

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
May 23, 2019

CALL TO ORDER

Chair Nick Fountain called the Certificate of Appropriateness (COA) Committee meeting to order at 4:00 p.m.

ROLL CALL

Tania Tully, Preservation Planner, called the roll as follows:

Present: Nick Fountain, John Hinshaw, Laurie Jackson, Jeannine McAuliffe, Jimmy Thiem

Excused Absence: Don Davis, Ian Dunn

Staff Present: Tania Tully; Melissa Robb; Collette Kinane; Lu-Ann Monson; Francis P. Rasberry, Jr., Attorney

Approval of the April 25, 2019 Minutes

Ms. McAuliffe moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Thiem seconded the motion; passed 5/0.

Minor Works

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Mr. Nick Fountain administered the affirmation.

<u>Visitor's/Applicant's Name and Address</u>	<u>Affirmed</u>
Dennis and Brenda Corbin, 400 Kinsey St, 27603	yes
Robert Morgan, 412 N East St, 27604	yes
Myrick Howard, 220 Fayetteville St, Suite 200, 27611	yes

APPROVAL OF AGENDA

Mr. Hinshaw moved to approve the agenda as printed. Ms. McAuliffe seconded the motion; passed 5/0.

PUBLIC HEARINGS

Chair Fountain introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: COA-0012-2019, COA-0031-2019, COA-0035-2019, and COA-0051-2019.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0012-2019 412 N EAST STREET
Applicant: SCOTT AND AMANDA MORGAN
Received: 1/16/2019 Meeting Date(s):
Submission date + 90 days: 4/16/2019 1) 2/28/2019 2) 5/23/19 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Master landscape plan; install driveway; install lighting; install gutters and downspouts; alter porch steps; remove two trees

Amendments:

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.”
- COAs mentioned are available for review.
- **The application was deferred at the April 2019 COA Committee meeting. No additional materials were received in support of the application prior to issuance of the staff report, thus no additional comments appear below.**

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features and Plantings	Master landscape plan; install driveway; remove two trees
1.4	Fences and Walls	Master landscape plan; install driveway
1.5	Walkways, Driveways, and Off-street Parking	Install driveway
2.5	Roofs	Install gutters and downspouts
2.8	Entrances, Porches and Balconies	Alter porch steps
1.7	Lighting	Install lighting

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and provided a recapitulation of the application as it was presented in February. No new information was provided to staff prior to the meeting and a vote is needed to continue to defer.

Support:

Scott Morgan [affirmed] was present to speak in support of the application. Mr. Morgan stated that he understood staff's recommendation to defer with the new material provided at the meeting, but he would like to move forward with some or all of the proposal. He handed out new documentation in response to the recommendations that were provided in February and Staff's comments, including a written summary of changes, a letter from an ISA-certified arborist, a tree survey, and a new landscape plan.

Mr. Fountain stated that the Committee needs the benefit of Staff comments. It is hard to review new materials on the fly and even harder to review without staff comments.

Mr. Morgan stated that he understood but would still value receiving the Committee's feedback. He reviewed the written summary that he provided, noting that Mr. Thiem's previous feedback was incorporated in their new plan. Mr. Morgan stated that they hired professionals: a landscape architect, grading firm, and a tree expert. The design approach is focused on three points. 1. Water and drainage issues. 2. More functionality and safety for parking. The parking area is muddy and made of dirt and mulch. 3. Enhance outdoor use and enjoyment of the yard. The former owner used the rear yard for crops and intended to divert water to the area. Mr. Morgan stated that they intend to return the rear yard to a lawn.

Mr. Morgan noted that the catchment area was redesigned as a subterranean capture with cistern catch basins that will overflow into the yard. The rain garden as shown on the last plan was too small, as Mr. Thiem had indicated, so they are moving away from that idea. The proposed circular driveway was stated to be incongruous and, after review, wouldn't function well as shown with two gates and the rain garden. Instead, Mr. Morgan proposed using the same parking pad location, but paved. The parking pad is slightly larger to accommodate the sharp turn. A section of the fence would be removed to accommodate the redesigned parking area. Mr. Morgan added that the firepit was directly in the way of the water relocation, so it was removed from the design. In regards to tree protection, Mr. Morgan stated that Bartlett provided a letter instead of a plan. The arborist determined that the proposed plan did not impact the CRZ of any trees greater than 8" DBH. The plan still includes the removal of two trees, same as in February. Both trees proposed for removal are volunteers – one is a Hackberry, the other a Cryptomeria. The Cryptomeria is diseased. Their removal will allow a Maple tree to flourish. One final change is the addition of a modest deck with a seating area off the rear.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Thiem thanked the applicant for incorporating the feedback from the last meeting. He noted that no dimensions were included on the new plan, especially the size of the parking area. Mr. Thiem asked if the dimensions were known. Mr. Morgan responded that the parking area is approximately 45' x 18'.

