

The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, September 19th, 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. Russell Hill, and Mr. Gary Hess. Mr. David Goodrich and Mr. Ronny Prevatte were absent. The staff members present were Mr. Joseph Reish, Planning Technician and Mr. William H. Riddick III, Town Attorney. There were nine (9) citizens present. The media was not represented.

Chairman Gwaltney – I would like to welcome everyone to the September meeting of the Board of Historic and Architectural Review. The first item on our agenda is the Planning Technician's Report.

Planning Technician – Thank you, Mr. Chairman. The agenda item I believe is number nine, Mr. Holloway has requested that we remove it from the agenda. He would like to come back with a different color. At 124 Main Street administrative approval was granted for small detached and projecting signs for a little spa. At 215 Cary Street administrative approval was given to Mr. Gehring to finish installing the approved tan Hardie-plank siding. He did everything in Hardie-plank but the front of his house. At 202 Cary Street Mr. Moody is replacing a three tab shingle roof with architectural shingle roof of the same color.

Chairman Gwaltney – The next item on the 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 tonight?

Mr. Mark Gay – I live at 110 Goose Hill. Mr. Chairman and members of the board like many others, several of whom are here this evening, I find myself in a state of dejavu. We have made impassioned and well-reasoned arguments before you for the preservation of the Pierceville physical structures and historic farm land. While some of us have had personal differences of an opinion, you have nonetheless have shown the strength of conviction and strong-minded judgement to render not one, but two unanimous board decisions to enforce demolition by-neglect provisions of the town's zoning ordinance, and to deny razing of the landmark Pierce home and outbuildings. In both instances, Town Council has upheld your decision on appeal again by unanimous vote. One would have thought that, after Council's latest vote in April of this year, the next step would have been appeal to the Circuit Court which almost certainly would have upheld the opinions of this board and council. Instead, we are now told that the

owner is simply exhausting all administrative remedies until the matter is before the court. Item 19 of Paragraph 3-M of the zoning ordinance which does in fact describe the additional right of the property owners as described in the petition to raze that is back before you. However, it prefaces that right as an alternative procedure to the one that you and council have already considered, evaluated, and adjudicated. The word "alternative" is generally accepted to mean "either/or not both." Certainly the elements of proof that apply to this latest petition are identical to those you entertained at your February meeting. So what has changed in the interim? We now understand that Mrs. Cocker received a second contingency offer of \$2.2 million for her property contingent of course upon the town effecting a zoning change that would allow for high density development within the historic district with structures that would make the Benn's Grant fiasco look like Rodeo Drive in Beverly Hills. Several hundred voting citizens of downtown have argued repeatedly that they do not want the destruction of Pierceville. They do not want the burdens imposed by excessive traffic, demands on current infrastructure, and additional school children in classrooms where our teachers are dealing with more than thirty students a piece at the moment. Absent such rezoning, the Pierceville property is assessed currently at less than \$300,000. I can assure you that no offer to sell at that price has been made nor refused by a prospective buyer. We have failed to secure the necessary funding to purchase the property ourselves. That is certainly not for a lack of effort or collective focus. We have not quit. We now know that our town could have worked cooperatively with the Trust for Public Land and that such an offer was made and rejected by a certain member of council. No one said it would be easy. I ask you tonight to once again vote no to the petition before you. I ask that you append to that ruling a strong recommendation to council to uphold the law of the town and mothball the Pierce home and outbuildings. Thank you for hearing me out. We each have our duties to perform. Let's stand firm and hold the line together.

Ms. Betty Clark – I live at 120 North Church Street. I ask that you please vote no for the demolition of Pierceville as you have voted before. We certainly appreciate it. We need to start the moth ball of the Pierce home and outbuildings. You not only have the power to do it you have the responsibility. We certainly hope that you will take that responsibility and move forward. About replacement windows, I believe they should only be correctly rebuilt with the proper materials, wood where there is wood and metal

where there is metal. Vinyl has no business in the historic district as replacement windows.

Ms. Carolyn Torre – I live at 32 Main Street. We are all on the same team. We are all here tonight because we care deeply about this little town. Sometimes I am just amazed on how much I love this town after only four years. I do not think for a minute that you are going to vote to tear down Pierceville. But it is starting to feel after two years or more of going around and around. You all are the enable officers. I think you have been given the idea that it is the town council decision. The Board of Historic and Architectural Review are the empowered officers to make those decisions. The town council is really only in the position of having the formality of bending the gavel. The only time the town council is supposed to go against the BHAR decision is if you are breaking your ordinances. Your ordinances are very clear about the next step. I think of Mr. Coffey and Col. Harris on how brilliant they were because it was almost like they saw this sort of thing coming down the pipe. If you want to get the court order to go in this board has the power not the town council. This board is enabled by DHR which is enabled by the government. Mr. George Washington slept at the Smithfield Inn. As far as the vinyl windows, if the wealthiest entity in the town was allowed to put vinyl windows that are visible from more than just the front and is so integral to what the town is all about. Then image going down Main Street with the houses real close to the sidewalk and vinyl windows all the way down the street right in your face. You cannot tell other people in town they cannot do that if you let Smithfield Foods.

