

Historic Resources Commission Meeting Minutes of September 10, 2014

- Members Present:** Brendan Ross, Jo Stephenson, David Carpenter, William Eakins, Woodard Farmer, David Nutter, Bryan Moffitt, Tracey Rizzo, Amanda Warren
- Members Absent:** Nan Chase, J. Ray Elingburg, Richard Fast
- Staff:** Stacy Merten, Peggy Gardner, Jannice Ashley, Sandra Anderson
- Public:** Jack Thomson, Brent Campbell, Hans Doellgast, Annie McDonald, Ted Alexander
- Call to Order:** Chair Ross calls the meeting to order at 4:03 pm with a quorum present.
- Adoption of Minutes:** Peggy Gardner presents changes made to the minutes on pages 15 and 16. Chair Ross asks for a sentence clarification and Commissioner Nutter asks for a wording change on the same pages.
Commissioner Nutter moves to adopt the August 13, 2014 minutes with changes as noted.
Second by: Commissioner Rizzo
Vote for: ALL

Consent Agenda:

None

Public Hearings:

Agenda Item

- Owner/Applicant:** William Omark and Cheryl Morris
- Subject Property:** 46 Short Street
- Hearing Date:** September 10, 2014
- Historic District:** Montford
- PIN:** 9649.11-8703
- Zoning District:** RS-8

Staff Comments	<p>Ms. Merten shows slides of the subject property and reviews the following staff report.</p> <p>Property Description: This is currently a vacant lot.</p> <p>Certificate of Appropriateness Request: Construct a new 1 ½ story single family 2,049 sq. ft. wood frame house structure with covered front porch and partial basement per attached plans and specifications. The new structure will have smooth stucco foundation. The siding will be smooth sided fiber-cement</p>
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	<p>with a 7” reveal on the main level and fiber-cement shingles in front gable and side gable ends. Roof will be gabled with a primary pitch of 10/12 and covered with a dark colored asphalt shingles. Windows will be aluminum clad, SDL, double-hung, 3 over 1 in singles and pairs; with some 4 light casements. Details include 5 ½” corner-boards, 5 ½” window and door surrounds, exposed rafter tails and decorative brackets. Porch will have wooden decking, 2” x 2” rails, 5.75” on center, with painted wood columns on stone bases and lattice screened at foundation level. Front doors will be wood, 3 light. Driveway will be concrete. Remove trees as indicated on site plan due to poor health and interference with construction. All permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <ol style="list-style-type: none"> 1. Porch rails should be closer together 2. Consider pier foundation for screened porch to protect the adjacent trees 3. Need screening for HVAC <p>The guidelines for New Construction – Primary Structures found on pages 92-93, and the guidelines for Landscaping and Trees found on pages 40-41 in the Design Review Guidelines for the Montford Historic District adopted on April 14, 2010 and amended August 2013 were used to evaluate this request.</p> <p>Staff Recommendation: Staff recommends approval of the request for the following reasons:</p> <ol style="list-style-type: none"> 1. The new structure is compatible with the surrounding historic buildings in the district in terms of siting, materials, scale, texture, and fenestration.
Applicant(s)	

Public Comment

Speaker Name	Issue(s)
None	

Commission Comments/Discussion

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Commission Action

<p>MOTION TO ADOPT FINDINGS OF FACT</p> <p>Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – new construction worksheet; Exhibit B – project description and location map; Exhibit C – photographs of project site and neighboring houses; Exhibit D – site map; Exhibit E – basement, main, and second level floor plans, roof plans; Exhibit F – front elevation, perspective drawing, right side, left side and rear elevations; Exhibits G – K (submitted 9/10/14): Exhibit G – revised site plan; Exhibit H – landscape plan; Exhibit I – color rendering of proposed residence; Exhibit J – smooth cypress trim sample; Exhibit K – shingle sample; Exhibit L – roof sample; and the Commission’s actual inspection and review of subject property by all members;</p> <p>I move that this Commission adopt the following FINDINGS OF FACT:</p>