Mr. Thiem stated that he is concerned about the number of parking spaces shown. Those dimensions constitute about 5 parking spaces. Mr. Morgan responded that there is an issue with the angle of parking. The parking area only fits two vehicles. There is a fence on the opposite side that prevents a narrow turn in. The other spaces on the alley are the same size, but others can use those on opposite side of alley to cut in.

Mr. Thiem asked if the cars are to be parked parallel to the alley. Mr. Morgan responded no, it's angle parking. A vehicle can't turn in the full 90 degrees.

Mr. Thiem stated that the dimensions shown are almost twice as much needed for two cars. Mr. Morgan responded that only two cars can be parked at an angle.

Mr. Thiem stated that with 90 degrees the parking area would need to encroach deeper into the lot. It would be helpful to show cars on the plan to assess the dimensions and requirements. It would also be helpful to show proposed versus existing site plans. Mr. Morgan responded that the existing plan was included in the previous submission.

Mr. Thiem thanked Mr. Morgan for his responses but stated that he supports deferral to respect the public interest and allow for detailed review. He added that he appreciates Bartlett's comments, but the lack of a Tree Protection Plan results in a lack of clarity to the crew and the work's impact on tree roots. The tree protection fence becomes the outline of the construction site. Extensive grading will be needed. The plan needs to show the size of trees, critical root zones, and protection plan for the trees. In regard to the cistern, the Committee does not regulate underground. Mr. Morgan asked if the Committee needed to know the location of the overflow device. Mr. Thiem stated that it would be helpful to know grading changes of 1' or greater as roots are in the top few inches of soil.

Mr. Fountain asked if the cistern will handle 1" of rain coming off the roof. Mr. Morgan responded yes, they are working with stormwater management to determine size.

Mr. Thiem asked for dimensions on the plan. Ms. Tully added that a visible scale would be helpful too.

Mr. Morgan asked if the Committee wanted overlay plans. Mr. Thiem responded no, just some basic dimensions. A tree protection plan and existing vs proposed site plans are also necessary. Ms. Tully stated that staff can recommend the removal of notes to provide space for additional info.

Ms. Jackson asked if the proposal including leaving the existing fence except the 45' around the parking. Mr. Morgan responded yes. Ms. Jackson stated that several new walls of varying heights are noted on the plan. Mr. Morgan responded yes. Ms. Jackson stated that the new

walls should be considered on the tree protection plan, especially in the CRZ. Mr. Morgan acknowledged the request.

Ms. Jackson asked about the privacy panels that are noted on the site plan. Mr. Morgan stated that the panels are essentially a trellis, something decorative that will screen the neighboring property with climbing roses. It is similar to another home in the neighborhood and that he would provide an example.

Mr. Fountain asked about the curtain wall whether it was retaining the lawn or retaining the outer part of the yard. Mr. Morgan responded that the wall is retaining the lawn at a slight slope for drainage and to add dimension to the yard with the retaining walls.

Mr. Thiem asked about the two sheds in the backyard and if the gravel surrounding the south east shed is existing. Mr. Morgan replied that some currently exists in that area, but it's hard to tell if it was intentional. It will mostly be new gravel. Mr. Thiem asked for the edge of the gravel area to be shown on the plan.

Ms. Tully stated that an evaluation of existing and proposed built area should also be included.

Mr. Morgan asked for guidance on the parking area. Mr. Thiem stated that the City of Raleigh has a parking manual that shows parking spaces with dimensions shown. The use of angled spaces is very appropriate.

Without objection, Mr. Fountain closed the evidentiary portion of the hearing.

Mr. Hinshaw made a motion to defer. The motion was seconded by Ms. Jackson; passed 5/0.

Committee members voting: Hinshaw, Jackson, Fountain, Thiem, McAuliffe.