Planning Technician – Mr. Duncan asked Mr. Saunders to have me read his letter into the record. Mr. Chairman, would this be a good time?

Town Attorney – It's the prerogative of the Chairman.

Chairman Gwaltney – I am sure if Mr. Duncan were here he would have signed up to speak with the rest of these fine people.

Planning Technician – Thank you, Mr. Chairman. “Good evening, my name is Wayne L. Duncan III. I live at 12170 Modest Neck Road, Isle of Wight County. It is my desire that Pierceville continue to be protected from demolition. To support this desire, I have attempted communicate with Mrs. Crocker to repair and/or purchase the Pierceville Manor house, its dependencies, and driveway. I have called and emailed her real estate agent, Ms. Cathy Saccone of Howard Hanna Realty and her legal agent, Mr. Archer Jones. I have toured the property with her caregiver, Mr. Marty Delk. I first

attempted to buy the house and outbuildings in 2016 for \$1.00. My offer was addressed to Mrs. Crocker and sent to Mr. Jones via email. At that time, it was Mrs. Crocker's desire to give the manor house and one-half acre to the town. My offer included the dependencies, as they are also considered historically significant. Unfortunately, I never received a response of any kind. My second attempt to restore the farmhouse and outbuildings occurred in March, 2017. I spoke and emailed Ms. Saccone about making an offer. I asked her what amount they would accept. She was unable to answer, but stated that the owner would entertain any written offer. I offered her \$5,000.00. My offer was rejected without explanation. I asked Ms. Saccone if she represented me and she replied no that she represented the seller. So I acquired representation. I called Ms. Michelle McCuthers of Howard Hanna Realty. She drew up a bona fide offer for the Pierceville Manor house, the dependencies, and existing driveway from Grace Street an area not to exceed five acres. She collected a deposit check for \$1,000.00 and evidence of my financial ability to purchase the property. All details being satisfied, my offered price was set at \$40,000.00 per acre. The amount requested by the buyer. Ms. McCuthers submitted the signed offer on April 12th, 2017. The offer was rejected. I and Ms. McCuthers was given no explanation. My only document is a cover sheet returned to me with the word "rejected" written diagonally across the front. No counter offer was made. Our request to meet with the owner was denied. Ms. Saccone and Mr. Jones have not contacted me. In closing, my offer to buy the house and outbuildings still stands. Sincerely yours, W. Lee Duncan."

Chairman Gwaltney – Next on the agenda is Board Member Comments. Are there any board member comments? Next on the agenda is an Application Determination of Completeness for Demolition as a Matter of Right – 502 Grace Street – Landmark – Mary Emma Delk Crocker, applicant. Do we have a report?

Planning Technician –Yes, Sir. Mr. Riddick is going to give the report.

Town Attorney – Members of the board you each have a copy of Mr. Saunders staff report. If you recall at last month meeting there was a question to whether the application was complete or not. Mr. Saunders did a very good job at explaining why he believed that the application was incomplete. He contacted Mr. Jones two months ago. He was very cooperative. He has submitted the materials that are attached to the staff report. Mr. Saunders has come to the conclusion that this is in fact a complete application. He has recommended that you make the finding that the application is

complete. Upon making that finding if that is what you choose to do you can precede to the next item on your agenda which is the consideration on the application on its merits.

Chairman Gwaltney – Thank you. Are there any comments?

Town Attorney – The question, Mr. Chairman, would be if any board member feels the application is incomplete?

Chairman Gwaltney – Do I hear a motion?

Mr. Hess – I would like to make a motion that we accept Mr. Saunders recommendation that the application is complete.

Ms. Hillegass – Second.

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

On call for the vote, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

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

Town Attorney – You have a complete staff report with respect to the merits of this application. This is an application under the provisions in the town code and Historic Preservation Ordinance Section 20. It is application for the demolition of the structure by right. The requirements for such an application are: 1). The owner has applied to the Town Council for such right. 2). The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such site, object, building or structure and the land pertaining thereto to whoever gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto. 3). No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. There is a provision in the code Section E. that set forth a specific time schedule. In this case the applicable time schedule will be twelve months when the offering price is ninety thousand dollars or more. You can construe from Mr. Jones report which is very thorough, I think. He did a very nice job in setting forth his case that

the sell price was \$2,000,000.00 for fifty acres. So it is \$40,000.00 an acre. That is where we came up with the twelve months. Mr. Saunders has made his analysis and recommendation so it is up to you to hear from the applicant. Then after you have heard from the applicant you can debate this and make your finding in respect to this application.