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 27th day of August, 2014, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 27th day of August, 2014 as indicated by Exhibits M and N.
2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.
3. That the application is to construct a new 1½ story single family 2,049 sq. ft. wood frame house structure with covered front porch and partial basement per attached plans and specifications. The new structure will have smooth stucco foundation. The siding will be smooth sided fiber-cement with a 7” reveal on the main level and fiber-cement shingles in front gable and side gable ends. Roof will be gabled with a primary pitch of 10/12 and covered with a dark colored asphalt shingles (Weathered Wood). Windows will be aluminum clad, SDL, double-hung, 3 over 1 in singles and pairs; with some 4 light casements. Details include 5 ½” corner-boards, 5 ½” window and door surrounds, exposed rafter tails and decorative brackets. Porch will have wooden decking, 2” x 2” rails, 5” on center, with painted wood columns on stone bases and lattice screened at foundation level. Front doors will be wood, 3 light. Driveway will be concrete. Remove trees as indicated on site plan due to poor health and interference with construction. **All necessary permits, variances, or approvals as required by law must be obtained before work may commence.**
4. That the guidelines for New Construction – Primary Structures found on pages 92-93, and the guidelines for Landscaping and Trees found on pages 40-41 in the Design Review Guidelines for the Montford Historic District adopted on April 14, 2010 and amended August 2013 were used to evaluate this request.
5. This application **does** meet the design guidelines for the following reasons:
 - a. The new structure is compatible with the surrounding historic buildings in the district in terms of siting, materials, scale, texture, and fenestration.
6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness **are** compatible with the historic aspects and character of the Montford Historic District.

Motion by: Commissioner Nutter

Second by: Commissioner Moffitt

Vote for: ALL

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

Motion by: Commissioner Nutter

Second by: Commissioner Eakins

Vote for: ALL

Commission Action

MOTION TO CONTINUE 181 Flint Street to October 2014 meeting.

Motion by: Commissioner Moffitt

Second by: Commissioner Stephenson

Vote for: ALL

Ms. Merten says this application may be shifted to the Minor Work level.

Commission Action

MOTION TO CONTINUE 40 Cumberland Circle to October 2014 meeting.

Motion by: Commissioner Moffitt

Second by: Commissioner Carpenter

Vote for: ALL

Ms. Merten reports a Design Team meeting is scheduled for 4:00 on September 11 for this application.

Preliminary Review:

None

Other Business:

72 North Market, Section 106 Review - Sandra Anderson, Community Development Analyst for the Community Development Department of the City of Asheville, explains this property is owned by the Asheville Housing Authority, and they are seeking comments from the HRC in regards to Section 106 compliance. The Housing Authority is participating in a US Department of Housing and Urban Development program entitled Rental Assistance Demonstration program (commonly called the RAD program). The Housing Authority intends to convert their entire inventory of public housing units into project based units with vouchers. Under the Section 8 program, the City of Asheville is serving as the responsible entity to complete an Environmental Review for project at 72 N. Market Street. Commissioner Nutter notes this new program would convert the current public housing units there into Section 8 vouchers with more of an individual relationship with the occupants.

Ms. Anderson says the Housing Authority is not proposing at this time to do any rehabilitation of the properties, but they do intend to make capital improvements over time. For administrative purposes, they plan to establish limited partnerships through their affiliate nonprofit Asheville Affordable Housing, Inc., who will lease the properties. The Housing Authority will release the vouchers.

The SHPO has issued an opinion that this will result in an adverse affect on the property, because of future unknown actions by owners. To resolve, they are developing a Memorandum of Understanding (MOU) among the City of Asheville Community Development Department, the Housing Authority and HRC. The Commission will be asked to concur with this MOU. One of

the stipulations of the MOU would be if the new property owners propose any modifications to the interior public common areas, or the exterior of the building, they must consult with the City, the Western SHPO, and the HRC. Ms. Anderson invites the Commission to comment on this undertaking.

Commissioner Moffitt asked what consists of a modification, and what are the public common areas. Ms. Anderson says any changes whatsoever, paint colors, anything could be reviewed. She shows floor plans of the areas involved. Commissioner Nutter says the building's rooms were designed to be hotel rooms, and he wonders how anyone would know if changes were made inside their units. Ms. Merten says those changes would not be reviewed, only the common areas. She says changes to the common areas would only go through staff review, and she proposes to have the property flagged by the Development Services Department so if any permits are applied for, she would be notified.

Commissioner Nutter asks who will own the shell of the building, and the common areas. Ms. Anderson says this is a major concern of the SHPO, presently the affiliate nonprofit is proposed as the owner (Asheville Affordable Housing). Commissioner Moffitt asks if the title would be transferred to AAH, and would they then be the owner and leasee, then the federal government would provide the vouchers to individuals, which would be then be accepted by the Housing Authority. Ms. Anderson says this is correct, the vouchers would be attached to a person.

Ms. Anderson shows photographs of the interior. Ms. Anderson invites comments from the Commissioners. Commissioner Moffitt asks about the strength of the MOU and HRC's process. Ms. Anderson says it would be attached to the deed, and any changes at all would be subject to review. Commissioner Moffitt asks if HRC could supersede building code issues, such as doorknobs not complying with accessibility standards. Ms. Merten says all code issues would have to be resolved with Building Safety as is common practice and if she or the SHPO has any concerns these would be raised in the 15 day comment period and may be elevated to full HRC review.

