

The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, July 18th, 2017. The meeting was called to order at 6:30 p.m. Members present were Mr. Trey Gwaltney, Chairman; Mr. Chris Torre, Vice Chairman; Ms. Julia Hillegass, Mr. Ronny Prevatte, Mr. Russell Hill, Mr. David Goodrich, and Mr. Gary Hess. The staff members present were Mr. Joseph Reish, Planning Technician and Mr. William H. Riddick III, Town Attorney. There were fourteen (14) citizens present. The media was not represented.

Chairman Gwaltney – Ladies and gentlemen, we will call our July meeting of the Board of Historic and Architectural Review to order. Thank you all for coming tonight. The first item on our agenda is the Planning Technician's Report.

Planning Technician – Thank you, Mr. Chairman. I have two items this month to report. At 229 North Mason Street, we wrote a zoning permit waiver to replace a fence in the rear yard. They will be using the same material, style, color, and the same location. At 213 Main Street, Mr. Saunders used a bit of zoning administrative authority to approve a wall sign for the new Yummaries Bakery. It is going where the old Modlin Printing used to be.

Chairman Gwaltney – The next item on our agenda is Upcoming Meetings and Activities. There is a list provided for you to review. The next item is Public Comments. Do we have anyone signed up for public comments? I see we have three (3) people that have signed up for public comments. I will call you by name and asked you come to the podium to state your name and address.

Mrs. Carolyn Torre – I live at 32 Main Street. Well, I will start by saying; it is the same old, same old. It is Pierceville once again on the agenda and on everybody minds. We are all on the same team. We are all sick of this; let's face it. It has been going on for years without resolution. You all do everything you can to make the historic district safe. We understand that; but there seems to be some misconceptions. I did a lot of research and I mean a lot of research. It was said at Town Council that maybe the ordinances are too weak anyway and who knows how long they are going to be around for anyway. Those comments were made by Town Council members. It really disturbed me because these ordinances are so strong and supported all the way from the federal level, the state level, and the local level. The Supreme Court, in 1926, had Euclid verses Ambler. Euclid was a town in Ohio and Ambler was a realty company. It was decided by the Supreme Court that the regulations imposed for public welfare are constitutional

under the 14th amendment and do not constitute a taking under the 5th amendment. Zoning is a legitimate extension of police power rather than a violation. You are actually the officers. I have studied this and studied this. My sister is a judge. I asked her if I had a right to interpret law as a public citizen. She said you need to have a law degree to practice law; but you do not need a law degree to understand law. So, she basically told me to go for it and do the studying. The National Park Service, in the early 1900's, enacted a number of laws. The power then goes to the Virginia Department of Historic Research. They are the state historic preservation officers. You all, on this board, are the authority and are the deciding factor. You are the officers at the local level. It is a misunderstanding that the Town Council has the vote, yes they do; but they are never to go against your vote unless you are breaking the ordinances or going against Virginia law because this is Dillon's Rule state. Virginia legislature has made it really strong for you. Any little weaknesses in the armor of your ordinances are protected by the fact you are a Dillon's Rule state. Certainly this is not news perhaps and I do not mean to offend but these are things that I came to understand while I study this. Smithfield is a certified local government. That is one of the strongest certified local government Board's that you could be in the state of Virginia. This certified local government takes historic district administration to the highest level basing decisions upon the secretary of the interior standards. You are covered if there is any doubt and you are the officers of that. The Preservations of American Antiquities (1906), the Historic Sites Act for public and private lands (1935), the National Historic Preservation Act (1996) which was amended in 1980 and 1982 only makes that stronger. It is the primary federal law that enables what you do. The 1973 Historic Preservation Statue and the 1978 Supreme Court finding in Penn Central is the strongest of them that I found. If upheld, it provides the constitutionality of historic preservation against a taking claim. In 1987, Jackson verses City Council of Charlottesville, says an ordinance which merely deprives an owner of the highest and best use of his property or causes a diminution of its market value does not constitute an unlawful taking. In 1982, the Commonwealth of Virginia verses the County Utilities and in 1983 Harper verses Smithfield still stands. It was decided by a circuit court and not the Virginia Supreme Court; but it was held that it is a valued exercise of police power for you to go in and do what you have to do. Follow your ordinances, get Mr. Saunders in there after due notice to the owner, and say we are going to do what our ordinances require us to do. They are the law. Those ordinances