Staff Contact: Collette Kinane, collette.kinane@raleighnc.gov

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0031-2019 814 OBERLIN ROAD

Applicant: PRESERVATION NORTH CAROLINA

Received: 3/12/19

Meeting Date(s):

Submission date + 90 days: 6/10/19

1) 4/25/19 2) 5/23/19 3)

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: Plummer T Hall House & Willis Graves House

Nature of Project: Install painted Aeratis Traditions PVC front porch floors

Staff Notes:

- The following COA applications have previously been approved:
 - 124-17-CA – Relocation of Plummer T Hall house on same lot; relocation of Willis Graves house from 802 Oberlin Rd to 814 Oberlin Rd; installation of foundations, walkways, parking, deck and ADA ramp; removal of non-historic additions; removal of aluminum siding; construction of new additions
 - 059-18-CA – Landscape master plan; install 12' sculpture; remove non-historic chimney (Hall House); remove non-historic windows and replace (Hall House)
- COAs mentioned are available for review.
- The application was deferred at the April 2019 COA Committee meeting.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
2.1	Wood	Install painted PVC front porch floors
2.8	Entrances, Porches and Balconies	Install painted PVC front porch floors

PUBLIC TESTIMONY

Ms. Jackson stated she is an active board member for Preservation North Carolina, and that she felt she could be impartial in this case. She said she could recuse herself if other Committee members felt it was necessary. No concerns about her participation from other members were offered. Mr. Fountain said that he saw no need for recusal, and that he understood Ms. Jackson could be impartial in hearing the evidence.

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff suggested that the Committee discuss the use

of the substitute PVC material for porch flooring. Staff provided photographs from a site visit on May 20 showing the installed material and suggested amending the findings of fact and adding one condition.

Support:

Mr. Myrick Howard, applicant [affirmed], was present to speak in support of the application. Mr. Howard said he hoped the Committee saw it after it was painted. He stated they discovered the surface was uneven due to an installation error. He said there is a definite difference in the finishes of the top and bottom sides of the board, and they were pleased with the overall look of the product.

Mr. Fountain noted he saw a plastic film on one side and not on the other. He also said the manufacturer's number on the end as shown in staff photos was painted over, so is no longer visible.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

COMMITTEE DISCUSSION

The following points were made in discussion [speaker indicated in brackets]:

The issue of substitute materials has been around since the last time I was on the Commission.

There was a case with Peace College windows. [Hinshaw]

Yes, they wanted to replace them, but that we found were not beyond repair. [Fountain]

I know that Hardi has been approved, but I'm not sure if PVC has. [Hinshaw]

The Committee has approved cellular PVC window sills, and column capitals and bases. New construction and additions are a different topic. [Tully]

When I looked at the floor it was painted. It's difficult to find a balance with these new materials and what's too far. The National Park Service has put this in 47 states which has the weight of authority. We need to be clear if we're approving it. [Thiem]

We need specific findings for the case. It could be seen as a precedent. We have evidence; there was a concrete porch on one and the other couldn't be salvaged. It's not possible to buy heart pine flooring. Southern Yellow Pine doesn't have the record in the state that it did 40 years ago. There is proof that it couldn't be replaced or preserved. We need to evaluate. I think most people can't tell the difference. [Fountain]

Melissa has identified some facts from the last meeting. [Tully]

There are seven potential new facts that were brought up at the last meeting:

- 1) property owners can't get old growth Yellow Pine and the available pine is not comparable;
- 2) it is a west-facing façade and will get a lot of sun and rain;
- 3) the buildings are for public use with heavy foot traffic;

- 4) both porches have short overhangs;
- 5) there are no floors on either of the porches now;
- 6) the material is durable and paintable;
- 7) and it is a tongue-and-groove design. [Robb]

What if someone has a deteriorated porch, what prevents them from replacing it all instead of patching a small area? [Thiem]

If it is just small areas and they are replacing in kind it wouldn't come to Commission since no COA is required. [Jackson]

So old growth heart pine is not available. What is the proper material? [Hinshaw]

I noticed some of the boards have a texture, and it's important to have it installed properly. [Jackson]

(Ms. Robb passed around the material samples the applicants shared with their original application.)

I noticed a subtle texture with the paint. [Thiem]

I would prefer the textured side. Even with two coats of paint there is a slight texture. It might help with adherence of the paint. [Howard]

The texture is subtle, unlike some artificial materials. [McAuliffe]

Most people will never know it's PVC. [Howard]

The wood sample has texture. It might be more noticeable if it didn't have any texture. [Fountain]

I took photos while out there since the staff report said it will have a smooth-faced surface. I have a concern about the interface between substitute materials and real wood. [Jackson]

We have four different kinds of columns on one house. We will replace some in kind. There will be two coats of paint, which is a special paint for composite flooring. [Howard]

It's the story of the house where they used the materials at hand. We're trying to preserve those differences. [Fountain]

(The Committee discussed the smooth face compared to the textured, as well as the paint colors and installation specs.)