Commissioner Nutter asks about details of enforcement. Ms. Anderson says Community Development would be handling it, they are acting as the federal representative. Atty. Ashley says she needs to review the MOU to make sure it has language to enforce HRC's concerns, and asks if the Commission has seen the MOU. Ms. Merten says no, it has not been finalized. Ms. Merten says enforcement is the concern, and also the SHPO's. She suggested the Downtown Design Review process should also be required, but the SHPO did not want to do this. Ms. Merten thinks flagging the property in the computer and permit system should be sufficient for alerting HRC about any proposed changes.

Commissioner Nutter asks Ms. Anderson if the temporary nature of the Rental Assistance Demonstration program is a concern, if it is not made permanent. He asks if HRC would have permanent involvement, if it is not. Ms. Anderson says no, there is no assurance of that, but HRC is involved at this time.

Commissioner Moffitt says for formal comments his questions would be 1) How will it be enforced? and 2) What is the definition of modification in the MOU?

Jack Thomson, Director of the Preservation Society of Asheville and Buncombe County, thanks Ms. Anderson for notifying him about this upcoming MOU. He says the PSABC's Endangered Properties Committee considers a donation of a preservation easement to the PSABC, privately held and enforced by them, would be a potential and powerful option to protect this property. He says they would monitor it on an annual basis, and it would convey throughout future sales of the

property. He says they will offer this as part of their formal comments.

Chair Ross asks if a preservation easement held by PSABC is something the Commission wants to encourage. Ms. Merten thinks it would be. Commissioner Moffitt says a preservation easement would be concurrent with the MOU, and would bind it in perpetuity, whereas the MOU may or may not. Ms. Merten says the question would be whether or not the MOU should include language addressing the preservation easement. Commissioner Farmer asks if PSABC is the appropriate entity to hold the easement. Ms. Merten says yes, and Mr. Thomson gives examples of easements the Society holds, including The Manor. He says they have an active and ongoing easement program. Atty. Ashley comments an easement may cause future owners to say this impacts their ability to finance the project, though she agrees it would be the best protection method. Others agree.

Commissioner Warren asks Mr. Thomson if PSABC currently holds easements on affordable housing properties, and if they are comfortable with this. Mr. Thomson says they do not have any currently, but they are comfortable with the concept. Commissioner Warren says she has managed these structures, and thinks the goals of Section 8 housing may conflict with HRC review. Mr. Thomson notes the easement would have to follow existing building codes as well.

Commissioner Nutter asks Ted Alexander of Preservation NC if there are other similar examples in the state. He says yes, and notes the Grove Arcade is federally owned. Atty. Ashley says there are numerous examples of low-income housing using tax credits, and these would have to comply with historic guidelines.

Commissioner Carpenter asks for clarification, if the Commission will be required to consider project costs as a factor in their reviews, given that it will be Section 8 property. Atty. Ashley says this would be the same as their reviews in historic districts, where even if a property owner states they can't afford something, the guidelines are still enforced.

Ms. Merten says the Commissioners' comments will be compiled and given to Ms. Anderson and the SHPO for the formation of the MOU. Then it will come back to the HRC to sign.

Hearing on Local Landmark Application for Barrett/Ox-Ford Farm property. Atty. Ashley notes this item was listed under 'Other Business', but should be under Public Hearings, since a decision will be made if the property should be recommended as a Local Landmark. Ms. Merten says she understood this was more of a zoning decision, and is not a quasi-judicial hearing. Atty. Ashley says that is technically true, since it is a recommendation, but she would rather conduct it as quasi-judicial, given that it will lead to an ordinance and there are written Findings of Fact:

(Staff) RECOMMENDATION

Madame Chair, I move that this Commission adopt the following FINDINGS:

1. That notice of a public hearing on this designation was published in the Asheville Citizen-Times on the 30th day of July and the 27th day of August, 2014, and that all owners of real property situated within 200 feet were notified of this hearing by mail on the 30th day of July, 2014.
2. That at this hearing, the applicant, her representatives and the public were all given the opportunity to offer oral and documentary evidence to the Historic Resources Commission

members.