are not just suggestions. The guidelines are part of the law. You are covered. You can exert your power. You do not have to wait for a frivolous lawsuit that has been held by agreement twice now since it was first filed by Ms. Crocker. Why is it being held? Why is it doubly held? If you do the research, you find that is what has happened. The Virginia historic district enabling legislation and the University of Richmond Law Review Virginia Epps McConnell in 1988, I quote, "may be construed to grant localities tremendous freedom to legislate for the preservation of historic resources. City attorneys and others, whose job it is to be careful, may narrowly construe the statute as insufficient authority for the use of many preservation tools." Local legislatures do not know what the General Assembly intended the statute to do. Since Virginia courts follow Dillon's Rule, the localities hesitate to interpret the statute too generously; but Dillon's Rule is in your favor. I quote Jess Theodore of the Georgetown University Law Center: "There are preservation laws in all fifty (50) states. Preservation groups today are savvy enough to realize that the real protection for historic places exists at the state and local levels." Many ordinances empower a commission to make repairs and seek reimbursement where a property is essentially being demolished by neglect. Well, that is what is happening here. It is time. It is time to say we are the officers enabled by the state that is enabled by our federal government. It is no less important, in our tiny little town, that we follow the law. Your laws; they are valid. The time has really come. You do not have to wait for the lawsuit. It is not a hardship for you. You can go in there and place a lien on her property. Her property is valued and has not been valued at a reasonable market value for farm land. It is constricted by zoning that the town's people have told you over and over again they want to stay in place. At Windsor Castle, years and years ago, a developer came in there and the whole town, I heard, was up in arms. I wish I had seen that.

Chairman Gwaltney – Mrs. Torre, I can give you thirty (30) more seconds.

Mrs. Torre – Thank you. I do appreciate all of you. Our group appreciates all of you. We are on the same team. Thank you. I appreciate it. I have some things to pass out if I might. There are websites on the final page.

Chairman Gwaltney – Thank you very much. The next signup is Ms. Betty Clark.

Ms. Betty Clark – I live at 120 North Church Street. At last week's Town Council meeting, Councilman Dr. Cook informed those of us from Preserve Smithfield that he did not listen to us and, furthermore, had no intention of listening to our concerns about

Pierceville. If our elected officials will not listen to us, who will? It is our hope that you will; especially since you are the Board of Historic and Architectural Review. You, as Mrs. Torre has informed us, are the ones who make the decisions. So let's make the decision tonight to preserve Pierceville which is a Landmark house. Let's take the necessary steps to save the Pierce house and outbuildings. I do have to wonder what part of 'no' Ms. Crocker and her attorney do not understand. Two times you have said no to demolition. Why do they keep wasting your time? As Mrs. Torre told you, you have the power to make the right decisions for Pierceville. There has been talk of no money to fund this venture; but Mr. Randy Pack said last week that the town has a million dollar credit line. If this credit line can be used to build 'new' barns at Windsor Castle then it can and should be used to mothball Pierceville. Please take the time, between midnight and 6:00 a.m. if need be, when you have nothing else to do to read the websites that Mrs. Torre has made available to you. They are on the back page of the information she gave you. You will find it very informative. Thank you.

Chairman Gwaltney – Thank you very much. The next speaker is Mr. Mark Gay.

Mr. Mark Gay – Mr. Chairman, my comments have been covered. Thank you.

Chairman Gwaltney – Next on the agenda is Board Member Comments. Do we have any comments from the members? Next is a Fence – 229 South Mason Street Contributing – Kevin & Kimberly Norman, applicants. Do we have anyone to speak on behalf of that? Please state your name and address.

Mrs. Kimberly Norman – I live at 229 South Mason Street.

Chairman Gwaltney – Do we have a staff report on this application?

Planning Technician – Last month, this item was tabled due to the pickets being constructed of vinyl. However, Ms. Norman has revised her application to build the fence out of wood pickets that would be stained opposed to painted. I think there was some concern about the dogs scratching the fence up. The stain will hold up a lot better than paint or vinyl will. The wood picket fence in the front yard will meet the ordinance.

Chairman Gwaltney – Would you like to speak on you project Ms. Norman?

Ms. Norman – Pretty much it was before you last month. Mr. Reish covered it.

Chairman Gwaltney – Are there any questions or comments from the Board?

Mr. Goodrich – I would like to make a motion to approve as presented.

Vice Chair Torre – Second.

Chairman Gwaltney – A motion has been made and properly seconded to approve the application as presented. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Mr. David Goodrich voted aye, Chairman Gwaltney voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, Mr. Ronny Prevatte voted aye, Mr. Gary Hess voted aye, and Vice Chairman Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next on the agenda is Addition – 223 Washington Street – Non-Contributing – Chris Torre, applicant.

Planning Technician – It is going to be an addition at 223 Washington Street. It is the current home of the Veterans of Foreign Wars. It is a town owned building. They need some storage for their equipment and trailers that, I believe, they use for festivals. It is going to be a 20' x 25' addition to the back of the building with a metal or tin roof. It will have white trim made of wood and painted white. It will have a brick veneer to match the existing brick that is on the building now. I looked at the site plan and it is going to be a conforming addition.

Chairman Gwaltney – Is there anyone here to speak on this application? State your name and address, please.

Mr. Carter Williams – I live at 500 Moonefield Drive. I am a member of the VFW Post 4585. I have with me Mr. Tom Harper and Mr. Herb Degroft who are also members. We propose to put an addition on the building. If you notice the flags around town, we really don't have anywhere to store them. If we have to dry them out after a rain storm or something, we are really in trouble. We stick them on the tables or anywhere for them to dry out. We are doing a lot more fundraising throughout the town. We are probably the leading club in fundraising now. We purchased a trailer and we need to back that up underneath there. We have to put a little addition on the back northeast side to put a golf cart, propane bottles, and stuff that you approved five (5) years ago. It will be seen a little bit. The existing brick we will match as close as possible. The brick has been on there since 1953 or 1954 sometime in that area. It is a thin laid sheet type of a brick. It is a synthetic brick but it is real brick material. We will be putting that on there to match as close as possible. The roof is a 5-V groove metal galvanized roof. We would like to leave it galvanized. There are a lot of them around town certainly at Windsor Castle Park half of the old barns are 5-V groove.

