

Historic District Commission meeting minutes May 25, 2022

In attendance: Chair Rebecca Schwarz, Selectmen's rep Howard Brown, Member Mary Katherine McNamara, Vice Chair Karolin Campbell, Member Doug Irvine, Secretary JoAnn Kitchel

Agenda:

- Revote on panel of officers as required by the selectmen.
- Read in email conversation re: re-installation of window (where one had been present prior) facing the Hooper's old property.
- Architectural change guidelines review.
- Mail, announcements, and review of April's meeting minutes

2022 Action Items:

- Update & Accept Rules of Procedure
- Update & Accept Historic District Ordinance

Meeting called to order at 7:00 pm

Karolin made a motion to re-elect the full slate of officers, Mary Katherine seconded. Motion passed.

Rebecca read through emails where a proposed change to JoAnn Kitchel's house was discussed to bring it into the public meeting. In the future, other than meeting planning, no discussions are to take place via "reply all" emails.

On March 28th, an email was sent out by JoAnn Kitchel to the full board:

"My husband and I are reclaiming an underutilized portion of our home, making a small bedroom for my 85 year old mother who will be visiting in May. I'm attaching a photo of the proposed window addition (the window farthest from the green door). The windows in the home are not original and were replaced by the former owners. This part of the house faces the backyard of the former Hooper property. Do I need to request a special meeting to proceed?"

3/28/22 Mary Katherine McNamara replied all:

"Great idea to use that area for your mom! Since your windows have already been replaced and the new window does not face Main Street, I don't think voting on your project should be necessary. I'm sure it will be beautiful!"

3/28/22 Karolin Campbell replied all:

"That would be my read as well, unless there's something starkly contradictory in our guidelines. Sounds like a nice improvement!"

3/28/22 Rebecca Schwarz replied all:

"We do not want to give the impression that we are giving special privileges to our own members so we should have an application on hand. The Code of Conduct we just enacted states that JoAnn would have to recuse herself from the meeting, but attend as an applicant. I'm assuming though the changes are made to the rear of the building you will have to pull a building permit and would be referred to us anyway. When are you planning on making the changes? We already know we will not be able to hold our regular meeting in April so we can schedule a special meeting around your application."

3/28/22 Rebecca replied all:

"Actually, our guidelines do state specifically that if the changes are in kind repairs you don't need to apply and lists windows as one of those items. So long as the outside of the building isn't changing you should be able to proceed without an application to us. However, if the change includes changing of the outside of the existing window, or placing a window where there wasn't one previously you would have to come before the Commission. If you're creating a bedroom that wasn't a bedroom before I do believe you would have to file an application with the building inspector, I'd refer to you then for questions regarding that. If you can clarify the questions regarding the window we can make a more informed decision."

3/28/22 JoAnn replied all:

"There isn't currently a window there. It will look just like the photo I sent the group. So it looks as if I am requesting a special meeting at the group's earliest convenience. My husband would like to move forward with this soon."

3/28/22 Mary Katherine replied all:

"Is it possible to vote by email or do we need to meet in person?"

3/28/22 Rebecca replied all:

"The application is on our page of the Town website. Once that's dropped off to Town Hall with the payment we can schedule in the next 2-3 weeks. We have to post the notification to the paper and mail letters to abutters so it's at least 10 business days from the time of application. This is a requirement of the NH Right to Know laws. We cannot vote by email, technically this conversation is also a violation of the Right to Know laws as it can be construed as a private meeting as well, so we will have to disclose the email in our next minutes as well. It's just a matter of stating that JoAnn emailed the group to see if she needed an application and it was deemed necessary. Not a huge deal. As JoAnn will have to recuse herself from the hearing, we need to be sure the rest of us are available for a quorum and we will need to choose someone else to take the minutes. That should be done at the time of the meeting. I'd suggest that in order to protect the Commission from any allegations of wrong doing we stop discussing the specifics of the application and hearing at this time since we have enough information to know that an application will be required. Once I receive notification that the application has been received I'll email the group again to schedule the special meeting. Thanks for your quick response JoAnn, we'll get this scheduled at our earliest opportunity."

3/29/22 JoAnne emailed all:

"After some research and advice, I would like to request a special meeting concerning our home improvement project. I believe Howard is out of town until April 7th."

3/29/22 Doug replied all:

"I'm more than happy to meet regarding JoAnn's rear window. Sorry, couldn't help myself..."

3/29/22 Mary Katherine replied all:

"Haha! I'm happy to meet to discuss JoAnn's window situation."

Some email discussion of meeting dates & times.