3. The Barrett/Ox-Ford Farm is located at 75 Ox-Creek Road, in Buncombe County.
4. Although the Barrett/Ox-Ford Farm was listed on the National Register of Historic Places on May 8, 2013, this in itself does not a guarantee designation as a local landmark.
5. The proposed landmark designation area consists of the Barrett/Ox-Ford Farm landscape which includes the natural features, farmstead, pastures, woodlands, roads and fences on 54.02 acres currently owned by Dr. Edith Hapke, reflecting the preponderance of land originally associated with the farm. The designation also includes 4 contributing buildings, 1 contributing structure and 14 non-contributing buildings and structures as identified in the National Register nomination report and attached map.
6. The Barrett/Ox-Ford Farm cultural area is significant for its association with the agricultural heritage and life on a mountain farm in the Ox-Creek and Reems Creek Valleys in the late nineteenth to early twentieth century (1895-1950).
7. As the area is being nominated for its association with the agricultural heritage of the Ox Creek and Reems Creek valleys, aspects of Setting, Feeling, and Association and to a limited degree Design are the most important aspects of integrity which should be retained in order to convey the property's significance.
8. Although the design and setting of the original farmstead is somewhat intact, with the spatial organization of the core farmstead, (except grist mill and original log cabin lost prior to 1950) pastures and woodlands existing generally as they did historically, the addition of ten new structures and four new buildings, which are non-contributing modern components, compromise the integrity of the historic farm setting.
9. The design of the original old barn, the primary agricultural building, has been altered by enclosing the original shed additions, which had been used for curing tobacco (north shed) and to house the Barrett's horse and carriage (south shed). Except for one board and battened door on the west end, the doors and shuttered openings have all been sheathed with weatherboards and the barn is now used primarily for storage.
10. The addition of modern electric fencing, expansion of road networks, and alteration of the natural riparian corridor with riprap and large boulders combined with the numerous non-contributing structures compromise the integrity of feeling associated with a mountain farm from the turn of the 20th century.
11. While continuing as a farm today, the character of the current farming operation, (sheep and cattle) taking place primarily in new structures, does not reflect the character of the subsistence era farming operation in place during the period of significance, thus compromising the agricultural association relevant to the period of significance.
12. Although, the Barrett Farm is a rare example of an active working farm in the Reems Creek Valley, which was the predominant land use until the suburbanization of the area in the later part of the 20th century, it does not retain a sufficient degree of integrity as demonstrated above to qualify for Local Landmark designation.

Based upon the foregoing reasons, the Historic Resources Commission of Asheville and Buncombe County deems and finds that the Barrett/Ox-Ford Farm **while** significant in terms of its special historical, and cultural significance; **does not** possess the required integrity of design, setting, workmanship, materials, feeling, and/or association to convey that significance. Based upon the foregoing, the Historic Resources Commission recommends that the Buncombe County Board of Commissioners **not adopt** an ordinance designating the Barrett/Ox-Ford Farm, as a local historic landmark, but instead that the Historic Resources Commission nominate the property for

the Notable Properties program to recognize Dr. Hapke for the valuable work that she has done in rehabilitating the John G. and Nannie H. Barrett/Ox-Ford Farm.

Atty. Ashley notes Commissioner Warren should be recused, since she works for someone who is involved in the project. Commissioner Moffitt moves to recuse, Commissioner Eakins seconds, all agree.

Ms. Merten introduces Ted Alexander, the Western Regional Director of Preservation NC. He encourages the Commissioners to attend their 75th annual conference, which will be held Oct. 8-10, in Raleigh.

Mr. Alexander says he has returned to address concerns raised at the August meeting concerning the integrity and form of the agricultural components of the property, whether the interior should be involved, and the significance of Dr. Barrett. He notes additional information addressing these concerns has been submitted to the Commission from Jan Lawrence (Dry Ridge Historic Museum), Carl Silverstein (Southern Appalachian Highlands Conservancy), Glenn Stach (Preservation Landscape Architect) and the Griffin Award Nomination (PSABC).

He shows a map of the Reems Creek Township c. 1900, which shows how settlement patterns followed the waterways into the mountain coves. He notes the area was well populated, with approximately 200 buildings, mostly along the main roads. He says only scattered remnants of the late 19th century remain in this area, with none retaining their agricultural nature, except for the Barrett farm. He points out and describes the Brigman Chambers farm, which is now less than one acre, the remains of the Roberts house, the Ed Parker property which was similar to the Ox-Ford farm, and a house associated with the Hemphill family, which had ties to the Barrett farm. He shows a 1945 view and notes that it is less populated, most of the remaining structures date from the early 20th century, and by this point historically agricultural properties had already been subdivided for later generations. He notes the Ray house is architecturally interesting, but does not have the cultural significance for Buncombe County that the Barrett Farm has.

Mr. Alexander shows a current tax map of the area, and notes many large parcels have been carved into smaller lots. There is significant development in some of the parcels, he notes the new structures next to the Brigman Chambers house. Currently real estate in the Reems Creek Valley is highly desirable, with its mountain views and proximity to the Blue Ridge Parkway. The trend is for second homes instead of agricultural use. Since 1950 many ranch houses and two story large estates have been built. He notes there are a few properties that still have some agricultural use, but the original homes and outbuildings connected to them are gone.

Mr. Alexander describes how the Barrett Ox-Ford farm represents the agricultural history of the Reems Creek valley the best, and shows a 1985 aerial view of the farm. He points out the original buildings that still exist. Changes to the c.1895 house have only included the addition of a dormer, a rear addition for an indoor bathroom, and screening of the rear porch. He shows a 1910 photograph of the rear of the house showing this porch.

