

RYE HERITAGE COMMISSION

Thursday, June 4, 2020

3:00 p.m. – via ZOOM

Members Present: Chair Phil Walsh, Vice Chair Gail Hughes, Treasurer Peter White, Alex Herlihy, David Choate, and Mae Bradshaw, Selectmen's Rep Keriann Roman

I. Attestation

Statement by Phil Walsh:

As the Chair of the Heritage Commission of the Rye, I find that due to the State of Emergency declared by the Governor as a result of COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.*

We are utilizing Zoom for this electronic meeting. All members of the Historic District Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has the access to contemporaneously listen and if necessary, participate in this meeting through dialing the following phone # 646-558-8656 Meeting ID: 856-0276-1265 Password: 916437 or by clicking on the following website address: www.zoom.com Meeting ID: 856-0276-1265 Password: 916437

- b) *Providing public noted of the necessary information of accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the Town of Rye Website at www.town.rye.nh.us

- c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.*

If anybody has a problem, please call 603-964-5523 or e-mail at kdrago@town.rye.nh.us

- d) *Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes are taken during this meeting shall be done by roll call vote.

Attendance by Roll Call:

- Phil Walsh, Chair
- Mae Bradshaw
- Peter White
- David Choate
- Keriann Roman

(All members confirmed they were the only ones present in the room, except Selectmen's Rep Roman, whose daughter was with her)

II. Review of Minutes from May 7, 2020 Meeting

Motion by Peter White to approve the meeting minutes of May 7, 2020 as written.

Seconded by David Choate.

Roll Call: Phil Walsh – Yes; Peter White – Yes; David Choate – Yes; Alex Herlihy – Yes; Mae Bradshaw – Abstained Keriann Roman – Abstained.

Motion Passed

III. Treasurer's Report

Treasurer White reported that there has been very little financial activity during the past month. The Commission has roughly \$26,000 on deposit. The Commission is in good standing with the budget.

IV. Demolition Review Committee

Member Choate reported that the zoning board had a couple of cases on their agenda last night. However, Kate said that they didn't get through the whole agenda, so he is not sure what was approved at this time.

Member Choate stated that he believes it is going to be a busy summer by the looks of things.

Member Choate stated that he and Member Herlihy were discussing a small fishermen's shack, which may be the last one in Rye. He pointed out that Heritage doesn't have any jurisdiction because it is under 500 square feet. The Commission changed the ordinance at town meeting to cover monuments and statues but there is nothing that covers something like this. He suggested that rather than tearing it down, if there was any historical value of interest, that it be relocated.

Member Hughes entered the meeting at 3:08 p.m.

Member Bradshaw reported that the property has been in the family for a number of years and is not occupied. The current owner inherited it and uses it for surf storage. He and his wife live in Lowell and spend the summers in Rye. Member Bradshaw thought that the owners were just moving it, but may have decided to go with other plans.

Member Choate recommended that the Members of the Heritage Commission and the Demolition Review Committee keep an eye on the zoning board's agenda, because that is were

applicants go to get the relief that they need with regards building a new building. This particular property has already been before the ZBA, but moving forward a review of the zoning board agenda is important in order to have input on some of the applications ahead of time, if the committee is concerned about them being demolished.

Member Choate also felt that it is part of the Heritage Commission's responsibility that even if a property isn't in the Historic District, if it is a significant structure, to make their thoughts known.

Member Choate stated that he monitors the agendas and will start forwarding the ones that may be of importance to Chair Walsh for circulation to the other members.

V. Old Business:

• LCHIP Grant Application Next Steps

Chair Walsh reported that the Commission has submitted the letter of intent and is in the process of finalizing the application. Chair Walsh thanked Member Bradshaw for the work she has done with fine-tuning it and getting it up to speed. The plan is to present the application to the Selectmen on June 8th for approval. It will be submitted to the State at the end of the month.

Chair Walsh explained that there was a slight change that relates to Steven Decatur's cost estimate on the window restoration. Originally, Heritage put in a request of \$25,000; however, since then, Mr. Decatur's costs have gone up. It is now at \$26,720.00 with a 10% contingency fee, which brings the total to \$29,392.00. In order to make the math work with LCHIP, Heritage has increased the asking amount from \$12,000 to \$14,000. The Heritage Commission originally committed to \$6,000 for the project. Chair Walsh stated he would like to entertain a motion to increase the Heritage Commission commitment to \$7,946.

Member Bradshaw recommended asking for \$15,000 because of the costs associated with the production. The costs are allowable with the LCHIP grant. She then stated that Heritage should agree to a contribution of \$8,000.

Selectman Roman explained that the Board does not know what is happening with the Town Hall yet, until the work is finalized by the architect, Nancy Barber. Also, Mr. Philbrick has exercised his right to withdraw from the TD Bank/Parsonage transaction. The Board is still trying to work out the issues on the transactions at this time, so there is a lot still up in the air. Selectman Roman stated that she feels it is a good idea to increase the amount because by the time the Town is ready to move forward the costs could have gone up again. She pointed out that she felt that the Board would approve applying for the grant but the work itself will not start as quickly.

