



# TOWN OF CHAPEL HILL

## Historic District Commission

### Meeting Minutes

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Chair Sean Murphy  
Vice-Chair Duncan Lascelles  
Deputy Vice-Chair Polly van de Velde  
Chris Berndt  
Brian Daniels

Josh Gurlitz  
Nancy McCormick  
Anne Perl De Pal  
David Schwartz

**Monday, June 13, 2022**

**6:30 PM**

**Virtual Meeting**

#### Language Access Statement

For interpretation or translation services, call 919-969-5105.

ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

#### Virtual Meeting Notification

Board members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_Zu3er22BQkml7MyTk1BBGw](https://us02web.zoom.us/webinar/register/WN_Zu3er22BQkml7MyTk1BBGw). After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 868 1867 4571.

#### Opening

#### Roll Call

Anya Grahn, Liaison to Commission, Charnika Harrell, Liaison to Commission,  
Kevin Hornik, Counsel to Commission

#### Present

7 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy  
Vice-Chair Polly van de Velde, Christine Berndt, Brian  
Daniels , Nancy McCormick, and David Schwartz

**Excused**        2 - Josh Gurlitz, and Anne Perl De Pal

*Secretary reads procedures into the record*

### **Approval of Agenda**

A motion was made by Commissioner McCormick, seconded by van de Velde, to approve the agenda. The motion carried by a unanimous vote.

### **Announcements**

Grahn reminded commissioners of the next meeting on July 12 and that they would not meet in August. Grahn also said staff are working on scheduling the September meeting.

Commissioner van de Velde said she had to leave at 9 p.m.

### **Petitions**

### **Approval of Minutes**

#### **1.        May 10, 2022 Action Minutes**

[\[22-0473\]](#)

Commissioner Schwartz noticed a few typos and recommended staff read through the May 10, 2022 meeting minutes to correct them. Chair Murphy asked Schwartz to email the corrections to staff.

A motion was made by Commissioner McCormick, seconded by Daniels, to approve the May 10, 2022 meeting minutes with the suggested minor edits. The motion carried by a unanimous vote.

**Aye:**                7 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Nancy McCormick, and David Schwartz

**Excused:**        2 - Josh Gurlitz, and Anne Perl De Pal

### **Hold for Historic District Commission Candidate Interviews**

The commission interviewed Nikkima Santos as a candidate to fill Commissioner's Berndt's seat. Santos introduced herself as a mother of four with a passion for history and archaeology. She saw applying to serve on the Historic District Commission as an opportunity to spread awareness of Chapel Hill's history and the importance of its preservation among the community, especially the youth. She spoke of her work with the community and her hope to foster a sense responsibility for historic preservation in the community's youth by incorporating them into the process. Santos said that she is currently serving on the Community Policing

Advisory Committee but was interested in using your passions to best serve the community. The Commissioners complemented Santos on her enthusiasm and interest in history.

### **Information**

2. Administrative Certificate of Appropriateness Approvals

[\[22-0474\]](#)

### **New Business**

3. 218 Wilson Street

[\[22-0475\]](#)

Harrell explained that the UNC American Indian Center proposed a cultural garden around the existing community garden. David Swanson, landscape architect, introduced fellow team members Jill Coleman, Jesalyn Keziah, and Joanna Massey Lelekacs.

Lelekacs began by showing a site plan, aerial images, and photos depicting the project's location and existing conditions. Keziah explained that the American Indian Center wanted a minimally designed garden to provide a space to retreat to or hold meetings for the center. She said the garden would be publicly accessible.

Swanson discussed the elements of the project that concerned the commission. He said they proposed to extend the community garden's existing split rail fence around the cultural garden. He explained the garden's entrance would be on Wilson Street and would feature a cattail gate designed by a native artist. Swanson also stated they hoped to incorporate art on the deer fence around the community garden.

Swanson presented plans showing meandering walkways of varying widths made of compacted Chapel Hill grit with no edging. He said the garden included a medicine wheel made of gravel, a ceremonial stone circle with fire and water elements, and a canvas shade structure. He described that the medicine wheel would have four quadrants, but the design would be determined later. He explained that the shade structure would have cedar posts and a canvas shade sail to provide a canopy over the ceremonial space without encompassing the entire space. Swanson said they were working with the Fire Department to obtain approval for the fire element, and they were looking into a recirculating water feature. He also stated that the garden would have ample screening and buffering.

Commissioner Daniels asked if there were any permanent structures in the garden and their lifespan. Swanson explained that the cultural and community gardens have limited use agreements with the University, so the project did not include traditional permanent structures. Daniels asked about the construction of the shade structure. Swanson explained that the structure would have engineered cedar posts and canvas tarps strung from post to post and that only one shade structure was proposed.