Mr. Alexander says the c. 1895 barn needed the greatest rehabilitation when Dr. Hapke purchased the property in 1978. The shed roof wing to the south historically housed Dr. Barrett's carriage and the shed wing to the north added in mid 20th century for tobacco curing were both sided to add area to the barn. The c.1895 springhouse only required new roof shingles, and the c.1935 garage and blacksmith shop was converted into a storage and canning area, with wire

chicken pens attached. He says the privy has been moved, as was customary, and still functions. Commissioner Nutter asks if the privy is happy at its new location, Mr. Alexander replies he thinks it is.

Mr. Alexander points out the fourteen non-historic structures which are located at a distance from the historic buildings, cited behind and above them and screened by extensive vegetation. They are low post and roof cattle structures with exposed frames, and when plywood was used it was allowed to weather naturally. They have a temporary appearance and are not permanently fixed to the landscape. The two largest are the log house and barn added in the early 1980s.

He addresses a question previously raised whether sheep were historical to the property, showing a 1950 photo of Dr. Barrett tending sheep in the pasture above the house. He notes the farm originally had a ¼ acre garden, and cows, mules, sheep, pastures and woodlands, which it still has. There was a log cabin and gristmill, but there is no photographic documentation of these structures.

Mr. Alexander refers to the Findings of Fact and the staff recommendation the HRC received at the August meeting, and says the documentation he has presented supports and elaborates various related facts. He takes issue with some of the findings, one saying the absence of the gristmill and log cabin would detract from the historic legacy of the mountain farming operation. He says this is not a criteria upon which the HRC should base its decision. He says the assumption that the current use as a cattle farm doesn't reflect the character of the subsistence farming character during the period of significance isn't entirely correct. He says it is clearly evident the family did keep sheep, as well as cows and chickens, and the ¼ acre garden is still in use. He notes Ravenscroft, which is a Local Landmark, is no longer used as a school or even a boarding house, which were both historic uses of the building, and its current use bears no relation to its original functions.

Mr. Alexander notes the Barrett Farm is of special significance to Buncombe County as a rare and intact example of a working mountain farm which retains its original agricultural use and landscape features, and that the property retains its historic integrity. He says the property deserves the protection Local Landmark status would provide. Commissioner Farmer asks him to explain this protection. Mr. Alexander answers one of the main purposes of a historic commission is to recognize properties as significant, and this recognition can also be used as a planning and preservation tool. He notes the design review process offers a protective buffer, including periods of delay in cases of proposed demolition. Commissioner Nutter asks if proposed additions or changes to a Landmark five years after its designation would require a Certificate of Appropriateness. Ms. Merten replies yes.

Commissioner Carpenter says he understands the Barrett Farm has a National Register designation as a district, not as individual buildings, and asks what level of protection that provides. Ms. Merten says this is the way it is listed. Mr. Alexander says the only protection this offers is Section 106 review for federal and state properties, and if someone wanted to use the tax credits, they would have to follow Secretary of Interior standards. He notes if they don't want the tax credits, there is no protection. Commissioner Carpenter says it is important for the HRC to remember to review this nomination as a cultural landscape, not as individual buildings. Ms. Merten says according to her research on landmark designations, landmarks do not have district as a quality, but they do have area. Commissioner Carpenter notes subsistence farms do go through changes, and he thinks it is interesting that the current owner is a doctor like the original owner, and the farming proceeds are secondary income.

Commissioner Nutter reads from Glenn Stach's memo, about the addition of non-contributing structures not obstructing the spatial organization or patterns of use, and asks Ms. Merten if she agrees. Ms. Merten says she thinks it is very germane, and says this is a question of interpretation for the Commission. She thinks there is a difference between saying a property is significant for its association with agriculture in general, than from saying it is a rare example. She says the NR process may give a bit more leniency in integrity for a certain property type, though she can't say for sure that is what was done for this property. She thinks because it is a cultural area, workmanship and materials are not as important as integrity of setting, feeling and association, and design to a certain extent. Commissioner Nutter says it is his understanding that this farm is the last of its kind in Buncombe County as a whole, and he believes Mr. Alexander's presentation on the Reems Creek valley makes this absolutely clear. Ms. Merten agrees it was an excellent presentation on the rarity of this farm in regards to the valley, but she wouldn't go as far as to say county-wide. She agrees it was an excellent presentation on the rarity of this property as a continuing farm in Buncombe County. Chair Ross says this by itself does not make the property landmark worthy. Ms. Merten agrees this rarity, in and of itself, is not a reason to designate it, though it is worth taking note of. She notes another location could become a farm in the future.