Member Bradshaw pointed out that the Town can also not except the grant if it is not in a position to do so. She also pointed out that the LCHIP grant match is 50%. She recommended asking the Friends of Town Hall to increase their contribution from \$5,000 to \$7,000.

David Choate said he will send a memo to the Friends to try to get it sorted out.

Member Bradshaw stated that Heritage needs to authorize \$10,000 on the outside chance that the Friends will not give more than \$5,000.

Motion by Mae Bradshaw to authorize up to \$10,000 from the Heritage Commission to provide a base for the 50% match on the LCHIP Grant application to restore the monumental windows. Seconded by Keriann Roman.

Roll Call: Phil Walsh – Aye; Peter White – Aye; David Choate – Aye; Gail Hughes – Aye; Alex Herlihy – Aye; Mae Bradshaw – Aye; Keriann Roman – Aye.

Motion Passed

- **Port Way Cell Tower Application**

Chair Walsh reported that there is no news to update at this time. He reminded the members that back in March they had sent a letter expressing their concern regarding the look of the structure and if there was any way to cover it or make it look not so intrusive. The correspondence was received, but due to the health crisis, everything has been moving at a slower pace.

Chair Walsh promised to keep the Commission updated as he received further information.

VI. New Business:

- **Pulpit Rock Tower Update**

Chair Walsh stated that within the last hour Patty Weathersby sent over the current proposal from the engineering firm that looked at Pulpit Rock Tower. Their original estimate was \$11,120. The Friends of Pulpit Rock Tower didn't want to pay that much and Heritage also felt that the amount was a little too high. The new estimate came in at \$8,350. Patty Weathersby and the Friends are very happy with that amount. They would like to proceed ahead and have asked the Heritage to support it and present it to the Board of Selectmen. The firm is Wiss, Janney and Elstner out of Boston.

Motion by Phil Walsh that the Heritage recommend to the Selectmen the approval of the WJE Engineering study commissioned by the Friends of Pulpit Rock Tower. Seconded by Mae Bradshaw.

Roll Call: Phil Walsh – Aye; Peter White – Aye; David Choate – Aye; Gail Hughes – Aye; Alex Herlihy – Aye; Mae Bradshaw – Aye; Keriann Roman – Aye.

Motion Passed

- **Open Position of Alternate: Jenn Madden**

Member Choate reported that he has re-read the ordinance with respect to the appointment of alternates to the Demolition Committee. Alternates for the Demolition Committee do not have to be members of the Heritage Commission. They get appointed by the Chair of the Commission.

Member Bradshaw stated that anyone that serves on any selectmen's committees, subcommittees, or commissions must be sworn in by the town clerk. So, if she is appointed to the committee by Mr. Walsh, she will still have to go through the Select Board.

Member Choate stated that Kate had called to tell him that it was on hold because of some kind of a conflict of interest. He did not think that it should be a problem. He stated that it is hard enough to find new blood and new volunteers to serve on these committees without there being blockage.

Member Herlihy stated that it is not a matter of blockage, as much as it is about her position on tearing down the Town Hall.

Member Choate disagreed. He added that he had talked to Ms. Madden at length and she did not want to tear down the Town Hall. She was just being misled by other people. He believes that she would be open-minded and a new prospective at the table.

Member Bradshaw reminded the members that when Frank Lagana was appointed, he was asked if he would like to serve on the Demolition Committee and he expressed interest in doing so. She recommended that if there is a shortage of alternates Frank may be available.

Member Choate stated that they have enough people. He was just interested in bringing in some new blood. He pointed out that in looking at the Demo Review Committee, the Heritage Commission and the Historic District Commission are all the same ten people.

Chair Walsh Tabled this appointment waiting for further guidance from the Town Hall.

VII. Further Discussion

Member Herlihy asked Selectman Roman if it was appropriate to talk about the exchange of the Parsonage for the TD Bank. He understands that the transaction is in jeopardy. Is this something that the members just have to try to follow or should they try to make their points directly to Mr. Philbrick or the Select Board?

Selectman Roman stated that they could certainly discuss the matter at this meeting and she will try to fill them in on as much as she knows. She stressed that it is not something that the Select Board is giving up on yet.

She explained that under the exchange agreement, the Selectmen had to have subdivision approval from the Planning Board by May 31st. They didn't meet that, and under that clause, Mr. Philbrick had the right to pull out of the deal. The Town submitted the application at the end of April with a very rough subdivision plan. Then they asked the Planning Board to continue it into June. The Planning Board gave the continuance. The reason the Town asked for the continuance was because the Library Trustees, who have historically controlled and maintained the side sidewalk and the plantings along it, see it as the main entrance to the Library, even

though it is Town property. So, there was an issue between the Selectmen, Mr. Philbrick and the Library Trustees as to where the property line should be. The Library Trustees want the property line to not be at the sidewalk, but to be pushed back about 6 to 8 feet toward the Parsonage. Mr. Philbrick is not willing to give up 6 to 8 feet because of the effects it will have on setbacks, which will control how large the building can be. Plus, there are parking issues. Mr. Philbrick also had ideas regarding the kind of landscaping that he wanted around his building.