Chairman Gwaltney – Why was the decision made to go for a tin roof instead of shingles to match what is there?

Mr. Williams – The shingles will not work on a slope. You cannot put shingles on something like that. A four by twelve would be the least; this is a two by twelve.

Planning Technician – Would the water seep back into shingles?

Mr. Williams – It will not run off especially in the wind.

Chairman Gwaltney – Is there room to build the roof at a higher slope and get more height inside?

Mr. Williams – We cannot do that. We don't have the room to go up any higher.

Chairman Gwaltney – Are the brick veneer in panels?

Mr. Williams – Yes, they are 5.5 square foot panels. It is a thin brick panel and you glue it on the walls.

Chairman Gwaltney – You will build some kind of solid wall and adhere to it.

Mr. Williams – It will be solid plywood wall behind it; exterior grade. It is a system that they have developed and I have been using since the early 1970's when it was designed. It has been around for a long time.

Chairman Gwaltney – Are there any questions or comments from the Board?

Ms. Hillegass– I think these gentlemen have made vast improvements to this building over the years. I would like to make a motion to approve as presented.

Mr. Goodrich – Second.

Chairman Gwaltney – A motion has been made and properly seconded to approve the application as presented. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Mr. David Goodrich voted aye, Chairman Gwaltney voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, Mr. Ronny Prevatte voted aye, Mr. Gary Hess, and Vice Chairman Torre abstained. There was one abstention. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next item on the agenda is Application Determination of Completeness for Demolition as a Matter of Right – 502 Grace Street – Landmark – Mary Emma Delk Crocker, applicant.

Planning Technician – Due to my limited experience on the Board, with this case in particular, I think it would be best served for our Town Attorney to give the staff report.

Town Attorney – Mr. Chairman and members of the Board, this is another application by the applicant, Mrs. Crocker, by her attorney. The previous application before this Board was for the permission to demolish the structure. There are two (2) provisions under our code. One of them is 'with permission of the Board' and that was decided by you to deny their application. It was appealed to the Town Council where they also denied their application for permission to raze the structure. There is a subsequent provision under our zoning ordinance, the historic preservation ordinance that permits a property owner to demolish their property by right. That is the provision under which Mr. Jones has made an application for Mrs. Crocker. The earlier speakers who mention a lawsuit that, in fact, has been filed by Mrs. Crocker is an appeal of the decisions of the Town Council. There is a principle in the law that you have to exhaust your administrative remedies before you can proceed with litigation. Mr. Jones is doing exactly that. He is entitled to make application. The application before you tonight is the last alternative under the administrative remedies provided by the code. That is before you tonight. Mr. Saunders is the Planning and Zoning Administrator. He has evaluated Mr. Jones' application on behalf of Mrs. Crocker. It is his recommendation to the Board that you make a finding that the application is not complete. He does not have that authority because under the provisions of Article 3.M.E-6 (C) it says 'in any case where the Planning and Zoning Administrator is uncertain of his authority to approve an application under this section or in the case where the Planning and Zoning Administrator and the applicant cannot agree on changes to the proposal the applicant shall refer the matter to the Board for action by the Board.' It is before you tonight as a pending application. For the reason stated in your staff report, Mr. Saunders believes that the application is incomplete. There is a laundry list of things that must be found in order for the applicant to qualify for the right to demolish this structure by right. In particular the owner has to have applied to the Town Council for such right. They have done that, it was the last proceeding. There are five (5) other provisions right here pertaining to offering it for sale and bona fide offers. Mr. Saunders has opined that the application does not contain sufficient evidence to prove that it meets the following requirements: the offering price is reasonably related to its fair market value or that

there has been no bona fide contract executed since the April 4, 2017 decision by the Town Council, the application does not include a complete zoning permit application form, the application does not include a zoning permit fee, the application does not include a site plan or an exhibit that illustrates the structures proposed to be demolished. For all of those reasons, he believes that the application is incomplete but that is his recommendation. It is for you to make that finding. You can either find that it is complete and take action tonight or you can find that it is not. If that is your finding, I would recommend that you table it and permit the applicant to supplement their application to provide the information that has been suggested to make the application a complete application.

Planning Technician – Thank you, Mr. Riddick.

Chairman Gwaltney – Do we have anyone here to speak on behalf of this application? Give your name and address please.