Commissioner Moffitt asks what historic designations are currently in place for the Barrett Oxford Farm, and if the current owner is considering easements on the property, and whether that is dependent on this process. Mr. Alexander answers currently only the National Register designation as an area protects it, and the owner is considering easements. He does not know if that decision is dependent on the landmark designation. It could have an easement, but that hasn't happened yet, and there is no assurance in place. Ms. Merten asks if the owner understands the constraints that landmark designation could put on the property, Mr. Alexander replies that is her desire, she wants the property to remain as it is now.

Commissioner Stephenson says she has no doubt that the farm is significant, but it is at the stage it is now because it still functions as an operating farm. She notes landmark designation could constrain the evolvement of the farming operation. Mr. Alexander notes this is true for any landmark, and this review process is for the property as it is now. Commissioner Stephenson says that means they would not be preserving a farmstead from the 1900s, they would be preserving a farm from 2014. Commissioner Nutter says the Commission would be preserving what is currently seen on the site. He says the idea that a landmark designation may make it impossible for it to continue as a working farm is so speculative. Commissioner Rizzo says it is important the owner fully understands the implications. Ms. Merten says she hesitated to bring that up, but thought the owner should be aware. She says ultimately the HRC has to make the finding that the property is significant and retains integrity. She says she almost feels like they would be preserving a 2014 farm, as Commissioner Stephenson suggested. Commissioner Farmer asks if there are other comments to consider, and Jack Thomson (Director, Preservation Society of Asheville and Buncombe County) is introduced.

Mr. Thomson says he has not heard all of the HRC's discussion, but he is very familiar with the property due to its receipt of a Griffin Award. He thinks there are a number of factors in place that make it simply good preservation practice to consider this large parcel for landmark status. He notes only a half mile away a visitor to the Vance Birthplace, a state historic site that has very little contextual value in the landscape, is greeted by a neighbor's looming logging truck. He adds the Brigman-Chambers house sits on a tiny lot at the gateway of the predecessor of what are now called McMansion developments, and says these are examples of what could happen to the

Barrett Farm property. He says a relevant analogy to the concern about future changes being constrained by landmark status would be many of the projects the HRC reviews in Montford, when accessory structures are proposed for the backyards. He notes these new garages or apartments are often approved. He says landmark status would not mean there would not be future applications for a CA, nor would they necessarily be denied and prevent changes to the property. He says his board has not made a formal statement on this application, but as staff he strongly encourages the HRC make a recommendation to Buncombe County Commissioners in support of landmark status for this property.

Chair Ross says she appreciates the significance of the property and the work Dr. Hapke has done with it, but she would not take her grandchildren to the Barrett Ox-Ford farm to experience an historic farm. She does not get that feeling when she is there, and thinks this is because she grew up on a 1916 farm. She says it was farmed by relatives up to ten years ago, and laments the main house has been torn down. She describes her family farm, and the structures and landscape features that are intact. She says even in approaching her family's property, you feel like you are on a 1916 hardscrabble farm. She says she has tried to get this feeling on the Barrett Farm, because she knows powerful people are in favor of it being a landmark, but it doesn't have that feeling for her. She says it is not just a feeling, but also a visual impression.

Commissioner Farmer says farms evolve, and this one does at least retain the main farmhouse. He notes it is on a large tract of land that is substantially intact, though there have been needed improvements to the roads and the bridges. He says this is a good example of a working farm as it evolved over time.

Commissioner Rizzo says the past two comments bring up how subjective the term 'feeling' can be. She knows feeling is a supposed to be addressed, but hopes facts will be used instead. Ms. Merten says feeling is a criteria that must be addressed, Commissioner Rizzo asks whose feeling, noting hers differs from Chair Ross's, because she didn't grow up on a farm. Commissioner Nutter says he visited the farm the past week, and has been taught to be objective, but he saw an historic farm in terms of the number of historic buildings, and the patterns. He thought the non-contributing structures were built in a style compatible with an historic farm. Ms. Merten asks if someone came in the future with an application to tear one of the non-contributing structures down, what would he think. Commissioner Nutter asks if this case would be quasi-judicial. Atty. Ashley answers yes, a CA would be involved. Commissioner Nutter says based on this, the total decision would have to be based on the evidence presented at the hearing. He offers to make a motion, Atty. Ashley says there may be more discussion.

Commissioner Carpenter says his family's farm was not protected, and has now disappeared into parceled off development. He reads from the Stach's memo, about spatial organization and landscape patterns. He thinks since most of the changes have been made away from the road, they do not impact these patterns, and thinks this should be a consideration in favor.

Commissioner Farmer discusses the term 'subsistence' farm, saying he thought this meant that the farm's products provide primarily for the family that lives there. He notes the Biltmore Farm originally would have been called subsistence. He doesn't think the term hardscrabble farm is relevant in this case.