During these meetings, they tried to come up with ideas to try and bridge the gap. One of the ideas was to create an easement where Mr. Philbrick got the land up to the sidewalk, but the Library retained control of the sidewalk and the plantings. This was agreeable to the Library Trustees but not to Mr. Philbrick because he would lose his ability to maintain his property. Another idea was to create a maintenance agreement between the Library and Mr. Philbrick, where the two parties would try to work out together what the maintenance should be in that area. The problem with this is that it didn't give enough to either side to avoid questions down the line. The concern was not really with Mr. Philbrick but what would happen if he sells the property. The relationship with a future owner may not be as compatible with the Library as Mr. Philbrick would be.

Selectman Roman stated that she will be meeting with Attorney Donovan, Jeff Ross, and Becky Bergeron on Monday to see if they can resurrect this. Then she will talk to the Library Trustees again. She stressed that both parties will have to give a little. She doesn't get the sense that Mr. Philbrick is completely out but the Library has to be onboard.

Selectman Roman stressed that she would like to correct the record, as this is personal to her. She does not feel that the Board cut out anyone from the discussions. She personally spent one-on-one time with certain members of the Trustees. Then she was talking with Mr. Philbrick, the surveyor Jim Verra, to Town Administrator Bergeron and the Town Attorney on phone conversations back and forth. She was back and forth with Jeff Ross on several phone calls explaining why the Board was doing things, why they were rushing it and that they were not trying to push it down the Trustees throats. Selectman Roman stated she understands that they are feeling that they are not being heard. However, she wants them to know that she put in a lot of time on this endeavor to make sure they were heard. She understands why they are upset. She will continue to listen, which is why they will be meeting on Monday in order to hear their concerns and to see if it can be figured out.

Member Choate stated that he had heard that Mr. Philbrick said that the building was too far gone and he would have to tear it down instead of doing a remodel.

Selectman Roman stated that she could not answer that because they have not gone that far yet. Mr. Philbrick did have his structural engineer in the building prior to the vote in March, but at that time there were three units still occupied and they were in the oldest part of the building. At the public meeting at the Library before the vote, during the discussion Mr. Philbrick was asked this question. At that time, he stated that he didn't know. When the structural engineer went in, he was concerned about what he saw, but Mr. Philbrick wanted to have the full report done prior to making that decision.

Member Choate asked what would be the plan for the Parsonage if the deal cannot be resurrected with Mr. Philbrick. Would it be sold to someone else?

Selectman Roman noted that would require a town vote. If this deal falls apart, the plan will be for the Selectmen to put together a plan of what they think would be appropriate for that property. They would probably ask the Town Center Committee to weigh-in on it. They would work on it through the summer and fall to come up with a warrant article for March. She pointed out that the Board will continue to work on the subdivision issue, regardless if the transaction with Mr. Philbrick goes through or not. If the Town tells the Board to sell the property, they do not want to be waiting on subdivision plans. If the Town does not want to sell it, there will be no harm done. So, the Board will be going through with the subdivision this year.

Member Herlihy thanked Selectman Roman for all of her work on this project. He recognized that it has been a very intense six months.

Member Hughes reported that she has not gone back to the window company since February. Their price in February was \$11,133.22. She has not check back because the Commission has not decided what direction they are going in. So, she is sure that the price probably has increased.

Member Bradshaw stated that because of the unanswered questions regarding Town Hall, it is premature to commit to the storm windows, even though this summer would have been a good plan, especially if the Town is awarded the grant in the fall. If the Town gets the grant, there still is a time period that they can install the storms. She added that they will not have the answers until things can be resolved with Dan Philbrick.

Selectman Roman agreed. She added that the Planning Board subdivision was continued until July, so they should know by then. This could change, but at this time it is not the Board's intension to go beyond that date, unless there is something happening. The Select Board is aware of the timing with the windows, but they don't know yet the work that will be going into the Town Hall. They want to make sure they are not duplicating or having to rip things out. They want everything to happen seamlessly, recognizing that we do not want to give up the grant, if at all possible.

- **Next Meeting: July 2, 2020, 3:30 p.m. Via ZOOM**

Adjournment

**Motion by Alex Herlihy to adjourn the meeting at 4:35 p.m. Seconded by David Choate.
Roll Call: Phil Walsh – Aye; Peter White – Aye; David Choate – Aye; Gail Hughes – Aye;
Alex Herlihy – Aye; Mae Bradshaw – Aye; Keriann Roman – Aye.
Motion Passed**

Respectfully Submitted,
Dyana F. Ledger