Chairman Gwaltney – Do we have someone to speak on behalf of this?

Mr. Archer Jones – Mr. Chairman and members of the board it is a pleasure to be back again. We all know whatever vote you take should you vote for us or against us there is an automatic appeal to the town council. So this is really sort of a preliminary hearing more than something that is going to actually resolve the issue. You might be surprised but we take issue with Mr. Saunders finding. I will briefly touch base on why. I think we are quickly moving into litigation. I think ultimately that is where the decisions will be made in this situation. Mrs. Crocker was born and raised in the home. She lived there until they ran her out. She is as proud of Smithfield and thinks a lot of Smithfield as any of you in this room. She believes what she is doing as a matter of right and matter of necessity. She is very proud to be asking the town to demolish Pierceville for the reason that it is we believe unrecoverable. There may be an essence of history but the reality is there is not enough money. In all the efforts to provide money the reality is there is not enough money to make the place whole again. As we have talked about in the past this ordinance has been existence since the late 60's or early 70's. The effort to impose the town's will on Mrs. Crocker began I think in 2009. We believe the home was in terrible condition at that time. She chose to live there for several years after that. We believe we have met the terms that both your ordinance and the enabling legislation from the legislature has put in place for demolish as a matter of right. Mr. Saunders outlined what is required as a matter of right. I think his analysis excuse is that the landowner has a duty to ask the town to allow demolish of the home as matter of right. I think everybody agrees Mrs. Crocker did that. The town considered it and denied her motion on April 4, 2017. Mr. Saunders agrees at the bottom of your report the owner or applicate has applied to the town council for such right. I think everybody acknowledge that Mrs. Crocker did so. On paragraph two there is a statement that says it has to be an offer for sale for a period of time. We agree with Mr. Riddick analysis because the offer was for such a large amount it had to be in place for over twelve months. Well it has been in place for over three years. The offer of sale was initiated in February, 2014.

It has been continuously listed since then. We believe we have complied with the provision that is outline at the top of the second page of your report. The third thing we have to have done is a no bona fide contract binding upon all parties. That has been executed. We feel like we have complied with all three of these requirements of your ordinance. They are imposed upon the town by the enabling legislation from the Virginia Legislature that reads the same way. Let's look at the analysis that Mr. Saunders has used to say we have not complied or to support his recommendation that we have not met the requirements of your ordinance and enabling legislation. Where he comes up with this I do not know. He said the twelve months has to be from the day the town council denied the application. I have found no language in either your ordinance or statute that requires that. We specifically disagree with that analysis that the twelve months comes from April 4, 2017 that being the date that the town denied our request begins the running of the twelve months. We believe the running of the twelve months began when the property was initially listed. As I have said that was over three years ago. His condition number two that he use to recommend to you that you deny our request is different I think than paragraph three that we asked about before. Paragraph three says no bona fide contract has been executed and the fact is none has. I think he is suggesting to you that the contract submitted by Mr. Duncan should be considered by you to be a reasonable offer from his stand point. I do not think that is what your ordinance says and what the enabling legislation says. If you read it that way then the town council reads it that way. We still stand on our position that we believe the contract is unreasonable. It was not an adequate price. I made a mistake. I made reference in the material that I sent to you that Mr. Duncan wanted a roadway to Main Street over on unimproved property of Mrs. Crocker as a part of the five acres that he wanted to buy offering to pay \$40,000.00 per acre. It is clear that the roadway that he wanted was to Grace Street and not to Main Street. I acknowledge that mistake on my part. But reading of the contract suggests what he wants is worse than what I was suggesting. The contract is in your agenda packet. It has rejected across the top of it. Mr. Duncan wanted was not a roadway to Main Street and his offer to purchase wanted the entire unimproved land owned by Mrs. Crocker from the Pierceville home to Grace Street. He wanted 1.38 acre of Main Street. One of the reasons it was rejected it was unreadable to what their intentions were. The best I can figure out is that he wanted the 1.38 acre that fronts on Main Street and comes back and joins the property that contains the