You can specify in the findings that this specific product is the proposed material, not another brand. [Tully]

It is intended to be smooth on one side and textured on the other. Myrick said it is very clear this product was made for this market. And it is paintable and tongue-and-groove. [McAuliffe]

We will be discussing substitute materials at the next meeting. [Fountain]

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-17), to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Installing painted front porch floors is not incongruous according to *Guidelines* 2.1.1, 2.1.5, 2.8.5; and, installing painted PVC front porch floors is not incongruous according to *Guidelines* 2.1.5, 2.8.5 and the following facts:
- 1* Previous applications (COA 124-17-CA, and 059-18-CA) were approved for prepping and moving both houses, removing existing additions, constructing new foundations and additions, and installing a master landscape plan.
 - 2* According to the applicant, two requests are included in the application; amending the approved condition 4c (Hall House front porch flooring) to use a different material than the yellow pine previously approved for COA 124-17-CA, and also approving new porch flooring for the front porch of the Graves House. In both cases, the applicant requests using a synthetic tongue-and-groove material in place of the traditional tongue-and-groove wood decking.
 - 3* From the Things to Consider As You Plan section of the *Design Guidelines* 2.1 Wood: “Although wood is a renewable resource, fast growth new wood is less resistant to decay than the denser old growth wood it is replacing. Specifying decay-resistant wood species and priming the back and ends with oil-based paint prior to installation can extend the lifespan of replacement wood.”
 - 4* Also from the Things to Consider As You Plan section of the *Design Guidelines* 2.1 Wood: “For deteriorated wood elements particularly vulnerable to ongoing deterioration—such as window sills and column bases and capitals—replacement with painted synthetic elements that replicate the original shape, texture, dimensions, and details may be a viable and cost-effective solution. The application of wood preservatives or the use of pressure-treated wood can also extend the life of wooden elements and surfaces. However, some pressure-treated wood must weather for six to twelve months before it is primed and painted.”
 - 5* The above language regarding window sills and column bases was added in the 2017 update of the *Design Guidelines* based on Commission decisions made in the preceding decade.
 - 6* The application states “Both houses’ original porch floors have been replaced over time.” No original flooring exists, since the Hall House porch had been replaced with a concrete porch and the Graves House porch flooring and sub-structure had to be removed when the building was recently moved from its original site.
 - 7* The application includes an excerpt from the Secretary of the Interior’s Standards for Rehabilitation which focuses on replacement of materials and highlights the final sentence: “Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.”
 - 8* The ten Standards for Rehabilitation, commonly known as the Secretary of the Interior’s Standards, are on page 13 of the *Design Guidelines*. Standards 5 and 6 address replacement materials.
 - 9* Two pages were provided in the application about wood as a replacement material from Preservation Brief 45: Preserving Historic Wood Porches. From paragraph three of that document, under the Wood Selection heading: “The downside to using vertical grain boards is the cost, which tends to be as much as two to three times the price of flat grain lumber in the same grade and species. However, this expense is typically recovered through lower

maintenance costs over the years. Thus, a decay-resistant, high-grade, vertical grain lumber is the best choice for the replacement of deteriorated porch elements, particularly flooring, stairs and milled elements such as balusters and moldings.”