Attorney Ashley gives instructions on making a motion, noting the findings as written would have to be altered if the motion is proposed in favor of landmark status. Commissioner Nutter says the findings are too wordy, if it goes to the County Commission in this form. He notes the number of negatives, and says it is a strange piece of work. Ms. Merten says he doesn't have to

agree with it. Commissioner Carpenter says other findings would need to be written if the motion is in favor. Atty. Ashley agrees, and suggests this could be done while the motion is read.

Commissioner Moffitt suggests a straw poll may be in order, Commissioner Farmer suggests an indication of interest instead. It is agreed this would be helpful. Atty. Ashley says this is often done, and the findings can be compiled by the attorney in attendance based on these statements. Commissioner Farmer asks if perhaps a vote should be postponed, given that several Commissioners are not in attendance. Commissioner Carpenter notes his opinion has changed over time from the presentations and discussions, and he is now in favor of designation.

Commissioner Nutter asks Ms. Merten if she wrote the findings. She replies yes, and says she takes offense at the question. She says she respects that others disagree with her findings, but does not think her writing should be criticized. Chair Ross notes that is her job. Ms. Merten says she is somewhat ambivalent about the property, says she is on the fence and knows the Commission is struggling with their decision. Commissioner Carpenter says he disagrees with the position Ms. Merten took, not the way she wrote the findings. Ms. Merten says she did quite a bit of research on local landmark designation, and how it differs from National Register, and what the most important things are when you are designating a cultural area. She says she wrote the findings to defend her position in opposition to the designation.

Commissioner Nutter apologizes, and says he can see that the intention was different than what he first thought. He says in a way the findings raise points that are both positive and negative. He apologizes again, and says he thinks the property deserves to be a local landmark.

Commissioner Stephenson says she is against the designation, she thinks it is very significant, but there are other preservation measures, such as easements, that could protect the property. She doesn't think the property fulfills the criteria for a local landmark.

Chair Ross says she would vote against, because she has concerns with the integrity of what remains on the farms, doesn't think it is a good example and there are too many alterations. She doesn't think the fact that it is the last farm in the valley is a reason to landmark it. She notes a preservation easement could protect it, and there are other ways to give Dr. Hapke recognition for her work, a Notable Property award, and thinks this would be appropriate.

Commissioner Rizzo supports designating the property as a local landmark, because she thinks feeling can be created. She notes the more she has learned about the property, the more she sees its significance. As a history educator, she thinks this is relevant, she thinks people need to be led to see significance. Ms. Merten agrees with her, and says the presentations given at this hearing have swayed her to be more in favor of designation.

Commissioner Moffitt says he is against landmark status. He says he was recently involved with the Biltmore School project, which was changed so much from its original use that it could not be called a landmark. He notes like the Barrett Farm, it is still historical, beautiful and relevant, but it is not a landmark.

Commissioner Farmer says he is in favor, because it is the only intact farm or historical landmark left in the area. He remembers the area as a farming community from his youth, when he went on housecalls with his father. He laments the state of the Vance Birthplace.

Commissioner Eakins says he intends to vote against it, saying it lacks integrity. He thinks in terms of the farming traditions of the Reems Creek community it is not typical.

Ms. Merten says she often gets calls from people wanting to designate their property as a

landmark. She shares their passion for the history of the property, but says she always tells them landmark status is reserved for the most significant examples. She is a major proponent of preservation of cultural landscapes. She says though she was very swayed by Mr. Alexander's presentation, she stands by her original recommendation against.

Commissioner Carpenter says he cannot find a description of what qualifies as a landmark on the HRC site. Ms. Merten says this information is given to anyone interested, Atty. Ashley notes state law regulates the procedure, and outlines the steps that have been taken in this case. She gives direction on how the motion should be read, and explains what happens since there is a tie. She says the Commission should go forward with the vote. Commissioners Carpenter and Moffitt ask for clarification on how the pro opinion will be expressed, since the motion is written in the negative. Ms. Merten suggests that Commissioner Nutter make the motion in the affirmative, making changes as he reads it (with the help of Atty. Ashley and other Commissioners).

Commissioners discuss how the Findings can be changed to read in the affirmative.

