would not recommend removal.

He referred Commission members to a pamphlet giving the history of the Ginko tree as he read some of the facts.

In response to a question from Susan Hurt, Mr. Wallace said he only wants to do whatever is recommended by Davie’s Tree Co. He said, “We are willing to abide by the expert’s opinion.”

Wendy Spry explained that pruning can be approved as a minor work and suggested that the application be withdrawn, and she, along with Mark Martin could meet on the site to approve what is needed.

In response to a question from Jack Errante, Mark Martin said the recommendation is to prune and slightly clear the house and remove dead branches. The branches should be removed first since they are susceptible to fall.

Mr. Martin stated that the size of the tree would probably require bracing of the cables regardless of the amount of pruning done; however, he would not recommend major root pruning.

Susan Hurt stated that she would like to make a motion stating that the Commission acknowledges the Wallaces' concern and efforts they are making and they will wait to hear back what action was taken by the tree company.

Judy Kandl commented that following the action from the tree company someone might be able to add to the Residential Design Guidelines for landscaping a written certificate saying "these trees need to be removed" since now there is only a "save the tree" effort.

Susan Hurt then made the following motion: "I move that the Commission acknowledge the concerns and efforts being made by the Wallaces and that the Commission wait to hear how the efforts went to save the tree."

Ron Fleming seconded the motion; all members present voted AYE.

H-35-07 **1622 N. Main St.** – Beth Homan & Sean Myers, owner – **Request:** To install an 8'x12' wooden outbuilding in the rear of the fenced in yard; the building will have no windows, a front door and an asphalt shingled low-pitch roof.

Beth Homan and Sean Myers were sworn to give testimony for the request.

Staff presented slides as Sean Myers testified that they would like to install an 8' x 10' shed (changed from 8 x12) located inside their fenced in back yard. The shed, with shingled roof, will be painted the exact same color of the house and will not be visible from the street.

There was no one present to speak in support or opposition to the request.

Ronald Fleming made the following motion: "I move that the Commission find the following facts – that Beth Homan and Sean Myers appeared before the Commission and sought a Certificate of Appropriateness to install an 8'x10' wooden outbuilding in the rear of their fenced in yard; the building will have no windows, a front door and an asphalt shingled low-pitch roof; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation,

and Chapter 2 – Changes to Buildings – Garages and Outbuildings, pages 24-25, guideline 8 of the Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-35-07 be granted to Beth Homan and Sean Myers, owners of 1622 N. Main St., to make the changes detailed in the application.”

Anne Waters seconded the motion; all members present voted AYE.

### **Committee Reports**

Minor works: There were no questions or comments relating to the minor work approvals.

### **Other Business**

Judy Kandl brought to the attention of the Commission the following procedures for consideration relating to DRAC:

1. Re: Application #H-30-07: that the Commission considers sending an incomplete submittal to DRAC for review before it comes back to the Commission.

Mrs. Kandl noted that a lot of time was spent in 3 different meetings because the application was so incomplete; therefore, because DRAC does exist, that the revised request not come to the Commission for the next go-around but rather be sent to DRAC.

2. Timer at meetings: Use an egg-timer to designate a certain amount of time (5 minutes, 15 minutes, 30 minutes, etc) to deliberate a case, or have benchmarks in the process so that a determination can be made as to where you're going, or what to do next.

Anne Lyles commented that in City Council meeting 3 minutes are allowed for persons present to speak in the public hearing portion of the meeting.

Janet Gapen said, “We can certainly use that.” She said it would be hard to generalize a time for deliberation but it could be considered.

Anne Waters said the process should include having the neighbors to speak in support or opposition and everyone who wants to speak should have the opportunity to speak.

Janet Gapen stated that there is a point where it is best, in the interest of preserving everyone's time, that if more information is needed the request be sent to a committee or deferred to the next meeting.

Mrs. Gapen said the timer could begin right away without any amendment to the Rules of Procedures. Anne Lyles suggested that the subject of time be included in the introductory statements from the Chair.

Jack Errante mentioned that there should be formality in the meetings as well, where no one is allowed to speak unless they come to the table at the front.

Janet Gapen stated that these and other ideas could be discussed during the training session that will be held. She will begin organizing topics to be covered in that session.

Other Business from Janet Gapen included the following:

- A copy of the Local Bill which has passed both Houses: The Commission now has the Statutory Authority for City Council to regulate demolition in the Downtown District.

The Commission will still review an application for demolition and can delay for 365 days; however, after the end of the 1-year period when the applicant applies for their demolition permit, the City Council then has the authority to review the request and using the criteria listed in the Bill can approve or deny the demolition permit in the Downtown Historic District only. Amendments will need to be made to the Guidelines to incorporate something about the new Bill.

Judy Kandl, Kathy Walters, Anne Waters volunteered to work on the committee for guideline changes. Mrs. Gapen explained the procedure and said it would probably be a 1-time meeting. She asked that anyone who may have suggestions for guideline changes or additions to minor works to contact her.

- Mrs. Gapen informed the Commission that she has spoken with the property owner of 313 E. Fisher St. who was granted a 365-day delay following her request for demolition of a structure that had burned. She stated that the property owner, who lives in Georgia, did not imply that she had plans to come to Salisbury as she had previously indicated, so a suggestion was made for a telephone conference call. There were no plans made for the call. Mrs. Gapen said she would call her again in a couple of weeks to see if a definite plan for communication with the committee can be worked out.

## **Minutes**

The minutes were approved following noted corrections.

## **Adjournment**

With no other business to come before the Commission, the meeting was adjourned at 8:10 p.m. upon a motion by Kathy Walters, seconded by Ron Fleming, and all members voting AYE.

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Anne Lyles, Chairperson

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Judy Jordan, Secretary