- 10* Also from Preservation Brief 45, paragraph two under the Plastic and Composites: “The historical significance of a particular property and its porch influences decisions regarding possible use of substitute materials. In general, greater emphasis is placed on authenticity and material integrity when maintaining and repairing individually significant historic properties. However, a front porch that is repeated on rowhouses may be one of the defining characteristics of the historic district and thus of importance to the entire streetscape. So, too, can the location and appearance of a porch influence material decisions, as with, for example, a prominent front porch with ornate detailing as opposed to a small porch over a rear door.”
- 11* The application also includes a letter from the Louisiana Division of Historic Preservation authorizing the use of PVC flooring for Oak Alley, a National Historic Landmark. From that letter: “...we believe that the Aeratis Flooring Product that you showed to the staff would, *when painted*, be a suitable replacement material for the wood boards.”
- 12* Photographs were provided of both houses both before and after the moves.
- 13* Photographs were also provided of porch floors in Oakwood demonstrating how they weather over time. No addresses were provided for the photos, although the application states they are all in the same block.
- 14* The proposed PVC material will be painted, be of the same dimensions as the approved wood flooring, will be installed with either the smooth-faced or textured surface exposed, and is tongue-and-groove.
- 15* Specifications were included in the application for the proposed Aeratis Traditions PVC flooring material.
- 16* A composite material has routinely been approved for rear decks in historic districts, including for the rear deck that will connect the Hall and Graves Houses (COA #124-17-CA).
- 17* Samples were provided of both the standard yellow pine tongue-and-groove material and the Aeratis Traditions PVC tongue-and-groove material. Both were painted to show the final painted finish intended. Paint colors were addressed in a prior COA application.
- 18* An area of sample porch flooring was installed on the Hall House and made available to view two days prior to the COA Committee meeting.
- 19* The specifics of the site and building allow for this approval of Aeratis Traditions PVC flooring material:
 - a. The property owners can't get old growth Yellow Pine and the available pine is not comparable;
 - b. it is a west-facing façade and will get a lot of sun and rain;
 - c. the buildings are for public use with heavy foot traffic;
 - d. both porches have short overhangs;
 - e. there are no floors on either of the porches now;
 - f. the material is durable and paintable;
 - g. and it is a tongue-and-groove design.

The motion was seconded by Ms. McAuliffe; passed 5/0.

DECISION ON THE APPLICATION

Following discussion on an initial motion made by Mr. Thiem and seconded by Ms. McAuliffe, Mr. Thiem made an amended motion that the application be approved, with the following conditions:

1. That the porch flooring be installed with the boards running perpendicular to the house, with a minimum 1" overhang on the front face, and without a trim board on the end of the overhang.

The motion was seconded by Mr. Hinshaw; passed 5/0.

Committee members voting: Fountain, Hinshaw, Jackson, McAuliffe, Thiem.

Certificate expiration date: 11/23/19.

Staff Contact: Melissa Robb, melissa.robbs@raleighnc.gov

COA-0035-2019

410 CUTLER STREET

BOYLAN HEIGHTS HISTORIC DISTRICT (HOD-G)

APPLICANT: BRIAN LUCY

Nature of project: Replace slate roof with architectural shingles; replace terne roof with membrane; install gutters and downspouts

Ms. Kinane explained to the Committee that the applicants requested their case be deferred until the July 25 COA Committee meeting. Mr. Thiem made a motion to defer. The motion was seconded by Mr. Hinshaw: passed 5/0.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0051-2019 400 KINSEY STREET

Applicant: DENNIS AND BRENDA CORBIN

Received: 4/09/2019

Meeting Date(s):

Submission date + 90 days: 7/08/2019

1) 5/23/2019 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: GENERAL HOD

Nature of Project: Remove fence; install new fence; remove tree

Conflict of Interest: None noted.

Staff Notes:

- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.”
- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<i>Sections</i>	<i>Topic</i>	<i>Description of Work</i>
1.3	Site Features & Plantings	Remove tree; Install fence
1.4	Fences and Walls	Install 6' tall wooden fence and gates

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the site.

Support:

Dennis Corbin [affirmed] was present to speak in support of the application. Mr. Corbin provided copies of a risk assessment form and a tree protection plan created by Adam Walters, an ISA-certified arborist.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Fountain stated that he is inclined to defer to get staff comments.

Mr. Thiem noted that there is no clear recommendation from the arborist for the tree to be removed. An email from the arborist clarifying his position would be acceptable. Mr. Corbin noted that a risk assessment table was included on page 2 that shows that risk of failure and consequence of failure is high. Mr. Thiem stated that the tree appears healthy and is a large caliper. He questioned how to address the fact that a tree was planted in advance of removal. Ms. Tully responded that this is the first occurrence of this question and it should be discussed by the Committee.

Mr. Fountain stated that there are minor works applications where planted trees were removed. The property is a sizeable parcel.

