



**HISTORIC PRESERVATION COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 25TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Members Present:

Eric Von Salzen, Chair
Tom Schroeder, Vice-Chair
Cara Mathis
John Taylor
David Herring
Terry Lurtz

Members Absent:

Richard Vincent

Staff Present:

Alex Cameron, Planning Supervisor
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Shannon Konstantinou, Clerk to the Board
Lori Hercules, IT Technician

Approximately 20 members of the public in attendance.

I. Call to Order

Mr. Von Salzen called the Regular Meeting to order at 04:00 PM, explained the purpose of the meeting, each Commission member introduce themselves, and Mr. Von Salzen introduced Staff. Mr. Von Salzen noted the absence of Mr. Vincent, who may arrive later in the meeting.

II. Approval of Minutes

A. 07-28-2022 Special Meeting Minutes

Mr. Lurtz moved to approve the minutes of the July 28, 2022 Special Meeting. Seconded by Mr. Taylor. Approved by a vote of 6-0.

B. 07-28-2022 Regular Meeting Minutes

Mr. Lurtz moved to approve with revisions the minutes of the July 28, 2022 Regular Meeting. Seconded by Mr. Taylor. Approved by a vote of 6-0. Revision proposed by Mr. Von Salzen: page 10, motion to continue case COA-2022-00119 (80 Carolina Vista) to read "the deliberations and decision of the case". Revision proposed by Mr. Lurtz: page 1, removal of the name of prior Commission member Ms. Anne Lucey from the Members Present section and replacement with current Commission member Ms. Cara Mathis.

Mr. Taylor moved to recess the Regular Meeting and open the Public Hearing. Seconded by Mr. Lurtz. Approved by a vote of 6-0.

All Commission members stated they had visited all sites and did not have any ex parte communication with the exception of Mr. Taylor who did have minor contact with two of the owners for access to the site but nothing that would qualify as ex parte.

Mr. Von Salzen explained the procedures of a quasi-judicial public hearing.

III. Public Hearing

A. COA-2022-00119 (80 Carolina Vista)

The purpose of this public hearing is a continuation from the July 28, 2022 meeting to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for the installation of 96 paved parking spaces in the rear at 80 Carolina Vista Drive. The property is identified as Moore County PID Number 00025808. The property owner is the Resorts of Pinehurst Incorporated and the applicant is Calvin Burkley.

Mr. Von Salzen opened the Public Hearing with a continuation of the deliberation and decision portion of case COA-2022-00119 (80 Carolina Vista) heard at the prior Regular Meeting of July 28, 2022.

Mr. Von Salzen directed the Commission to disregard any new materials that had been provided by Staff or the Applicant after the close of the evidentiary portion of the case during the July 28, 2022 meeting.

Mr. Taylor questioned whether the changes suggested during the prior meeting wouldn't necessitate the submittal and review of new materials from the Applicant. Mr. Von Salzen stated, if the Applicant chose to amend their application that would necessitate the submittal of new material, however, no indication had been given that the Applicant wished to amend the application.

Mr. Herring questioned whether material that was presented by the Applicant during the prior meeting but was not part of the original submittal and is referenced in the newly submitted Staff Report labeled continuation would be able to be considered. Mr. Von Salzen stated any material presented during the prior meeting would be able to be considered.

Mr. Cameron clarified the agenda packet present to the Commission for the prior meeting and formally entered into the record along with any testimony given including the presentation given by the applicant before the close of the evidentiary portion of the hearing is solely what the Commission may review and deliberate on in order to make a decision.

Mr. Herring questioned whether Exhibit A-2.5 was presented by the Applicant during the prior meeting. Mr. Cameron stated Exhibit A-2.5 referenced by Mr. Herring is part of the updated material presented by the Applicant after the prior meeting to better illustrate the proposed tree removal and planting stock of 12" in diameter or greater, which is the only tree removal or planting stock within the purview of the Commission, but may not be considered or discussed by the Commission.

Mr. Von Salzen clarified Exhibit A-2.5 as submitted by the Applicant for the prior meeting is the only version of Exhibit A-2.5 the Commission may consider. Mr. Cameron stated Mr. Von Salzen is correct.

Mr. Schroeder clarified all material submitted as an update or titled as an update is to be disregarded by the Commission in its entirety. Mr. Von Salzen stated Mr. Schroeder is correct.

Mr. Von Salzen stated the ruling to disallow any new material being entered into evidence is a ruling by the Chair and may be overruled by a majority vote of the Commission should the Commission wish to allow new material to be entered as evidence.