Attorney Archer Jones – I am the practicing attorney at 1600 South Church Street in Smithfield. I am a bit surprised that Mr. Saunders did not call me to tell me that I need more information. Normally, that is the process. I am also a bit surprised that he is the professional and is asking you to make this determination. We will be glad to get you anything that you say. We ask that you provide a written statement of what you want and the basis for it. Clearly, he had the right to bring it to you but you, ultimately, do not make the decision here; the Town Council does. So, we are glad to be before you. The process in your ordinance for this is not; as I read it, like it is for the application seeking permission to demolish. This is a decision that has to be made by the Town Council. We do have to prove that the price is reasonable; but you tell us what you are looking for. We have offered it to the town and a half acre for no money. So, we believe that achieves that issue. Then, he writes here that there has been no bona fide contract executed since the April 4, 2017 Town Council decision. I can guarantee you there has been no contract for sale. I think what is being referred to here is there was an offer to purchase made by someone who offered \$40,000.00 an acre as we put in our application. It was for four (4) or five (5) acres of ground with no statement as to where he wanted that four (4) or five (5) acres. That offer was rejected, although we acknowledge the offer was made, we can confirm to you it was not accepted. I do not know how we can prove that to you except you can talk to the realtors involved and find that no contract has been accepted. Items 2, 3, and 4 on the staff report, in our reading

of the ordinance does not require a zoning permit for a demolition certificate. If there is no zoning permit required then no fee is required. If we are mistaken, call us up and we will be glad to fill out the application and provide the fee. Finally, it states that the application does not include a site plan or exhibit that illustrates the structure proposed to be demolished. If this Board, Town Council, and everyone here does not know what we are talking about I will be surprised; but if you want one, we will provide it to you. You tell us what you want and we will be glad to provide it. We understand justice grinds slowly and it is continuing to do so. Whatever you want, if you will tell us what you want in writing and your bases for it, we will be glad to provide it.

Chairman Gwaltney – Thank you.

Town Attorney – I think Mr. Jones is not unwilling to do what staff has requested. This was filed shortly before the holiday. It came upon Mr. Saunders in the middle of last week so he knew there was a deadline so he had to put it on the application. He did not think he had the authority to make that decision based on the provision of Article 3.M.E-6 (C) so he has deferred to you for you to make that decision. His recommendations are that these are the things that he would require. We are happy to put that in writing to you Mr. Jones and the reason for the requirement. If you are in agreement that it should be continued for a month so the applicant can supplement the application then make that motion. We will have staff send Mr. Jones the appropriate letter advising him of the things that are required.

Chairman Gwaltney – I am not going to disagree with that. At the risk of continuing this glacial speed of this process, I would recommend noting that there seems to be either lack of or confusion in the communication between all the parties involved. It sounds like everyone is willing to talk to each other; we just have not been able to make that happen yet. Does anyone have any questions?

Mr. Hess – I would just like to clarify what I think I heard you say; that this is, basically, an administrative procedure that he must complete before the litigation can move forward.

Town Attorney – The general principle in the law, in order to receive relief by the court, is that you are supposed to exhaust your administrative remedies and this is an administrative remedy.

Mr. Hess – Would it be inappropriate for us to give him a deadline for when to respond?

Town Attorney – If you can continue it, it will be on next month's agenda. Is that an unreasonable hardship, Mr. Jones?

Mr. Jones – We would be glad to get it to you within a reasonable amount of time after getting your notes.

Chairman Gwaltney – Are there any questions or comments from the Board? Do we vote on that, Mr. Riddick?

Town Attorney – If you agree that it is incomplete, you would move to continue it with the instructions to staff to give Mr. Jones a written communication as to the items necessary to complete his application.

Mr. Jones – When I ask for the basis for it, I do not see how your ordinance requires a zoning permit?

Town Attorney – Well, that is fine. It is a fair question.

Chairman Gwaltney – Do we have a motion at this time?

Mr. Hess – I would like to make a motion that we continue this until the August meeting and that we agree with the Planning and Zoning Administrator's recommendations that the application is incomplete and that the Planning and Zoning Administrator work directly with Mr. Jones to resolve the shortcomings on the application.

Ms. Hillegass – Second.

Chairman Gwaltney – A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Mr. David Goodrich voted aye, Chairman Gwaltney voted aye, Mr. Gary Hess voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, Mr. Ronnie Prevatte voted aye, and Vice Chairman Torre voted aye. There were no votes against the motion. The motion passed to table this item.

Chairman Gwaltney – Next on the agenda is Window Signs – 103 Main Street – Landmark – Jennifer England – applicant.

Planning Technician – They would like to put more window decals on the museum building. If you look at your packet, the very first picture that shows the current view really shows it where it does not stand out. In the next picture, you can see where the window decals do have some historic pictures and it blends in with the museum. One thing to be aware of is that it does exceed the ordinances as far as total area and

number of signs. Like the staff reports says, if the Board feels comfortable with this application it is within your purview to approve it.

Chairman Gwaltney – Do we have anyone to speak on this application?

Ms. Jennifer England – I'm the director of the Isle of Wight County Museum at 103 Main Street. As Mr. Reish said, the total area and number of signs are met. We chose some photographs from our collection that we thought we would be able to put up as that perforated vinyl in the windows to make it a little bit more attractive; but not to stand out. It is various photos from our collection to give the wall a little bit more historic zest. It is the same type of vinyl that is on the windows on the other side of the museum at the intersection with Church Street.