thirty-six acres that the Pierceville home and outbuildings are located on. He wanted 3.62 acres, the house and outbuildings plus he wanted 1.38 acres of the unimproved vacant land between that and Main Street. That land is some of the last land that is unimproved and it carries a zoning of Commercial/Industrial. He wanted to offer the same \$40,000.00 acre for that he did for the 3.62 acres. That property has been listed for \$200,000.00 for the 1.38 acres. We had a contract for that amount on the 1.38 acres at one time. An arm's length contract subject to rezoning that was withdrawn. Our point is that even though \$40,000.00 acre seems like a lot of money not in comparison to what the fair market value of the land his was seeking. Mr. Saunders and Mr. Duncan looked at the parcel of land on which the home and outbuilding sits determine that there were thirty-six acres. The thirty-six acres has an assess value in spite of its very low down zoning of \$1,400,000.00 by the County's assessment. When you divide a thirty-six acre parcel into its full fair market value you get \$40,000.00 acre. But if you want three and half acre closest to the road in the most desirable place on the track I think it is common sense that those acres have considerable more value than one thirty-six of the whole. Your ordinance does not require us or you to provide an appraisal. I guess it's up to you to bring your common sense. We are coming to you with an application of demolish as a right. I understand your concern and interest in the historic that Smithfield has and the desire to preserve it. But once we get to come in here as matter of right all of your concerns about the needs to preserve the historic buildings in my judgement goes away. You determine if we have met the requirements of the law to have it as matter of right. We did those things. We filed the application Yes we did. The land has been for sale more than twelve months. Yes it was. Has there been a bona fide contract executed. No we are entitled as a matter of right. Therefore the purpose and intent of the historic district in the Town of Smithfield is to protect designated landmarks. The entire purpose of your ordinance he is using bases to deny our application as a matter of right. It is an emotional argument but it has no place at this stage because we have presented an application that meets the threshold of what we are entitled to as matter of right. I sense the passionate of my client as well as the passionate of you. That is why Mrs. Crocker thinks is entitled to demolition as matter of right.

Chairman Gwaltney – Lengthy or otherwise your words were well said and did not fall on deaf ears. Are there any comments?

Mr. Torre – We understand your role. We appreciate it. None of the comments have anything to do with you personally. I did not hear on how you established the fair market value. One of the main tenants of the ordinance is that the price established for the sale of the property over the period of time is required to be fair market value. I do not think you guys got anywhere near that. I researched the average price of acre of vacant farmland in Isle of Wight County it is about \$4,500.00. If you have sixty of those at \$4,500.00 for each one of them your property is worth \$270,000.00. The County assessors have a tax base of \$81,700.00. So even if you added 200% to the average price of a piece vacant farmland in Isle of Wight County it is still under a million dollars for a fair asking price. The value of that parcel has been seriously diminished by the zoning ordinance imposed by the Town of Smithfield. You reference that in your document it cannot be used at its full commercial potential because of the zoning ordinance. Mrs. Crocker feels she is being deprived. The zoning ordinance is going to be extraordinary difficult to overcome. As a matter of fact, one of the guys that wanted to buy that parcel tried to overcome the zoning ordinance and after three or four months he stuck his tail between his legs and his offer went down the toilet. In addition to that if that was not enough you got the burden of the Town of Smithfield demolish by neglect compliant hanging over your head. With all those factors it seems to me that the \$2,000,000.00 is based on pure blue sky in a perfect world speculation. While there is nothing in the world wrong with speculation, it's not fact. It seems to me while the property has been for sale for quite some time you are asking way too much money. Both of the offers in your document went south on you because they were contingent offers. They were contingent on overcoming the speculation. The contingency had to do with the mitigation of the speculation. The proposed developers wanted to take as much risk out of the speculation as they could. So they made their offer on contingent on overcoming the zoning, overcoming the burden of the historic house, and overcoming of the burden of the possible grave yard. They discovered they could not so they dropped their offer. There was never any evidence that the property was offered at fair market value. Meaning no offense to Mrs. Crocker and her family they made their own bed. Nobody let the deterioration to the buildings. I have been here four years watching the house dissolve in the weather and they did nothing about it. There has been a couple of offers around \$200,000.00 from a lady and the one that we heard about tonight that would have solved the problem for everybody. Mrs. Crocker could have stuck a

\$200,000.00 in her jeans and had the whole balance of the property to sell for whatever she wanted. She would not have had half the fight with the zoning problem. Once the historic house was out of the way she would not had half the fight with the citizens or to preserve Pierceville. Getting what she wanted at that point and separating the house from the balance of the property everybody would have been happy. I would recommend to my fellow board member to deny the request. Where did the price come from?

Mr. Jones – Mr. Saunders writes in his report to justify the \$40,000.00 acre that the current assess value is 1.4 million dollars. The \$81,000.00 is land use taxation. In the current deployable zoning the assessor has the one parcel that contains thirty-six acres having a \$1,438,000.00 price. I think we stand on very firm ground on the fact that the offer for \$40,000.00 acre for the best acreage in that thirty-six parcel plus the Commercial/Industrial zoned property 1.38 acres, we think is worth more. I think our fair market value argument is quite strong. I agree that the town is trying to make that land into something it is not. Under its current zone it is worth less than what it actually should be. I think that might change. I know there are a lot of people that opposed that change. I do not think it is reasonable in its location. Some of your arguments make good sense unless there is a change under the current zoning the \$1,438,000.00 assesses value for those thirty-six acres. He wants three and half of the best and says they have the same acreage and same value of the other lesser thirty-six acres. I do not think so.