Commissioner Berndt asked about parking and if the crosswalk was part of the application. Swanson stated parking on campus was tricky and people would park elsewhere and walk to the garden. Swanson confirmed the crosswalk was part of the application and acknowledged that it would need to be reviewed and approved by the Town. Berndt asked if the ceremonial circle would attract a lot of people. Swanson said the space could fit a large group and any overflow would be on the existing lawn.

Commissioner van de Velde asked about the material used for the ceremonial space. Swanson confirmed it would be made of Chapel Hill gravel.

Commissioner Schwartz asked about the split rail fence. He acknowledged the existing split rail fence in the adjacent community garden but quoted the Design Standards stating split rail fences were not appropriate in the historic district. He wondered how the applicant could make the fence more congruous. Swanson pointed to an existing 6-foot-tall chain link fence on the west side of the property. He considered the chain link fence to be incongruous, but noted it was well screened by existing vegetation. Swanson explained that the proposed split rail fence would be enmeshed in plantings of varying degrees of density except for the view of the fence from Wilson Street. He further explained that the split rail fence was meant to meet the University's interest in defining the space. He also said that cost was a factor as the center had limited resources. Keziah said the split rail fence was proposed for continuity, and that they were willing to exploring other more native options to delineate the space.

There was no public comment.

Commissioner Lascelles appreciated the clarity of the application and presentation. He thought the proposed structural work was minimal and found the application, including the split rail fence, to be congruous with the character of the district. Commissioners Daniels and van de Velde agreed

with Lascelles. Schwartz thought the commission should encourage the applicant to do something more congruous and not disregard the standard.

Counsel Hornik advised the commission to give the applicant the opportunity to withdraw the split rail fence from the application, so they can amend the application with something more congruous. Coleman expressed confusion about why the split rail fence was not allowed and referred to the previous COA for the community garden that included a split rail fence. She said they thought they were simplifying the design by adding an element that was previously approved by the HDC. Chair Murphy explained that the COA she referenced predated the current standards.

Swanson said the Design Standards were typically for residential property and that the property was more of an institutional use. He also said they would be willing to remove the split rail fence and explore other options to delineate the space, but they would not want to add too many different materials.

Commissioner McCormick said she did not think the split rail fence was incongruous because a garden was different than a house.

Murphy was concerned that approving a split rail fence would encourage homeowners to propose split rail fences for residences. McCormick said there was a difference between a garden and a house, and she thought it would not be hard to make that distinction regarding congruity. Schwartz said the commission should make that distinction more explicit in the Design Standards to avoid any ambiguity.

A motion was made by Commissioner Lascelles, seconded by Daniels that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness. The motion carried by a majority vote.

**Aye:** 6 - Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Christine Berndt, Brian Daniels , Nancy McCormick, and David Schwartz

**Nay:** 1 - Chair Sean Murphy

**Excused:** 2 - Josh Gurlitz, and Anne Perl De Pal

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**4.** 150 East Rosemary Street

[\[22-0476\]](#)

Grahn introduced the item as an amendment to an existing COA for the park behind the Post Office. She reminded commissioners that their review was limited to the proposed modifications. Joe Dye, Whitney St. Charles, Michael Stevenson, and Walt Havene represented the applicant's team.

Stevenson said the Town Council presented the approved plans, proposed changes, and renderings of the modifications. He explained the modifications proposed were the result of discussions they had with the Town Council. He explained sidewalks on Rosemary Street and Henderson Street would be widened, with parallel parking spaces removed from Henderson to accommodate the sidewalk. He reminded the commission of the 15-foot change in grade. Stevenson said the trash enclosure would be relocated to the alleyway behind the proposed lab building. He said a gas line beneath the Henderson Street sidewalk prevented them from planting street trees, and their proposal included additional trees on their property along Henderson. He also said Duke Energy needed to locate two new boxes for switch gears along the alley, and they proposed additional planting to screen them. Stevenson explained that the switch gears had setback and clearance requirements. He said they proposed to extend the stone wall further north to the corner of Rosemary and Henderson Streets. He stated traditional brick and Chapel Hill grit would be used to define the seating areas. He also pointed out that they introduced more greenspace and a lawn along Rosemary Street with perennial beds.

Commissioner McCormick asked if the magnolia tree could be saved. Stevenson confirmed that it could not be.