Chairman Gwaltney – Are there any questions or comments from the Board?

Mr. Hess – How is the vinyl that you have in place holding up?

Ms. England – We have had no problems at all. I believe they have been there for two (2) years.

Chairman Gwaltney – On the decal you are proposing, will it be in the sepia tone like they appear in the picture.

Ms. England – Yes, the sepia tone with the burgundy banner and the museum name underneath.

Chairman Gwaltney – You would have to pick that or black and white because all the pictures are not in color. Does each of the banners all say the same thing underneath?

Mrs. England – Yes, they all say Isle of Wight County Museum except the one on the basement door with the fire trucks.

Chairman Gwaltney – That one really looks like you are looking outdoors onto that scene. If I am correct, the center two (2) windows actually view into an exhibit.

Mrs. England – Yes; but you cannot see that from inside the museum. Those windows are blocked by different stuff. Actually, as you are standing inside, we can see out but the public cannot see in.

Chairman Gwaltney – I know the larger one is covering an office. You will probably welcome some sort of blocking from the sun.

Planning Technician – By the ordinances, it should be ten (10%) percent of the wall area. I didn't do the calculation.

Chairman Gwaltney – It is a little more. What is the number of signs?

Planning Technician – The number is one per street frontage so it does exceed the number of signs.

Chairman Gwaltney – I know that has happened in the past. There was a big antique store that had several on the front of that. Are there any comments or questions?

Ms. Hillegass – I think the combination of the vinyl that you have already put there and the banners have just added much needed life to that corner. I think this would be a great addition to that. If nobody else has any objections, I would like to make a motion to approve as presented.

Mr. Hess – Second.

Chairman Gwaltney – A motion has been made and properly seconded. Roll call vote.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Torre voted aye, Mr. David Goodrich voted aye, Mr. Gary Hess voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, and Mr. Ronnie Prevatte voted aye. There were no votes against the motion. The motion passed.

Mrs. England – Thank you all very much.

Chairman Gwaltney –The next item on the agenda is a Roof and Window Change – 206 Cary Street – Contributing – Ryan Smith, applicant.

Planning and Technician – I appreciate you letting me put this on the agenda at the last minute. Mr. Smith is in the process of purchasing 206 Cary Street. It is a Contributing property. He wants to replace the roof. Currently, it is a standing seam metal or tin roof that is extremely rusty and probably has some holes in it. He wants to put some grey architectural asphalt shingles on the roof. The existing windows were probably pirated in or maybe not if they were put in before the historic district came into effect. They are brown aluminum double hung windows with six over six grids. He is proposing to put in some white vinyl double hung with six over six grids.

Mr. Ryan Smith – I live at 103 Munroe Court in Carrollton. I have with me my wife, daughter, and son. I wanted them to see the entire process so they can experience home renovation. We are buying this property for my father-in-law. He will really like living in Smithfield. In addition to the two exterior items that Mr. Reish mentioned, we have a lot of renovations like the HVAC upgrades, kitchen, bathrooms, plumbing, flooring, and electrical. We would like to put an architectural roof on it. There

are quite a few leaks in the existing roof. The windows are aluminum and we would like to go to a vinyl. I think there is an option of going nine over nine on the panes or six over six. The ones downstairs are pretty tall windows they are like seventy-two (72") inches tall. I think nine over nine might look a little better; but I could go either way.

Chairman Gwaltney – Are there any questions or comments from the Board? Do they have a nine over six?

Mr. Smith – The downstairs windows are seventy-two (72") inches tall and double hung. They are nine over nine because they are basically even. The upstairs windows are fifty-four (54") inches deep. We were thinking six over six on that because the nine over nine downstairs, obviously, would give about the same size as the six over six upstairs. I don't think they have a six over nine.

Chairman Gwaltney – My house has nine over nine and nine over six on the front.

Mr. Smith – I have talked to a few contractors that have proposed some things and that was not one of the options that they gave me.

Mr. Prevatte – Are you going to finish them off with one by fours?

Mr. Smith – Right now, it is vinyl siding with aluminum wrap. There is water intruding from somewhere. I don't know if it is actually the window because some of the windows are broken; but there is substantial seal and jam damage. We will close tomorrow so I have not opened it up to see exactly where it is coming from. I believe it is coming from the aluminum wrap. All the contractors told me they would put a replacement window in and rewrap with what is there.

Chairman Gwaltney – Are you doing all of the roof line?

Mr. Smith – Yes, there are really four (4) roofs and a kitchen addition. The front has a canopy roof on the porch. It is a hip metal roof and it is in bad shape too. It would be architectural shingles on front and back.

Chairman Gwaltney – Have you considered doing the porch in metal?

Mr. Smith – Sure. I have to replace, basically, all the framing on the roof because there is water damage everywhere. So, all the fascia board has to come off and the soffit, as well, has to be replaced on most of the exterior. I am going to rebuild the front porch anyway. It is going to have plywood then I can put metal over it.

Planning Technician – One thing I would like to point out as well during our conversations on the telephone, he did offer to keep all the gingerbread trim.