Chairman Gwaltney – Are there any other comments?

Mr. Hess – I continued to be bothered by the fact that this process continues to drag on while demolish is occurring by nature. The responsibility of the board is to look after historic properties in the Town of Smithfield. By removing the historic property we would have grossly walked away from our responsibilities. I sold a home for far less than I expected it to be worth. I will just say that there is the price you ask and the price you receive. A piece of property or car is only worth what a willing buyer is willing to pay for it. I personally think that Mr. Duncan offer sounded reasonable. I am not a real estate agent. But it seems to me that there were opportunities to resolve this issue that would have given the town the opportunity to preserve the historic property and left the ponderous of the property unencumber if you will for Mrs. Crocker to have the right to

sell. It seems like we have collectively made this about as hard as we could possible make it. I will vote no.

Ms. Hillegass – I would like to make a motion to deny the application to allow demolition as a matter of right.

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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Our decision tonight is certainly not final as Mr. Jones said it will as matter of appeal automatically go to the Town Council. Next on the agenda is Window Change – 110 Main Street – Landmark – Wayne Davis – Smithfield Inn/Smithfield Foods, applicant. Can we have staff report?

Planning Technician – Thank you, Mr. Chairman. The application that is before you for the window change is the same as it was last month. Mr. Davis contacted me shortly after the meeting to inform me that management at the Smithfield Inn wanted to go forward with the same type of vinyl windows that were before you in August. As you can see it is seventeen windows that are currently made of wood. He wants to replace them with Lansing Series 80 vinyl windows. He stated that they would match the current window grid patterns. Some of them are six over six grid and some are nine over nine grid.

Chairman Gwaltney – Is there anyone here to speak on the application?

Planning Technician – No sir.

Chairman Gwaltney – Are there any comments?

Mr. Torre – I went on the Lansing replacement window webpage. It is totally unacceptable. It is nothing like what we should be approving. It is not true divided light. They are using fixed chroma pane. It is double sided. Vinyl muntin in two or three configurations to go between the panes so it gives the appearance of being divided light but it is not. It is not double hung either. There are not two window panes that slide vertically up and down in the sash. This is a casement window that is hinged in the middle and at the bottom. If you think of an old school building when you were a kid the door to the classroom had a window on top of it that the teacher could pull open on a

hot day. That is what these windows are. Our guidelines tell us to replace elements only when they are beyond repair and match the original material and design. Using replacement windows with true divided light, false muntins, and totally removable grills does not present historic appearance and should not be used. Do not use synthetic materials to cover or replace original. Replace windows and doors only when they are missing or beyond repair of like windows with false muntins. Avoid windows with fixed thermal glazing and tinted glass. Do not use inappropriate materials or finishes that radically change the sash, depth of reveal, muntins configuration, reflective quality, color of the glazing, or appearance of the frame. The windows that they proposed do all of those things. I vote no.

Ms. Hillegass – We told him last month that we did not approve of those windows. We told him what we preferred.

Chairman Gwaltney – There was some replacement windows at the Smithfield Inn. We told him we would consider doing a product like that. There is nothing being presented that is different than it was last month. Are there any comments?

Mr. Hess – Seems to me we need to be consistent. I have only been on here for a few years. I know there have been different people sitting at this table at times. So some things might have been approved at one point that we have not been approving lately. We have been consistent in saying vinyl did not belong in the historic district whether we were talking windows or fences. I think we need to be consistent that is the only way we can be fair to the citizens, town, and mission that we are charged with.

Mr. Hill – I agree. Keep in mind this is a landmark structure not just contributing. Contributing we have in the past had some flexibility in that. But landmark structure even though it is an accessory building the front of the building the public sees. If tourists come to Smithfield from Williamsburg or North Carolina they are sitting there looking at the windows. They are thinking we are in the historic district and we are looking at vinyl windows that cost a hundred dollars. I realize a lot of this drives people to change things because of cost. You want to keep the prestige up as far as you can. When we vote on something that is cheaper in price then it is cheaper in appearance no matter how you slice it. I would vote no.

Chairman Gwaltney – Are there any other comments? Do I hear a motion?

Ms. Hillegass – I would like to make a motion to deny the application.

Mr. Torre – 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next item on the agenda is a Roof Change – 105 Cary Street – Contributing – Diana McFarland, applicant. Is there a staff report?

Planning Technician – Ms. McFarland would like to replace the roof on her house at 105 Cary Street. Currently she has a silver standing seam metal roof. She would like to replace it with a charcoal architectural asphalt shingle. Her second choice is a slightly lighter color.

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

Ms. Diana McFarland – I am replacing the roof because of leaks. I had it recoated twelve years ago. The roofer says the materials are very old. The house is almost a hundred and twenty years old. I figure if I replace it with asphalt it would be good for another twenty-five to thirty years.