Commissioner Schwartz liked the continuation of the low stone wall up Henderson Street, and asked why a wall was not proposed along Rosemary Street. Stevenson explained that a wall was unnecessary on Rosemary Street because the frontage was level, and they wanted to keep the corner open. Schwartz asked if the wall could be solid stone instead of veneer. Havene confirmed it would be a solid stone wall.

Schwartz asked about the brick color. Havene said the brick would not be uniform in color and would match the existing brick used on Rosemary Street. He also said and they did not have a sample because they had not selected the exact brick.

The commission and applicants discussed the differences between the switch

gears and transformers. Havene said the switch gears were 6-foot by 6-foot and 4-feet tall and would sit on an 8-foot by 8-foot concrete platform. Berndt asked if the switch gears could be located elsewhere, and Stevenson said they could not, and they had explored alternatives with Duke Energy.

Berndt inquired about the fieldstone wall that was near the Post Office. Havene confirmed that the fieldstone wall was removed because the trash compactor was relocated. Berndt mentioned the walkways in the park led to a bank of utilities and asked if the utility boxes were more screened. Stevenson said the utilities on the back were for businesses on Franklin Street. He stated the tall, dense plantings around the switch gears would help screen the bank of utilities.

Berndt inquired if art could be incorporated on the concrete retaining walls. Stevenson explained that all the elements in the park needed to be removable because they were on an OWASA easement. He said he did not see the retaining walls as a place for art but pointed to several terrace spaces that could be great venues for art. Berndt asked if permeable pavers would still be used on the midlevel areas. Havene said their engineer found a different way to earn credit stormwater credits, and they were no longer using permeable pavement.

Commissioner Daniels asked for details on the landscape plan. Havene discussed the proposed landscaping and how it would mature over time.

There was no public comment.

Daniels thought it was an improvement from the previous approval but was concerned about the construction of the fieldstone wall. He also thought a condition was needed in the approval to address the replacement of mature trees over time. Chair Murphy explained that trees are outside of the commission's purview and maintenance would be a Town issue.

Berndt asked if the Council included a condition that the commission review or approve a landscape plan for the project. Grahn did not now if this condition was in the approval but confirmed it would be a separate process. Berndt also thought it was an improvement and liked the integration of the brick. She noticed the crosswalks on Rosemary and Henderson Streets and thought there was an opportunity to incorporate a gateway or transitional element from the historic dustcart. She acknowledged that her comment was separate from

their review.

Berndt also felt they were exchanging the trash compactor for the switch gears and wished the Town and developer could find a different location. She was concerned about putting more mechanical equipment in a public area.

McCormick said the switch gears boxes could be turned into artwork with Duke Energy's permission, but that was outside of their purview. Commissioner van de Velde thought the boxes would be dark green and blend in with the plantings.

A motion was made by Commissioner Schwartz, seconded by van de Velde that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness. The motion carried by a majority vote.

**Aye:** 6 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Deputy Vice-Chair Polly van de Velde, Brian Daniels , Nancy McCormick, and David Schwartz

**Nay:** 1 - Christine Berndt

**Excused:** 2 - Josh Gurlitz, and Anne Perl De Pal

**5. 379 Tenney Circle**

[\[22-0477\]](#)

Grahn explained that the project was to replace the existing asphalt roof, demolish the existing garage, and add two dormers to the front façade. She also mentioned that Beril and Michael Steiner officially owned the property as they had applied for the COA while under contract.

Mrs. Steiner presented photos and elevations of the house. She explained that the roof was 22 years old and in disrepair. She said an inspection revealed aggregate loss of shingles and that some shingles had lost flexibility. She described the proposed gable dormers on the façade. She presented photos of minimal traditional houses from the same era with front dormers and photos of houses in the district with front dormers. She said that they found the dormers to be compatible with the design of the house and consistent with 1950s architectural styles.

Mrs. Steiner said the single attached garage was added decades after the house was built. She said they found the existing garage was incongruous because it was attached to the house in a way that was different than how



historic garages were attached to minimal traditional houses. She presented photos and elevations showing the existing garage and breezeway. She also said the garage could not be used because it was too small to fit a modern car and keeping it would create demand for off-street parking. She said they would salvage materials from the demolition of the garage and breezeway to reuse on the property. She said they would create a parking area of Chapel Hill grit where the existing garage was located.

Commissioner van de Velde was not concerned with the roof replacement or garage removal. She acknowledged that the dormers were a change to the front façade but found them to be compatible with the style of the house. van de Velde recommended that different materials be used to delineate the new dormers from the existing house according to the standards. Mrs. Steiner said they were willing to accommodate other materials for the dormers.

van del Velde left at 9:01 p.m.