Mr. Smith – Thank you, I forgot to mention that. Our intention is to keep the same look on the exterior. There is water damage on the ginger bread; but we are going to replace it with the same material.

Chairman Gwaltney – That will be good because it is like all three of those houses have that same similar gingerbread.

Mr. Smith – That is our intention to make it look like that same style.

Chairman Gwaltney – On the main roof, you can hardly see from any other location, but the porch is quite visible. If you are willing to do that, I think it might keep some of the architectural elements of that period for that location. It is not the expense of doing the whole roof out of that.

Mr. Smith – Would you want a galvanized appearance?

Chairman Gwaltney – Painted, I would think or pre-painted.

Planning Technician – Would it have to be standing seam?

Mr. Hill – It was called a 5-V.

Mr. Smith – That is what my wife wanted to do anyway. I have a picture of the front.

Chairman Gwaltney – Are there any other questions or comments from the Board?

Mr. Hill – When you start doing the fascia boards, soffits, and eaves, we generally as Board lean toward something that is white wood, painted wood, or some kind of Azek composite material with no wrapping vinyl on the trim.

Mr. Smith – Okay. My intention is to put what is there back up with the addition of some soffit vents; because right now it is not vented. The new roof will have ridge vent to get air flow through the space. It will look the same; but it will have a couple more vents on it.

Chairman Gwaltney – Do you plan to keep all the siding as it is?

Mr. Smith – Yes. I am going to clean it up and repaint the shutters.

Mr. Hill – I would like to make a motion to approve the application as presented with the change of putting the standing seam roof on the front porch and coming back to the Board with the color.

Chairman Gwaltney – I think you will need to bring some samples. We have a motion to approve as presented with the change of adding a standing seam roof to the front porch and a color to be determined at next month's meeting.

Mr. Goodrich – Second.

Chairman Gwaltney – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Torre voted aye, Mr. David Goodrich voted aye, Mr. Gary Hess voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, and Mr. Ronnie Prevatte voted aye. There were no votes against the motion. The motion passed.

Mr. Prevatte – I have one question; just out of curiosity. Why don't you keep that standing seam roof on the main part?

Mr. Smith - It is a cost factor. The standing seam would probably be double the cost of shingles.

Mr. Prevatte – If it is rusty you can use chemical rust killer.

Mr. Smith – There are some areas where the standing seam is rusted through.

Chairman Gwaltney – It is bad. I looked at the house.

Mr. Prevatte – I think standing seam are great; especially when it rains.

Chairman Gwaltney – Since the next two items are applications submitted by the Planning Technician, I would like for you to give us the staff report on each of those then go to the podium. The first of these two items is a Roof Change – 231 Cary Street – Non Contributing – Joseph Reish, applicant. Can we have a staff report on this item?

Planning Technician – It is my house at 231 Cary Street. It has a three tab green shingle roof on it. It is starting to get a little mold and a few nail pops. It actually has three layers of shingles on it. I am not sure why the previous owner decided to put a layer of shingles over two existing layers. I have a few leaks around my chimney. As soon as I got that patched up, we had a storm and it starting leaking on the other side. I could keep patching this forever or go ahead and put a brown architectural shingle style roof on it. It will change from a three tab green to brown architectural shingles.

Chairman Gwaltney – The next item is a Shed – 231 Cary Street – Non Contributing – Joseph Reish, applicant. Can we have a staff report on this item?

Planning Technician – It will be 8' x 16' garden shed. If the roofing shingles are approved it is going to be brown architectural shingles to match. I would like to build it out of T1-11 painted white to match the house. The house is currently stucco so a lap Hardie plank would not really match anything. The trim is going to be white on white. The trim is going to be all wood painted white. There is no window; only a door. I would

like to build a more substantial foundation like what you see in the picture. The one in the picture is the one on the corner of Grace and Cary Street that was approved six (6) months ago or year ago. It will be something extremely similar to that just slightly longer and with a more substantial foundation.

Chairman Gwaltney – We will take two (2) votes because they are two separate agenda items but both of them are the same property. We have had our report on each item. Is there anyone here to speak on these applications?

Mr. Joseph Reish – I am Joseph Reish. I live at 231 Cary Street.

Chairman Gwaltney – What would like to tell us about the roof change?

Mr. Reish – It will change from a three tab green to brown architectural shingles. It has a lot of leaks in it. I think a brown roof would look a lot better than the current green roof.

Chairman Gwaltney – Are there any questions or comments from the board?

Mr. Prevatte – You might have some rotten sheathing when you take those off since it has three (3) layers and it is leaking.

Mr. Reish – Yes; it has three (3) layers. The house was built in 1954. If you look at the side of it, you can see the layers. It is about 2” of roofing shingles.

Mr. Prevatte – Are you going to put a ridge vent on it?

Mr. Reish – Yes; I probably will.

Mr. Hill – Is there anything hooked into the chimney now?

Planning Technician – Yes, I don’t have anything fire related. It is just a bathroom exhaust fan and the kitchen range hood both dump into that. There is a hole drilled into the chimney inside the attic where the metal pipe from both of those feeds into it so I definitely want to keep the chimney. I would love to get rid of it but the reality is I have things running to it.