Chairman Gwaltney – Are there any questions or comments?

Mr. Torre – I took a look at it because I was not familiar with the property. There is a tree lying on top of the roof.

Chairman Gwaltney – Do I hear a motion?

Mr. Torre – I would like to make a motion to approve the application 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – I hope when it is done we see a picture of it in the Smithfield Times.

Planning Technician – Mr. Chairman, item number nine has been pulled from the agenda at the request of the applicant.

Chairman Gwaltney – Next on the agenda is a Proposed Awning – 210 North Church Street – Non Contributing – Smithfield Little Theater, Robert Cox, applicant. Can we have the staff report?

Planning Technician – Thank you, Mr. Chairman. Mr. Cox would like to put a cloth awning at the Smithfield Little Theater. It will have metal framing and black columns. He proposes that the color will match the bricks at the Little Theater as closely as possible. I have a cloth sample that I will pass around. Mr. Cox, you do not want the lettering on the awning?

Mr. Robert Cox – I live at 10189 Wrenns Mill Road, Smithfield. No lettering on the awning. The color we have selected will match the facial boards not the brick.

Chairman Gwaltney – In the rain could you fit three thousand pounds of stuff under that.

Mr. Cox – Absolutely.

Chairman Gwaltney – Are there any questions or comments?

Ms. Hillegass – Did you consult the Smithfield Center staff on this?

Mr. Cox – No, I did not. We chose the color so it would not be the same as the Smithfield Center. Our awning is very similar to the one on the front of the Smithfield Center but it is smaller. It has straight edges on the bottom. We do not want to match the color on the center because there is already a lot of confusion that people think it is all the same building.

Chairman Gwaltney – This is a stage door entrance not necessarily for the public. It is not matching any existing awning on the front entrance of the building. It is just for the staff to use.

Mr. Cox – Correct.

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

Mr. Torre – 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next is on agenda is a Chimney Delete – 231 Cary Street – Non-Contributing – Joseph Reish, applicant. Do we have a staff report?

Planning Technician – Thank you, Mr. Chairman. Obviously it is my home at 231 Cary Street. I was before you in July for a roof change. It is a chimney delete at 231 Cary Street. I promise this is not approval after the fact. It is cut and paste that I did so you could see what it is going to look like.

Chairman Gwaltney – Please state your name and address.

Mr. Joseph Reish – I live at 231 Cary Street, Smithfield. In July when the architectural shingles were approved I mentioned I really wanted to keep the chimney. However, I woke up the morning of August 28th or 29th to three feet in diameter pool of water in my kitchen. I thought I had the chimney sealed up with roof patch and silver seal. Leaking around the chimney has been very problematic for close to ten years. I would like to request to remove the chimney once I put the new roof on.

Chairman Gwaltney – Are there any questions or comments? Do I hear a motion?

Ms. Hillegass – I would like to make a motion to approve as presented.

Mr. Hill – 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next on the agenda is a Historic Protection Overlay District (HP-O) Maintenance Violation – 200 Riverview Avenue - Katherine Taylor and Andrea Taylor – Claud, Property Owners.

Town Attorney – The town staff has identified three properties that are in violation of the Historic Preservation ordinance which requires people to maintain their homes. I don't think there was contact made but there needs to be an official notice given to them so the time period starts to run. Our ordinance requires that you make the finding and direct staff to do that. That is why it is on the agenda. We have been through this many times over the years. Most notably with Pierceville, hopefully none of these go in that direction. Before you for your consideration and you need to make a finding that yes you believe they are in violation of the ordinances requirement to maintain their homes. Then direct town staff to give them notice and advise them on the process by which they are governed with respect to the process.

Chairman Gwaltney – Can we put these three together?

Town Attorney – I think you should vote on them individually.

Chairman Gwaltney – The first item that we have is 200 Riverview Avenue. Can you give us a brief summary of the condition of that?

Planning Technician – Basically it is a vacant home. It has been vacant for the entire nine and three quarters years I have worked for the town.

Mr. Hill – It has been close to eighteen.

Planning Technician – I had some limited success putting them on notification in the past. She did the absolute minimum to keep her out of a court room and keep her from coming to the board in this manner. However, my latest attempt has been unsuccessful. We are asking the board to find this in violation so we can begin the official ninety day repair process. I believe the pictures speak a thousand words. You can see it has some kind of asphalt siding. It is not asbestos cement siding. It is some type of asphalt siding that the paint refuses to stick to. There are some other maintenance deficiencies such as some trim that is rotted and soffit hanging down. It has generated numerous complaints over the years.

Chairman Gwaltney – We as a board are to vote if we are in agreement with staff opinion based on the ordinance that there are in violation. If we agree then we need to authorize staff to move forward with the process. Are there any questions or comments? Do I hear a motion?