Mr. Cameron stated, as a matter procedure prior to continuing the Public Hearing, the Commission should consider whether a member who was absent at the prior meeting is eligible to participate in the deliberation and decision on the continued case for COA-2022-00119 (80 Carolina Vista).

Mr. Von Salzen asked Mr. Lurtz whether Mr. Lurtz had an opportunity to review the material and video recording of the prior hearing, and whether, as a result, believed he was able to participate in the deliberation and provide a fair and just decision. Mr. Lurtz responded in the affirmative.

Mr. Lurtz asked Mr. Von Salzen for clarification on the purview of the Commission with regard to parking lots and lighting, as Mr. Lurtz's understanding is that the purview of the Commission does not include these items, and requested verification that the Commission's deliberations should be limited to landscaping and fencing or walls. Mr. Von Salzen stated the Commission may have differing opinions on what items are included in the Commission's purview and the collective decision to continue the case to today's Public Hearing was to clarify how to appropriately deal with a case that is unusual for the Commission.

Mr. Taylor stated purview for the case is particularly germane given another case to be heard by the Commission later in the meeting is for a parking structure. Mr. Lurtz clarified there is a Staff committee responsible for approving parking lots not parking structures, which are the responsibility of the Commission, and there is an important

distinction between parking lots and parking structures. Mr. Taylor accepted the clarification between parking lots and parking structures as provided by Mr. Lurtz.

Mr. Von Salzen stated Mr. Lurtz's opinion on the Commissions jurisdiction with regard the case opens the deliberation to the Commission on what is within the Commissions purview when reaching a decision.

Mr. Taylor asked Mr. Cameron for clarification on Staff's opinion of Mr. Lurtz's opinion. Mr. Cameron stated during the prior meeting he was not sworn in and without the evidentiary portion of the hearing being re-opened is uncertain of the level of advice that can be given on this matter despite Staff acting as a member of the Historic Preservation Commission with limited powers or authority. Mr. Cameron stated it is his opinion the prior meeting concluded with a similar conclusion to what Mr. Lurtz is opining, which is land use does not fall under the purview of the Commission, siting or location does per the applicable Standards, the height of the brick wall does per the applicable Standards (and the reason why this application was elevated to a Major Work), and the removal of healthy trees 12" in diameter or greater at breast height along the street side and how the tree removal affects the existing canopy. In Mr. Cameron's professional opinion, these are the three items the Commission should be reviewing based on the material and evidence submitted and the applicable Standards when deliberating and making a decision.

Mr. Taylor further asked Mr. Cameron for clarification on approval of the COA by the Commission being limited to approval of tree removal and construction of a wall, not on lighting or construction of the parking lot, which may require some other form of approval. Mr. Schroeder added the consideration of tree removal is limited to how the removal will affect the canopy. Mr. Cameron stated approval by the Commission is not the only level of approval the Applicant will need. The Technical Review Committee (made up of Moore County engineers, Village of Pinehurst engineers, Fire Marshals, and Planning Staff) have been reviewing full detailed plans for the project and it was determined part of the requirements to be met was to obtain a Major Work Certificate of Appropriateness, and there are a few items that need to be signed off on by that Committee before construction of the parking lot may begin even with the granting of a COA.

Mr. Taylor verified with Mr. Cameron the three items the Commission may consider are trees to the extent to which their removal will affect the canopy, the wall to the extent to which it exceeds the height of the published Standards, and the location of the parking lot to which the Standards state new off street parking areas should not be located within the front yard.

Mr. Schroeder verified with Mr. Cameron, should the Commission approve a COA, the Commission is not the final approval on the matter, there are additional level of

approvals, however, the Commission's approval is needed before proceeding with the additional levels of approval.

Mr. Von Salzen reminded the Commission of the limited jurisdiction to be exercised over a limited number of issues in consideration of approval of the COA.

Mr. Herring continued deliberation on tree removal and wall height, two aspects of the proposed work the Commission agreed falls under the Commission's purview, and asked to review exhibits. Mr. Cameron reminded the Commission, with the evidentiary portion of the case closed, the Commission could not engage in any deliberation or discussion that would discount or discredit the evidence submitted without allowing the Applicant an opportunity to respond.

Mr. Cameron further stated the Commission's role and responsibility is to act as a judge, not to research or propose solutions or redesign the Applicants submittal.

Mr. Von Salzen stated there are aspects of this project that the Commission may not like but, if persuade those aspects are essential or structural to the characteristics of a parking lot, the Commission would be more likely to overlook these disadvantages from the Historic District standpoint. However, if Mr. Herring's assertions are correct, the aspects of the proposed work that are found to be a disadvantage to the Historic District may be ameliorated without destroying the essential or structural characteristics of a parking lot.