Mr. Hill – It would be easy to move them while you are doing it. I would just knock it off.

Mr. Reish – I think it does kind of add to the house. There are not many features to my house as it is. If I remove any architectural features it would be great but it would not help the look of it much.

Mr. Prevatte – If you put a ridge vent in make sure you put some soffit vents in.

Mr. Reish – Good idea.

Mr. Prevatte – You can drill the holes and put caps up there.

Mr. Reish – Like Mr. Smith said, to get the air flowing.

Mr. Hill – I would like to make a motion to approve as presented on the roof.

Mr. Hess – Second.

Chairman Gwaltney – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Torre voted aye, Mr. David Goodrich voted aye, Mr. Gary Hess voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, and Mr. Ronnie Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next we have a Shed – 231 Cary Street – Non Contributing – Joseph Reish, applicant.

Mr. Joseph Reish – I live at 231 Cary Street. I am running out of room with an eight hundred (800) square foot house. I would love to get my 1989 Ford Mustang out of my driveway into my garage and all my junk out of my garage into a shed. I plan to shrink my big driveway down a little bit. I have lots of cars and lots of stuff to store. It will be the same shingles to match the house, painted white, and all wood. I would like to build a more substantial foundation but unfortunately because of my privacy fence and the house next door no one will see it but me. The shed will be seen, of course, from the corner of the two (2) houses.

Chairman Gwaltney – Are there any comments or questions from the Board on the proposed shed? You did say the shingles are going to match.

Mr. Reish – Yes, brown architectural shingles. Yes, match everything. I wish I could afford to do it with block and stucco but that would be cost prohibitive.

Mr. Hill – They do make stucco Hardie board. It comes in 4' x 8' sheets.

Mr. Reish – Is that something you screw right to the studs?

Mr. Hill – You have to put it on plywood. They make 4' x 8' sheets that already have stucco.

Chairman Gwaltney – Are you building this or is it a pre-made building?

Mr. Reish – I am going to build it myself. The dimensions might raise an eyebrow. It is 8' x 16'. The 4' x 8' sheets of plywood will be four (4) sheets laid out. In my planning position, for ten years almost, no one has ever bought an 8' x 16' shed before me. I always thought why they don't just lay four (4) sheets out to build a shed.

Mr. Hill – I would like to make a motion to approve the shed as presented.

Mr. Hess – Second.

Chairman Gwaltney - A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chairman Torre voted aye, Mr. David Goodrich voted aye, Mr. Gary Hess voted aye, Mr. Russell Hill voted aye, Ms. Julia Hillegass voted aye, and Mr. Ronnie Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next on the agenda is the Historic District Designation Review – Clay Street, Cockes Lane, Commerce Street, Drummonds Lane, First Street, and Grace Street. We are basically looking at each of these properties individually and whatever group we do tonight will be added to the list that we have already classified. Once we make our way through the whole district, it will go to Town Council with our recommendations that all of these changes collectively be put into effect. You have a reference sheet about some of the qualifications, classification, and determinations on how we do this. We are looking to see if these need to be changed in some way.

Planning Technician – We will start with Clay Street.

203 Clay Street – Non Contributing and recommended to remain Non-Contributing.

205 Clay Street - Non Contributing and recommended to remain Non-Contributing.

207 Clay Street – Non Contributing and recommended to remain Non-Contributing.

211 Clay Street – Contributing and recommended to remain Contributing.

213 Clay Street – Contributing and recommended to remain Contributing.

217 Clay Street – Non-Contributing and recommended to remain Non-Contributing

219 Clay Street – Non-Contributing and recommended to remain Non-Contributing.

223 Clay Street – Non-Contributing and recommended to remain Non-Contributing.

227 Clay Street – Non-Contributing and recommended to remain Non-Contributing.

228 Clay Street – Contributing and recommended to change to Non-Contributing.

It was Contributing; but Mr. Saunders and I looked at it. We thought maybe it had some more historic style features that have since been removed or altered to the point we feel it is no longer a Contributing structure. It was built between 1920 and 1940 based on the 1990 Frazier and Associates survey.

232 Clay Street – Non-Contributing and recommended to remain Non-Contributing.

107 Cokes Lane – Contributing and recommended to remain Contributing.

111 Cokes Lane – Contributing and recommended to remain Contributing.

117 Cokes Lane – Non-Contributing and recommended to remain Non-Contributing.

120 Cokes Lane – Contributing and recommended to remain Contributing.

Planning Technician – The first handful of these are Commerce Street condos. They are currently Non-Contributing. They were built in 1970, I believe. So, we recommend them to stay Non- Contributing.

102 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

104 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

106 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

108 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

Chairman Gwaltney – On an historic note, the first two (2) and perhaps some of the others were built on their own then the others were added. The structural timbers, I have been told, for those townhouses were the structural timbers that they hung the hams on in the five (5) story smokehouse. I climbed around in the building. You could see where several stories of these beams had been chain sawed out to be used as the timbers for those townhouses according to Mr. Richard Green long ago.