Mr. Corbin stated that they planted two trees the left side that are now 65' tall after hurricane Fran. Mr. Thiem asked the applicant if he would consider planting a 2" caliper flowering tree. Mr. Corbin responded that he has done his part to help maintain a canopy and recently planted a red bud in the rear yard.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I understand the recommendation to remove the tree, is the question to allow the two trees planted in 2017 to replace it? [McAuliffe]

I think that's too far back. [Fountain]

I agree. Guideline 1.3.5 states that removal requires replacement with a similar tree. [Jackson]

The same species is not always the best option. [Fountain]

I appreciate the work the applicant has done to maintain a tree canopy on his property. If you remove a tree, to be in compliance with the regulations, it is required to plant one. I am concern with us approving and giving retroactive credit. [Thiem]

There is no guidance in *Design Guidelines* 1.3.5. What counts as a credible "previously planted tree." [Rasberry]

In the next update to the *Design Guidelines*, the site and setting section, we'll need to have this conversation with the commission and the community. [Tully]

It is difficult to choose a new location for a replacement tree when the previous 3" replacement tree has grown to 12" and is overwhelming the area. [Hinshaw]

We have made previous exceptions with location and size. [Thiem]

Findings of Fact and Conclusions of Law

Ms. Jackson moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-8) and B. (inclusive of facts 1-5) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The installation of a 6' tall wooden fence and gates is not incongruous in concept according to *Guidelines* 1.3.7, 1.4.7, 1.4.8, and the following suggested facts:
 - 1* The applicant provided a tree survey identifying the species of trees located on the property but did not note DBH or the Critical Root Zones of those trees. A tree protection plan was not provided.
 - 2* *Location*: The applicant proposes replacing existing deteriorated fencing on the south, west, and north property lines. No change in fence or gate locations is proposed.
 - 3* *Material*: Wood is a traditional fencing material. The proposed fence will have a natural finish.
 - 4* *Height*: The existing deteriorated fencing is 6' in height and is tiered to follow the slope of the property. The proposed new fence height matches the existing height.
 - 5* *Configuration*: The committee has regularly found that 6'-tall wood privacy fences meet the *Design Guidelines* in Boylan Heights when installed in rear and side yards (except for corner lots). The proposed fence and gate locations are characteristic of the district.
 - 6* *Design*: The existing fencing is a basket weave design. The proposed replacement fence design is a stockade style. It is proposed to be stained a dark color similar to the existing fence. Traditionally, fences were constructed with neighbor friendly design, with structural members facing inward; the proposed stockade fence design has the same appearance on each side.
 - 7* The application includes a fence at 408 Kinsey Street as an example of a similar style. This fence was approved through COA 099-09-CA and amended through COA 100-15-MW.
 - 8* If the applicant were proposing replacing the fencing like-for-like there would be no need for a COA application according to the type of work list: "Routine Maintenance (includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds.)"

- B. The removal of a tree is not incongruous in concept according to *Guidelines* 1.3.5; however, the removal of a healthy tree is incongruous according to *Guidelines* 1.3.1, 1.3.5, and the following suggested facts:
 - 1* The application proposes the removal of an Elm tree on the south property line.
 - 2* The applicant provided a tree survey identifying the species of trees located on the property but did not note DBH of those trees.
 - 3* There are multiple deciduous trees along the perimeter of the rear yard that contribute to the tree canopy.
 - 4* The application indicates that the tree is diseased and dangerous. Photographs of the tree were provided that show what appears to be damage to the tree, but no information on structural integrity was provided. An assessment on the health of the tree from an International Society of Arboriculture (ISA) certified arborist was provided.

5* Two White Oak trees were planted on the property in the Fall of 2017 in anticipation of the Elm's removal. Additional trees were planted after Hurricane Fran in 1999.

The motion was seconded by Mr. Hinshaw; passed 5/0.

Decision on the Application

Ms. Jackson made a motion that the application be approved with the following conditions:

1. There not be a delay for the removal of the tree.
2. That any new post holes be dug manually and tree roots larger than 1" caliper that are encountered while digging the fence post holes shall receive a clean final cut using tools designed for the purpose, such as loppers.
3. That a replacement tree be planted. Size and species are to be determined in consultation with Staff.

The motion was seconded by Mr. Hinshaw; passed 5/0.

Committee members voting: Caliendo, David, Davis, Hinshaw, Jackson, Thiem, Smith.

Certificate expiration date: 11/23/19.

Staff Contact: Collette Kinane, collette.kinane@raleighnc.gov

OTHER BUSINESS

1. Committee Discussion
 - a. Meeting Post-Mortem
 - b. Trees 101

ADJOURNMENT

6:38 p.m.

Nick Fountain, Chair
Certificate of Appropriateness Committee,
Raleigh Historic Development Commission

Minutes Submitted by:
Melissa Robb, Preservation Planner
Collette Kinane, Preservation Planner