Mr. Herring agreed with Mr. Von Salzen's statement and stated Mr. Herring's analysis was provided to determine if there were possible alternatives the Applicant would consider to solve two issues that may cause the Commission to vote against approval of the proposed work.

The Commission discussed the responsibility of the Applicant to persuade the Commission that aspects of the proposed work were necessary, the inability to further discuss specific aspects of the proposed work due to the evidentiary portion of the hearing being closed preventing the Applicant from providing additional materials or testimony, the responsibility of the Commission being to evaluate or judge what is presented by the Applicant not to make informal / non-binding recommendations, and the Commission needing to base their decision solely on the material presented at the prior meeting.

Mr. Cameron stated the Applicant has indicated they would like to withdraw the application and verified with Mr. Dick Higginbotham, Pinehurst Resort, the intention was to withdraw the application.

Mr. Von Salzen ruled the application is withdrawn.

Mr. Alfred Cassidy, Senior Planner and Ms. Maria Carpenter, Planner, were sworn into the public hearing and testified as follows.

Mr. Von Salzen stated the order of the agenda has been changed, with the consent of the Applicants, to move item D: COA-2022-00138 (20 Spur Rd.) to the position of item B ahead of COA-2022-00139 (225 Linden Rd.).

B. COA-2022-00138 (20 Spur Rd.)

The purpose of this public hearing is to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for the construction of an accessory dwelling at 20 Spur Rd. The property is identified as Moore County PID Number 00013897. The property owner and applicant is Marilyn Barrett.

Ms. Carpenter discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Von Salzen accepted the materials submitted by Ms. Carpenter into evidence.

Mr. Taylor asked for clarification on the application being a re-submittal of a previously approved COA. Ms. Carpenter stated Mr. Taylor is correct, the previously approved

Ms. Christine Dandeneu, project architect, was sworn into the public hearing.

Mr. Schroeder and Mr. Taylor stated Ms. Dandeneu previously served on the Commission contemporaneously with them, however, no conflict of interest was present.

Ms. Dandeneu stated the only change to the proposed work from the previously approved COA was the windows, the project was not built after prior COA approval due to COVID, while the location of the proposed work is technically in the side yard but is essentially the back yard of the property on a dead end street that no one really sees, the proposed exterior material match the existing dwelling, is separate from the existing dwelling respecting the historic nature, and will be a nice addition / space for the Owners.

The Commission did not have any questions for the Applicant.

Mr. Von Salzen asked whether there was any member of the audience wishing to present testimony either in favor or against the proposed Major Work. None came forward.

The Commission deliberated on the location of the proposed work being conspicuous or inconspicuous in relation to the existing dwelling, the compatibility of the proposed work with the historic characteristics of the existing dwelling, and the consistency / congruity of the proposed work with the Historic District.

Mr. Lurtz moved that the Historic Preservation Commission approve a Certificate of Appropriateness (COA-2022-00138) and find the proposed Major Work at 20 Spur Rd. is consistent with Historic District Standards and is deemed congruous with the Pinehurst Historic District based on the testimony given, the material submitted and the findings of fact. Additional Findings: The Commission determined that the accessory dwelling is not compatible with the primary residence but is congruous with other residences in the Pinehurst Historic District. Seconded by Mr. Herring. Approved by a vote of 6-0.

Mr. Von Salzen recessed the Public Hearing for a 5 minute break at 04:57 PM.

Mr. Von Salzen reconvened the Public Hearing at 05:02 PM.

C. COA-2022-00139 (225 Linden Rd.)

The purpose of this public hearing is to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for installing exterior modifications to the side of the property, and the removal and relocation of the HVAC unit at 225 Linden Rd. The property is identified as Moore County PID Number 00027871. The property owner is Vima Marania and the applicant is Ronald Davidson.

Mr. Cassidy discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Von Salzen accepted the materials submitted by Mr. Cassidy into evidence.

Mr. Herring asked for clarification on the type of door proposed for installation as Exhibit A-4.3 shows a pair of doors, the mini-split system shown in Exhibit A-4.2 being an example of the type of system proposed and exact location the existing mini-split system will be relocated to, the type of existing and proposed windows, and the proposed door being a full view door as noted on Exhibit A-2.1. Mr. Cassidy stated the type of door proposed for installation is a single door, the mini-split shown in Exhibit A-4.2 is just an example of the type of mini-split system that already exists on the property and is being relocated from behind a gate to the location depicted in the exhibit, the Applicant would be able to provide further testimony on the existing windows however the proposed work is to remove a casement window and replace it with a double hung window, and the proposed door will be a full view door (steel clad with glass).