3/30/22 Rebecca replied all:

"After speaking with JoAnn yesterday, we can expect her application to be dropped off this morning. Once I get notification from the office that the application has been received and what date they can get the posting to the newspaper done, I will reach out to the group to schedule a meeting."

3/30/22 Rebecca replied all:

"I have received word from the office that JoAnn's application is on file and that the earliest date of the newspaper we can get into is 4/3. This means that our meeting can not be scheduled until 4/23. I know many of us are on vacation that week as we discussed that at our last meeting. Do we have two people (besides JoAnn) that can be in person on Saturday, April 23? I'm not leaving until the 24th for my vacation, so I can meet any time during the day of Saturday. We can hold the meeting as early as 8am. I'm sure it will be a very quick meeting as we have all the information we need already. Please respond asap, we need to get the advertisement to the paper by 4pm today to make the 23rd possible."

Some email discussion of meeting dates & times.

Subsequently, on March 31, 2022, JoAnn emailed all:

"Good news everyone. We found a pic of the house that shows there was once a window there. I no longer believe I need permission to move forward. Thank you for your efforts and willingness to help, but I no longer am asking for a special meeting."

3/31/22 Rebecca replied all:

"It's so hard to know what to do in this situation. We really need to work on our guidelines and get them up to date so we don't run into this issue in the future. It has clearly caused a lot of confusion along the way. I think the best course of action is still to hear it, so there is an approval on file in case anyone files a complaint. The biggest reason for this thought is that the guidelines do clearly state "all modifications to exterior architecture must be approved by the HDC prior to actual commencement of the modification". With that said, timing is obviously an issue with this particular case, and while I'm not advising that the project moves forward without an approval, it certainly wouldn't be the first time that we've heard an application after work has commenced. In my opinion, the most important thing is leading by example and not upsetting those members of the Historic District that we are attempting to govern by not adhering to the rules ourselves. The idea that a window was once there, and now is not, but will be added back may be enough to be considered a precedent that may

allow for the change to move forward without a decision, but the wording in our own guidelines sounds as if it is required. It's just clear that none of us particularly knows for sure, which is very frustrating."

3/31/22 JoAnn replied all:

"Thank you for your opinion in this matter. I have removed my request for a special meeting."

Rebecca acknowledged that the window is in & looks nice. JoAnn's mother has been visiting. The view is improving (Hooper's old property) & JoAnn mentioned getting a notification from the new owner's septic guy inquiring about her (JoAnn's) well location. JoAnn touched on, having gone through the process for window approval, that the process seems antiquated, between posting in papers (\$60) & certified mailings to 13 properties (within 200'), including the cemetery, seems like an exorbitant amount of money, written in checks to boot. JoAnn happened to see Eileen Nabor, who said "you don't need that". JoAnn tried to reach out to the building inspector, but was unsuccessful in reaching him. JoAnn stated in her years living at her property & serving on this board, the only neighbor she's had come before the board was Dan from the General Store, despite the observation that many neighbors have done work on their homes & she's never received a certified letter regarding permission sought by fellow historic district neighbors.

Rebecca & Howard attended selectmen's meeting where John Quinlan stated that a commission member would have to apply or if they didn't want to apply could go before the select board & have a conversation with them. JoAnn subsequently spoke with John & he stated it was fine. Mary Katherine pointed out there was a lot of gray area, and in this case there was a pre-existing window so it was really more of a restoration.

Group discussed the need for clarification on guidelines. Was some of it left open to interpretation so members' input comes into play? We don't want to be overly restrictive, but we need to have better defined guidelines. JoAnn asked how people even know they have to come before the board. It was stated they would know from speaking with the building inspector/applying for a building permit (as that should precede any work).

It was determined we need to go through the current guidelines to make them more coherent & consistent. However in some cases, such as "unconventional colors", it may have been left a bit vague to require the interpretation of active board members. There was some discussion of posting requirements, in lieu of posting to a paper, can be posted to municipal website & 2 other places such as public town Facebook page, public locations (such as library, post office). Notice to be given for the time & place of each public hearing, 10 days prior to the meeting.

There was some discussion of HDC sponsored/promoted activity around Spring Gala, such as door or mailbox decorating that happened in past years.

Next meeting was scheduled for June 22nd. Minutes of prior meeting were tabled.

Time was permitted for members to discuss items not on the agenda. Meeting was adjourned at 8:25 pm.

Respectfully submitted,

Karolin Campbell (filling in as Secretary due to JoAnn Kitchel recusing herself due to discussion of items regarding her own property)