Town Attorney – You need a motion to instruct staff to give notice of violation of the town's preservation ordinances.

Mr. Hess – So moved.

Ms. Hillegass – 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next item is a Historic Protection Overlay District (HP-O) Maintenance Violation – 302 Main Street – P & D Properties LLC, Property Owner. Can we have a staff report?

Planning Technician – Just like the last one notice has been given to the owners. The owners have not complied with the notice as of this date. The pictures I believe are very adequate. You can see the shingles have deteriorated to the point where you can see the fasteners.

Town Attorney – I would estimate they are about forty years old.

Planning Technician – We feel it is in violation of the HPO ordinance.

Chairman Gwaltney – Are there any questions or comments?

Ms. Hillegass – I would like to make a motion that we authorize staff to move forward with the notice violation.

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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next is a Historic Protection Overlay District Violation – 220 South Mason Street – Willard Properties of Norfolk, LLC, Property Owner. Can we staff report?

Planning Technician – Same thing as the last two we feel it is in violation. I know Mr. Willard came before the board so time ago asking to demolish the structure. The application for demolish was denied. I was hoping he would begin some type of repair work to the home. A notice was sent out that has not been acknowledged to this date. It has a few holes here and there. The worst thing is the front porch with the big hole in it. Not only is that a patch inconsistently with the historic ordinance likes to see. It is also a liability on the owner's part in my opinion.

Chairman Gwaltney – I believe there are some tenants living there.

Planning Technician – Yes.

Chairman Gwaltney – Are there any questions or comments? Do I hear a motion?

Mr. Hill – I would like to make a motion that we authorize staff to move forward with the notice violation.

Ms. Hillegass – 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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Mr. Hess – I spotted two properties I think needs to be looked at by staff to make a determination. At 357 South Church Street it looks like they have started some renovations about six months or year ago but they have stopped. The paint is non-existing on one side of the house.

Chairman Gwaltney – I know that property is not on the agenda but I know it has been a long delay on that project. It is my understanding that town staff is aware of the current conditions. There has been a change in the type of work that is going to be done. It looks like they are starting the project up again.

Mr. Hess – I could not see the address because of the over grown shrubbery in front of the place. I think it is 218 South Church Street. It is a white structure that is next to the Church of Christ. It appears to be vacant. It certainly needs a lot of work.

Planning Technician – Thank you, Mr. Hess we will certainly look into it.

Chairman Gwaltney – I think one of the owners recently passed away. They have a second home some distance from here. I have received some calls about that house and the house next to it which is also vacant at this time. The first house Mr. Saunders and Mr. Reish are aware. We are not sure what the owner is doing with it at this point. They cut the grass every few weeks but there is some vegetation that is getting bad. Our board as I understand does not govern vegetation.

Town Attorney – That is not true.

Chairman Gwaltney – Pierceville is an example of that when it comes to an extreme. The house next to it I believe is under foreclosure at this point.

Town Attorney – Is that the Whitley house?

Chairman Gwaltney – Yes. There is an agency handling it. I have dealt with foreclosure properties I can tell you no bank cares too much about the grass.

Town Attorney – The fact that it is going to change hands is a good thing.

Chairman Gwaltney – Just to put your mind at ease Mr. Hess, I think Mr. Saunders is aware that those two properties have extenuating circumstances that maybe contribute to some of that.

Town Attorney – In respect to the first property I have been included in a bunch of email traffic with Mr. Reish and Mr. Saunders. The owners of the property at 357 South Church Street have been getting prices and came up with a time line for us. They have been put on notice. They have been responsive I think.

Planning Technician – They have been very responsive recently. In regards to 218 South Church Street we will certainly look into the vegetation violation for that structure. Once we get the vegetation peeled back we can see what we are working with as far as the HPO ordinance. There is a good possibility that it could come back before the board on a HPO violation request.

Chairman Gwaltney - Next on the agenda is a Historic District Designation Review – Hill Street, Institute Street, James Street, Jericho Road. This is ongoing process where we are updating our files on the designation of the properties in the historic district which is done every twenty-five years. In chapter four of our designation review one of the buildings that we talked about was the Smithfield Food complex on Commerce Street. We did not assign a designation for that piece of property. It was listed as non-contributing. I feel like it makes a grand contribution to our historic district.

Town Attorney – Are you talking about the corporate office with the clock tower or all of it?

Chairman Gwaltney – I think the main corporate headquarters. Does the other one have the address Luter Drive?

Town Attorney – Yes it does.

Chairman Gwaltney – It would probably include the main corporate office and what I knew as the accounting building adjacent to it but I am sure it has another Commerce Street address. They have put all three of them on Commerce Street. I would like to make a motion that all three as a collective campus to be changed from non-contributing to contributing. It certainly has a lot of elements of local historic architectural pieces.