Mr. Ronald Davidson was sworn into the public hearing.

Mr. Davidson stated the mini-split system will be relocated near the proposed window and door and will be within view of the proposed window.

Mr. Herring clarified the existing windows are casement windows and asked why the proposed replacement window is not casement. Mr. Davidson stated all existing windows are casement and the proposed replacement window is not casement due to the Owner feeling a double hung window would make egress easier as this window is the only means of egress on that side of the dwelling.

Mr. Von Salzen asked whether there was any member of the audience wishing to present testimony either in favor or against the proposed Major Work. None came forward.

The Commission debated the location of the proposed new location of the mini-split system, whether the proposed new location of the mini-split is within view from the street, the need for screening around the mini-split system, and the replacement of the casement window with a double hung window meeting the Standards or not. Mr. Davidson re-iterated the Owner's reasoning for choosing a double hung window and stated additional landscaping would be used to help screen the mini-split system.

The Commission debated whether permissions or recommendations were permitted as part of the motion and concluded permissions are permitted.

The Commission discussed the style of door proposed and verified the door proposed will be a full view, single door.

Mr. Taylor moved that the Historic Preservation Commission approve with conditions a Certificate of Appropriateness (COA-2022-00139) and find the proposed Major Work at 225 Linden Rd. is not consistent with Historic District Standards but is deemed congruous with the Pinehurst Historic District based on the testimony given, the material submitted and the findings of fact. Conditions: 1. The mini-split HVAC unit be screened from view from Linden Rd.; 2. The door to be installed will be a full view, single door; 3. The Owner be permitted to install a casement window in lieu of the proposed double-hung window. Seconded by Mr. Lurtz. Approved by a vote of 6-0.

D. COA-2022-00142 (15 Beulah Hill Rd. N)

The purpose of this public hearing is to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for the extension of the existing rear porch at 15 Beulah Hill Road N. The property is identified as Moore

County PID Number 00015557. The property owners and applicants are Craig and Margaret Ellis.

Mr. Cassidy discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Von Salzen accepted the materials submitted by Mr. Cassidy into evidence.

Mr. Herring clarified the proposed work has already been completed. Mr. Cassidy verified the proposed work has already been completed.

Ms. Margaret Ellis was sworn into the public hearing.

Ms. Ellis apologized for completing the work prior to HPC approval and provided an explanation for completing the work prior to approval, which was due to a field adjustment recommended by the Contractor in order to provide room for duct work and to improve storm water management / drainage.

Mr. Von Salzen clarified the proposed work is not visible from the street. Ms. Ellis verified the proposed work is not visible from the street.

Ms. Mathis clarified the proposed work does not change the overall appearance of the dwelling, simply moves this portion of the dwelling out further. Ms. Ellis verified the overall appearance of the dwelling does not change, just moves slightly.

Mr. Von Salzen asked whether there was any member of the audience wishing to present testimony either in favor or against the proposed Major Work. None came forward.

Mr. Herring moved that the Historic Preservation Commission approve a Certificate of Appropriateness (COA-2022-00142) and find the proposed Major Work at 15 Beulah Hill Rd. N is consistent with Historic District Standards and is deemed congruous with the Pinehurst Historic District based on the testimony given, the material submitted and the findings of fact. Seconded by Mr. Taylor. Approved by a vote of 6-0.

E. COA-2022-00143 (1 Carolina Vista)

The purpose of this public hearing is to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for the construction of a parking structure at 1 Carolina Vista. The property is identified as Moore County PID Number 00025800. The property owner is Pinehurst Resort and the applicant is Robert Koontz.

Ms. Carpenter discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Von Salzen accepted the materials submitted by Ms. Carpenter into evidence.

Mr. Schroeder asked to view the Existing Site Conditions slide of the PowerPoint presentation and verified the location of the parking terrace depicted is an approximation of the proposed location. Ms. Carpenter stated the location depicted is an approximation.

Mr. Richard Higginbotham, CFO of the Resort; Mr. Jay Hugo, project architect; and Mr. Robert Koontz, landscape designer were sworn into the public hearing.

Mr. Higginbotham read a prepared statement outlining the intentions behind, design elements of, and community support of the proposed work.

Mr. Hugo reviewed a PDF presentation depicting the location of the proposed work in relationship to existing structures on the Resort property, photos of existing Resort site features and characteristics incorporated in the design of the proposed work, renderings of the proposed work depicting elevations, reviewed structural features of the proposed work, outlined access points throughout the proposed work, illustrations of proposed materials in relation to existing materials used on structures located throughout the property, reviewed details of the proposed landscaping in and around the proposed work, and the location of the proposed work in relation to existing parking areas on the site.