111 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

112 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

200 Commerce Street – Non-Contributing and recommended to remain Non-Contributing.

Chairman Gwaltney – Does anyone have any thoughts on these buildings? I know they are new; but do they need to be Contributing? Their architecture is pulled from surrounding buildings.

Town Attorney – They are properties that contribute to the historic character of the town.

Mr. Hill – I agree with you to a certain degree but the year is what determines it if you follow the guideline. You cannot ask for better looking buildings.

Mr. Goodrich – Obviously, Smithfield Foods Contributes to the history of the town but the buildings are new not historic.

Chairman Gwaltney – I know the tower is a reference to St. Luke's which is not within the district. It strikes me so odd that the largest and most impressive buildings in town are not contributing.

Ms. Hillegass – For Non-Contributing construction, are those built less than fifty (50) years ago?

Chairman Gwaltney – I am not pushing for it. I just put it out there to have a discussion. The first building was built in 2001 or 2002.

Ms. Clark - It was built in 1998.

Planning Technician – It does not have to be old to be Contributing.

Chairman Gwaltney – That is why I am asking.

Planning Technician – They do have some neat features. I believe the roof is slate and the brick is, obviously, real brick. It is about as much of a historic material as you can get.

Mr. Hess - You certainly can make a case for Contributing. You have the statues out there. It contributes to the history of the town.

Mr. Hill – Mr. Reish go back one picture. What do think of the look of that building? So, if you do one; you would do all of them.

Chairman Gwaltney – Yes, I am thinking they have all those elements. All this is not finalized tonight. This is a real unique situation with this campus where Smithfield Foods has built. I would like to suggest that the members of the Board, over the next

few weeks before our next meeting, make a point to drive down there and look at those properties. Really look at the properties from this stand point and review what a Contributing and Non-Contributing property really is. Next time we go through the classification process, we will readdress these three (3) buildings on Commerce Street. If this thing is done twenty-five years in the future, I don't know if Smithfield Foods will be in those buildings or somebody else but I think it is important to look at these buildings right now.

Planning Technician – I will put it on the agenda to revisit.

303 First Street – Non-Contributing and recommended to remain Non-Contributing.

304 First Street – Non-Contributing and recommended to remain Non-Contributing.

306 First Street – Non-Contributing and recommended to remain Non-Contributing.

308 First Street – Non-Contributing and recommended to remain Non-Contributing.

217 Grace Street – Contributing and recommended to remain Contributing.

220 Grace Street - Landmark and recommended to remain Landmark.

222 Grace Street – Landmark and recommended to remain Landmark.

228 Grace Street – Contributing and recommended to remain Contributing.

304 Grace Street – Contributing and recommended to remain Contributing.

308 Grace Street – Landmark and recommended to remain Landmark.

313 Grace Street – Contributing and recommended to remain Contributing.

316 Grace Street – Contributing and recommended to remain Contributing.

317 Grace Street – Contributing and recommended to remain Contributing.

320 Grace Street – Landmark and recommended to remain Landmark.

321 Grace Street – Contributing and recommended to remain Contributing.

325 Grace Street – Contributing and recommended to remain Contributing.

328 Grace Street – Contributing and recommended to remain Contributing.

329 Grace Street – Contributing and recommended to remain Contributing.

333 Grace Street – Contributing and recommended to remain Contributing.

334 Grace Street – Landmark and recommended to remain Landmark.

337 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

Planning Technician – We can revisit 337 Grace Street as well.

338 Grace Street – Contributing and recommended to remain Contributing.

345 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

Planning Technician – We will revisit 345 Grace Street.

349 Grace Street – Contributing and recommended to remain Contributing.

355 Grace Street – Contributing and recommended to remain Contributing.

Planning Technician – The next ones are the Hallwood properties. There was no historic district survey on these.

401 Grace Street – Non-Contributing and recommended to remain Non-Contributing

403 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

405 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

407 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

Planning Technician - The next one is the Christian Outreach building.

402 Grace Street – Non-Contributing and recommended to remain Non-Contributing.

502 Grace Street – Landmark and recommended to remain Landmark.

Chairman Gwaltney – Again, please take some time to look at the Smithfield Foods Cooperate buildings and consider that for the next meeting. Next on the agenda is Approval of the June 20, 2017 Meeting Minutes.

Town Attorney – I recommend the minutes be approved as presented.

Ms. Hillegass – So moved.

Mr. Goodrich – Second.

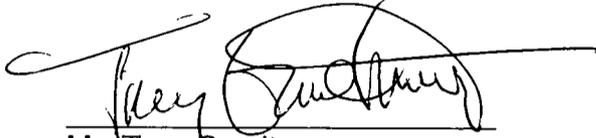
Chairman Gwaltney – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, seven members were present. Mr. Ronny Prevatte voted aye, Mr. David Goodrich voted aye, Ms. Julia Hillegass voted aye, Mr. Russell Hill voted

aye, Mr. Hess voted aye, Vice Chairman Torre voted aye, and Chairman Gwaltney voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Our meeting is adjourned.

The meeting adjourned at 8:05 p.m.



Mr. Trey Gwaltney
Chairman



Mr. Joseph Reish
Planning Technician