PUBLIC HEARING ON DESIGNATION OF LOCAL LANDMARK

Owner/Applicant: Edith Hapke, M.D.
Consultant/Representative: Laura A. Phillips/Ted Alexander of Preservation NC
Subject Property: 75 Ox-Creek Road
Hearing Date: September 10, 2014

MOTION OF RECOMMENDATION

Madame Chair, I move that this Commission adopt the following FINDINGS:

1. That notice of a public hearing on this designation was published in the Asheville Citizen-Times on the 30th day of July and the 27th day of August, 2014, and that all owners of real property situated within 200 feet were notified of this hearing by mail on the 30th day of July, 2014.
2. That at this hearing, the applicant, her representatives and the public were all given the opportunity to offer oral and documentary evidence to the Historic Resources Commission members.
3. The Barrett/Ox-Ford Farm is located at 75 Ox-Creek Road, in Buncombe County.
4. The Barrett/Ox-Ford Farm was listed on the National Register of Historic Places on May 8, 2013.
5. The proposed landmark designation area consists of the Barrett/Ox-Ford Farm landscape which includes the natural features, farmstead, pastures, woodlands, roads and fences on 54.02 acres currently owned by Dr. Edith Hapke, reflecting the preponderance of land originally associated with the farm. The designation also includes 4 contributing buildings, 1 contributing structure and 14 non-contributing buildings and structures as identified in the National Register nomination report and attached map.
6. The Barrett/Ox-Ford Farm cultural area is significant for its association with the agricultural heritage and life on a mountain farm in the Ox-Creek and Reems Creek Valleys in the late

nineteenth to early twentieth century (1895-1950).

7. The design and setting of the original farmstead is intact, with the spatial organization of the core farmstead, (except grist mill and original log cabin lost prior to 1950) pastures and woodlands existing generally as they did historically, the addition of ten new structures and four new buildings, which are non-contributing modern components, do not compromise the integrity of the historic farm setting because they were necessary and evolved with the needs of the farm, they are not visible, and they are compatible in materials and design.
8. The farm's organization of core farmstead, pastures and woodlands exist today much as they did during the period of significance established by the property's 2013 National Register Nomination. Each of these three character-areas (farmstead, meadow and woodlands), appear sound and retain integrity.
9. The Barrett Farm is a rare example of an active working farm in the Reems Creek Valley, which was the predominant land use until the suburbanization of the area in the later part of the 20th century, and retains a sufficient degree of integrity as demonstrated above to qualify for Local Landmark designation.

Based upon the foregoing reasons, the Historic Resources Commission of Asheville and Buncombe County deems and finds that the Barrett/Ox-Ford Farm **is** significant in terms of its special historical, and cultural significance; **does** possess the required integrity of design, setting, workmanship, materials, feeling, and/or association to convey that significance. Based upon the foregoing, the Historic Resources Commission recommends that the Buncombe County Board of Commissioners **adopt** an ordinance designating the Barrett/Ox-Ford Farm, as a local historic landmark, but instead that the Historic Resources Commission nominate the property for the Notable Properties program to recognize Dr. Hapke for the valuable work that she has done in rehabilitating the John G. and Nannie H. Barrett/Ox-Ford Farm.

Motion by: Commissioner Nutter

Second by: Commissioner Farmer

Vote for: Commissioners Nutter, Farmer, Carpenter and Rizzo

Vote against: Commissioners Eakins, Moffitt, Ross and Stephenson

Atty. Ashley notes lack of a majority vote means the recommendation fails, but the minutes will be presented to the Buncombe County Commissioners with write ups describing both sides. Ms. Merten says the staff recommendation would serve as the against argument, and the motion as written as the argument in favor of approval.

Mr. Alexander thanks the Commission for the hard work in making their decisions.

Discussion of new construction proposal, 99 Cherry Street

Ms. Merten says she has not heard from the person who asked for this agenda item.

Discussion of formalization of Landmark and Education Committees

Chair Ross says there is a need for some energy in the committees. It has been suggested all Commissioners be appointed to one committee. It is agreed this is a good idea. The following

appointments were made:

Landmark Committee: Commissioners Ross, Farmer, Eakins, Chase, Carpenter and Rizzo.

Education Committee: Commissioners Moffitt, Stephenson, Warren, Elingburg, Fast and Nutter

Ms. Merten says committee chairs will be decided at the first meetings, and a regular meeting time can be established then. She says Commissioners are welcome to be on both committees.

Commissioner Stephenson asks if at-large members are allowed, Ms. Merten says yes. She notes attendance by at-large members has been a problem.

Preservation Plan update

Ms. Merten reports the most recent draft of the Preservation Plan has been distributed to the Commission, and a final advisory meeting will be held on September 18. One of the goals of this meeting is to set a schedule for taking the plan back to the Downtown Commission, the Planning and Zoning Commission, and the Planning and Economic Development Committee before it goes to City Council for final approval. She says she would like to bring the plan back to the Commission in October to review, but this might be at the November meeting. She is attending the Downtown Commission retreat on September 19 to answer questions about the plan, and says they are generally supportive.

Commissioner Moffitt moves to adjourn the meeting.

Second by: Commissioner Eakins

Vote for: ALL

The meeting is adjourned at 6:34 pm.