The Commission asked for clarification on how many parking spaces would be provided by the proposed work and whether the proposed work is meant to be a final approval or if modifications were to be expected. Mr. Hugo stated the proposed work would add 123 parking spaces and is meant to be a final approval.

Mr. Alex Cameron, Planning Supervisor, was sworn into the public hearing and testified as follows.

Mr. Cameron stated it was Staff's understanding the proposed work is at mostly a full detailed construction drawing or at least 90% and if there are any changes authorized as Major Work the Applicant would have to come back before the Commission for approval.

The Commission, Mr. Hugo, and Mr. Higginbotham discussed the timeline of construction for the proposed work coinciding with other construction projects in the area being an attempt to minimize construction impact and duration on the surrounding property owners.

The Commission, Mr. Hugo, Mr. Higginbotham, and Mr. Koontz discussed the removal of 25 trees 12" or greater in diameter, the installation of new Longleaf Pines on the site, and the lighting of the terrace's lower level not being within view of Highway 5 as the lower level of the structure will be obscured from view by a retaining wall.

Mr. Von Salzen asked whether there was any member of the audience wishing to present testimony either in favor or against the proposed Major Work. None came forward.

Mr. Herring voice approval of the proposed work.

Mr. Lurtz moved that the Historic Preservation Commission approve a Certificate of Appropriateness (COA-2022-00143) and find the proposed Major Work at 1 Carolina Vista is consistent with Historic District Standards and is deemed congruous with the Pinehurst Historic District based on the testimony given, the material submitted and the findings of fact. Seconded by Mr. Herring. Approved by a vote of 6-0.

Mr. Von Salzen recessed the Public Hearing at 05:59 PM for a 5 minute break.

Mr. Von Salzen reconvened the Public Hearing at 06:03 PM.

F. COA-2022-00145 (200 Beulah Hill Rd.)

The purpose of this public hearing is to consider a request for a Major Certificate of Appropriateness within the Pinehurst Historic District for the demolition of an existing and construction of a new office at 200 Beulah Hill Rd. The property is identified as Moore County PID Number 00029515. The property owner and applicant is the Village of Pinehurst.

Ms. Carpenter corrected the land use of the property in question is Public Conservation and discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Von Salzen accepted the materials submitted by Ms. Carpenter into evidence.

Mr. Lurtz asked whether the barn adjacent to the proposed work will be repainted. Ms. Carpenter and Mr. Cameron stated the Applicant will be able to answer Mr. Lurtz's question.

Mr. Mark Wagner was sworn into the public hearing.

Mr. Wagner stated the barn has already been repainted with the exception of the area directly next to the proposed work. Mr. Wagner stated the structural issues / condition of the office was discovered during preparations for re-painting the barn and office, and after inspection by the Building Official it was determined the office structure needed to be demolished and rebuilt.

Mr. Schroeder verified everything will look exactly the same as the existing. Mr. Wagner stated everything will look exactly the same with the only change being the replacement windows are vinyl instead of wood and vinyl windows have been used on other structures throughout the property.

Mr. Von Salzen asked whether there was any member of the audience wishing to present testimony either in favor or against the proposed Major Work. None came forward.

Mr. Herring clarified the need for one or two motions given the demolition proposed. The Commission verified only one motion was needed.

Mr. Herring moved that the Historic Preservation Commission approve a Certificate of Appropriateness (COA-2022-00145) and find the proposed Major Work at 200 Beulah Hill Rd. is consistent with Historic District Standards and is deemed congruous with the Pinehurst Historic District based on the testimony given, the material submitted and the findings of fact. Seconded by Mr. Lurtz. Approved by a vote of 6-0.

Mr. Lurtz moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Mr. Schroeder. Approved by a vote of 6-0.

IV. Review of Normal Maintenance and Minor Work Items
A. Minor Work COA's Issued 07/15/2022 – 08/16/2022.

The Commission and Staff discussed scheduling a Work Session for further work on revisions to the Standards. It was determined to delay scheduling a Work Session to after the current Standards revisions had been presented for approval by Council.

V. Next Meeting Date
A. Regular Meeting September 22nd, 2022

VI. Motion to Adjourn
Mr. Schroeder moved to adjourn the meeting. Seconded by Mr. Taylor. Approved by a vote of 6-0 at 06:17 PM.

Respectfully Submitted,


Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is available on the Village website at www.vopnc.org.

Vision: The Village of Pinehurst is a charming, vibrant community, which reflects our rich history and traditions. Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors. Values: Service, Initiative, Teamwork, and Improvement.