Commissioner Berndt asked for more details on what was adjacent to the garage and who would be impacted by the new parking area. Mrs. Steiner presented additional photos of the site that showed the existing garage and a landscaped buffer that separated the garage from the neighbor. Berndt asked about the extent of the parking pad. Mrs. Steiner said the parking would not exceed the current footprint of the garage.

Commissioner Schwartz quoted the Design Standard that dormers were not to be added to front facades and asked how the Steiners found the dormers complied with the standard. Mrs. Steiner said they considered the standard and improvements they could make to the existing space to make it move livable for their family of four. She thought that the architectural history of dormers on the style of house would keep them in line with the spirit of the Design Standards. Mr. Steiner also mentioned there were eleven houses with dormers within a third of a mile of their house and thought the congruity of their proposal was clear.

Schwartz asked McCormick to speak to why the standards prohibited dormers on front façades. McCormick said the previous guidelines did not address dormers, and the standards aimed to discourage them because they were a big change to the front façade. Mrs. Steiner said they found the dormers to be historically accurate to the style of house based on their research and thought it would be an unreasonable request to not construct them. McCormick asked

if they considered putting dormers on the back of the house. Mrs. Steiner said there was an existing shed dormer on the back.

Commissioner Lascelles was less concerned about the dormers and asked how the Steiners determined the garage was not original to the house. Mrs. Steiner said got the 1960s date from the National Register of Historic Places sheet. She also said they had a contractor help determine if the age of the garage.

Ben Gildin and Susan Gravely, neighbors, spoke in support of the Steiners' application.

Murphy was supportive of the application including the dormers. He was conflicted about the sentence in the Design Standards Schwartz quoted. He said that these types of homes often came with the option to have a dormer and he wished original architectural drawings were available. Lascelles agreed with Murphy. Lascelles said he considered the Design Standards and found the dormers were not incongruous with the special character of the district.

Commissioner Daniels agreed with Murphy and Lascelles and wanted to explore why the standards prohibited dormers on front façades. Berndt shared similar concerns. She said the applicant's materials showed dormers were part of the architectural style. Berndt was concerned about clearly delineating and screening the parking area.

McCormick recognized that they were reviewing an application that was congruous with the district but conflicted with the Design Standards. Schwartz asked for an example of a dormer on a front façade that the commission would not approve. Murphy referred to the style guide because not every style had front dormers. Daniels said he would be inclined to not approve the addition of a front dormer if it required removing a significant part of the house like a historic front porch. Lascelles said a dormer that overpowered the roof would be incongruous.

Hornik said the commission was presented with a detailed application that, in his opinion, had more substantial documentation showing the architectural style from the period the house was built. He said the commission would not set a precedent if they granted the Steiners a COA. He advised that commission would not be obligated to grant subsequent COAs for front

dormers, especially in the absence of detailed evidence demonstrating the propose changes was prevalent throughout the district and architecturally congruous.

A motion was made by Commissioner Daniels, seconded by Lascelles, that the application was not incongruous with the special character of the district and to grant the Certificate of Appropriateness. The motion carried by a majority vote.

**Aye:** 5 - Chair Sean Murphy, Vice-Chair Duncan Lascelles, Christine Berndt, Brian Daniels , and Nancy McCormick

**Nay:** 1 - David Schwartz

**Excused:** 3 - Deputy Vice-Chair Polly van de Velde, Josh Gurlitz, and Anne Perl De Pal

### **Hold for Historic District Commission Candidate Interviews**

The Commission discussed the qualifications and experience of the candidate. They expressed concern that Ms. Santos's term on the Community Policing Advisory Committee was active. They chose not to forward a recommendation to the Town Council.

#### *Adjournment*

Next Meeting - July 12, 2022

#### *Order of Consideration of Agenda Items:*

- 1. Staff Presentation*
- 2. Applicant's Presentation*
- 3. Public Comment*
- 4. Board Discussion*
- 5. Motion*
- 6. Restatement of Motion by Chair*
- 7. Vote*
- 8. Announcement of Vote by Chair*

*Public Charge: The Advisory Body pledges its respect to the public. The Body asks the public to conduct themselves in a respectful, courteous manner, both with the Body and with fellow members of the public. Should any member of the Body or any member of the public fail to observe this charge at any time, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the*

*meeting until a genuine commitment to this public charge is observed.*

*Unless otherwise noted, please contact the Planning Department at 919-968-2728; [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org) for more information on the above referenced applications.*

*See the Advisory Boards page <http://www.townofchapelhill.org/boards> for background information on this Board.*

Note