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, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – We will start with Hill Street. Just a reminder we sort of go through all of these and if they do not need to be changed we move on. If they do then we discuss it. The properties in the historic district once we are done with the whole process are presented to the council for their approval.

Planning Technician – There is only one structure on Hill Street which is the Hill Street Baptist Church. It was built according to this in “1923”.

Chairman Gwaltney – I think it is older. It was a Baptist church. The old Baptist church that burned down it used to be a Presbyterian Church. I think it said that this was the first Baptist Church.

Planning Technician – It is a landmark structure.

Hill Street Baptist Church – Landmark and recommended to remain Landmark.

107 Institute Street – Contributing and recommended to remain Contributing.

111 Institute Street – Contributing and recommended to remain Contributing.

115 Institute Street – Contributing and recommended to remain Contributing.

204 Gray Street – Landmark and recommended to remain Landmark.

214 Institute Street – Contributing and recommended to remain Contributing.

222 Institute Street – Contributing and recommended to be changed to Non-Contributing.

Town Attorney – How is that a contributing structure? It is a new house.

Planning Technician – As a policy when we draft these slides shows we have not downgraded anything.

Town Attorney – They built that house twenty years ago. There are absolutely no bases for that to be contributing.

Chairman Gwaltney – Do we have a collective opinion that 222 Institute Street should be changed to non-contributing?

Mr. Hill – Yes.

Chairman Gwaltney – We recommend non-contributing.

226 Institute Street – It has no designation and recommended to be Contributing.

230 Institute Street – Contributing and recommended to remain Contributing.

310 Institute Street – Non-Contributing and recommended to remain Non-Contributing.

Chairman Gwaltney – I think the board agrees that this structure should be contributing.

310 Institute Street – Non-Contributing and recommended to be changed to Contributing.

203 James Street – Contributing and recommended to remain Contributing.

207 James Street – Contributing and recommended to remain Contributing.

213 James Street – Contributing and recommended to remain Contributing.

217 James Street – Contributing and recommended to remain Contributing.

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

227 James Street – Contributing and recommended to remain Contributing.

228 James Street – Contributing and recommended to remain Contributing.

231 James Street – Contributing and recommended to remain Contributing.

232 James Street – Contributing and recommended to remain Contributing.

240 James Street – Non-Contributing and recommended to remain Non-Contributing.

253 James Street – Contributing and recommended to remain Contributing.

259 James Street – Contributing and recommended to remain Contributing.

105 Jericho Road – Contributing and recommended to remain Contributing.

108 Jericho Road – Contributing and recommended to remain Contributing.

109 Jericho Road – Contributing and recommended to remain Contributing.

112 Jericho Road – Contributing and recommended to remain Contributing.

113 Jericho Road – Contributing and recommended to remain Contributing.

301 Jericho Road – Landmark and recommended to remain Landmark.

302 Jericho Road – Contributing and recommended to remain Contributing.

Chairman Gwaltney – I think we have made our appropriate notes so that you can make any changes that need to be done. We have been through some of these that are missing their reports has staff updated and filled out the reports forms for these properties.

Planning Technician – No, Sir. The forms that we have on file were done by an official from the Virginia Department of Division of Historic Landmark. We do not feel we have the authority to modify them. However, we can draft up some news ones.

Chairman Gwaltney – I am not looking to modify what is there unless we find something that is incorrect. I am referring to the ones where we are not able to find a

report. At least make a blank page with the address on it that we can add to it if we happen to do some kind of project where we are researching the information.

Planning Technician – Good idea.

Mr. Hill – You can go as far as sending a letter to the residence to ask for information. You will be surprised on what they know.

Planning Technician – If nothing else to request information for the survey.

Chairman Gwaltney – Next on the agenda is Approval of the August 15, 2017 meeting minutes.

Town Attorney – Mr. Chairman and members of the board, I found some misspellings and a few typos and have corrected all that. I would recommend that the minutes be approved as revised and corrected.

Ms. Hillegass – I would like to make a motion to approve as revised.

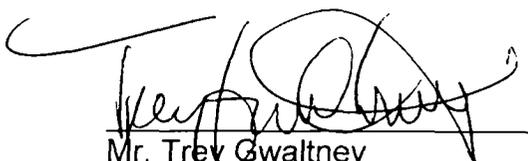
Mr. Hill – Second.

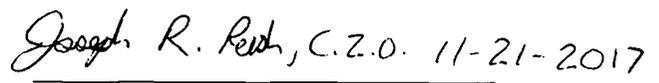
Chairman Gwaltney – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, five members were present. Chairman Gwaltney voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Vice Chair Torre voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Our meeting is adjourned.

The meeting adjourned at 8:25 p.m.


Mr. Trey Gwaltney
Chairman


Mr. Joseph Reish
Planning Technician