

RYE HERITAGE COMMISSION

Thursday, October 08, 2020

3:30 p.m. – Via ZOOM

Members Present: Chair Philip Walsh, David Choate, Bev Giblin, Alex Herlihy, Anne Richter Arnold and Alternate Elizabeth Lantz. Selectmen's Rep: Bill Epperson

Chair Walsh called the meeting to order at 3:35 p.m.

I. READING of ATTESTATION

Statement by Phil Walsh:

As a Chair of the Rye Heritage Commission, I find that due to the State of Emergency declared by the Governor as a result of the 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. 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 and 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 access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: 646-558-8656 and Password: 951753 or by clicking on the following website address: www.zoom.com ID #815-5053-6691.
- b) Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the Town of Rye website 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 anyone has a problem, call 603-964-5523 or e-mail at JIreland2@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 that are taken during this meeting shall be done by roll call vote.

Roll call attendance of Commission:

- Bev Giblin
- Anne Richter-Arnold
- Alex Herlihy
- Bill Epperson

- Elizabeth Lantz
- Philip Walsh

Note: The Members stated where they were located and confirmed that they were the only ones in the room for the meeting.

Chair Walsh seated Alternate Anne Richter-Arnold for Member Gail Hughes.

II. Welcome

Chair Walsh welcomed Elizabeth Lantz to her first official meeting as an alternate. He seated Alternate Lantz for the meeting.

III. Review of Minutes from September Meeting

Motion by Phil Walsh to accept the meeting minutes of September, 2020 as written. Seconded by Bill Epperson.

Roll Call Vote: Philip Walsh – Aye; Alex Herlihy – Aye; Bev Giblin – Abstained; David Choate – Abstained; Aye; Selectmen Epperson – Aye; Anne Richter Arnold – Aye; Elizabeth Lantz – Abstained Motion passed.

IV. Treasurer's Report

Treasurer White not in attendance – Tabled until next meeting

V. Demolition Review Committee Update

Member Choate explained that he went to the Select Board and asked for permission to tour the Parsonage with a restoration and preservation contractor. After a long discussion, the Select Board sent him back to the HDC to have the HDC formally make the request. The HDC discussed it and voted unanimously to request permission to tour the Parsonage with Steven Bedard of Bedard Preservation and Restoration.

Selectman Epperson stated that he is aware of the request. It has not been presented to the Select Board yet, but he believes it will be on the next agenda.

Member Choate asked that anyone from the Heritage Commission that is interested to join them on the tour when it is scheduled. Member Choate also reported that he has been meeting with the Demolition Review Committee and the Rules and Regulations Committee of the Planning Board, in order to clean up the Demolition Review Ordinance. A couple of changes are going before the Planning Board for discussion at their meeting next week. One is to take demolition review out of the ordinance, with respect to the Historic District, because it is already covered by the HDC when there is an application for demolition in the district. The second one is to require abutter notices when the Demolition Review Committee has a public hearing on a specific property, just like the planning and zoning boards. This will allow for a formal notice and a formal public hearing. Member Choate asked for support from the members in getting them passed.

Member Choate also reported that Demolition Review has been very busy with applications in the last few months. They just received one for 96 Pioneer Road, which doesn't look like anything significant. The trend of people buying older, smaller homes, tearing them down and building larger homes seems to be continuing unabated. He also reported that they now have two members from the Demolition Review Committee, Rye Heritage Commission, Rye Historic District Commission and the Rye Historical Society to form the Historic Properties Committee. The subcommittee will be tasked with trying to figure out how to designate non-protected structures throughout the community in some way. Right now, the only protected older structures are in the Historic District. The first meeting will be scheduled soon.

VI. New Business

Chair Walsh recognized that Selectman Epperson had limited time to attend the meeting and asked if there was anything that Selectman Epperson wanted to share with the Commission.

Selectman Epperson noted that he was sent information to Chair Walsh in regards to the timeline of the cell tower on Port Way.

Chair Walsh acknowledged receiving the information and reported that he sent it out to all the members of the Commission. He asked if there were any comments or concerns.

The Commission did not have questions or comments about the cell tower at this time.

Member Herlihy had concerns regarding the Parsonage and TD Bank Exchange. He noted that the Select Board's article in the September newsletter is no longer true because the negotiations have broken down between the Library and Mr. Philbrick. He asked what kind of official notice will go out to the Town?

Selectman Epperson responded that the discussions on what to do with that piece of property, along with the library, is ongoing. There is a site walk scheduled today at the library to try to understand specifically what the applications are going to look like in front of the Planning Board. Select Board Chair Phil Winslow has prepared a statement, which will be on the website this afternoon. The Select Board is still diligently trying to figure out what to do.

Member Herlihy stated that in hindsight, he would have loved to have seen an independent mediator, not the Town's counsel, to help with those negotiations.

A. Storm Window Project

Discussion Tabled until the results of the LChip Grant are known and more information is received on what will be happening with the Town Hall, Library and Parsonage.

B. Pulpit Rock Tower - Engineering Report Review/Discussion

Chair Walsh stated that he had received the engineering report and had sent it out to all the members. He asked if everyone had a chance to read it. He suggested that they don't make a decision at this meeting, as all the members are not present. It would be good to have everyone's thoughts on whether this is a project that they want to take on as a Commission or not. Chair Walsh referred to the numbers in the report as "eyeball - raising" and asked if the members may want to commission their own report.

Member Herlihy agreed. He pointed out that the report was done by a big Boston Firm. It may be better to get a local firm. He added that Mrs. Weathersby recommended a firm in Newmarket.

Chair Walsh stated that he had a chance to talk to Patty Weathersby and she answered some of the questions that Member Herlihy had asked.

1. Whether or not there is a need for electricity for the property.
 - a. *No, it is not essential*
2. What are the Friends of Pulpit Rocks financial obligations to the property?
 - a. *They have the money to make the immediate repairs. However, if the property is going to go back to the Federal Government for auction, they are not willing to spend that money.*

Chair Walsh stated that he does not want to just "close the door" on this opportunity. He is all for investigating any options to see if this is a feasible undertaking for the Commission. He agreed with Member Herlihy's idea about obtaining another engineering firm. He suggested that he contact the firm in Newmarket. He would like for the Commission to have a plan in place by the end of the year. Chair Walsh

added that Mrs. Weathersby stated that they would likely be able to sign a three-year extension on the property to continue their role as managers for the upkeep. He will contact Mrs. Weathersby to let her know that the Heritage Commission is not “closing the door” on this project and that they are interested in contacting another firm.

There was discussion regarding the cost of another report and how to pay for it.

Member Herlihy recommended doing a campaign and get the Town’s people involved with volunteering to circulate materials to save the Tower.

Member Giblin also recommended having a fund raiser to generate revenue to save the tower, similar to the fund raisers that were done for the Town Hall.

Chair Walsh stated that Mrs. Weathersby mentioned that if Heritage decides that they want to pursue this further, the Friends will continue their role with upkeep. They would like to get back into doing the tours and open houses in the spring. She suggested that if the Members of the Heritage would like to participate in the tours, it would be a good way for them to get familiar with the property and the process. Chair Walsh is in favor of seeing what Heritage can do on the public relations front.

Note: Selectman Epperson had to leave the meeting at 3:50 p.m.

C. Open Discussion

David Choate readdressed the Parsonage issue again. He stated that he met with a lot of resistance at the Select Board meeting from Selectwoman Bradshaw and Selectman Winslow regarding being able to tour the Parsonage building. The plan right now is to put the building up for sale in the spring with no restrictions whatsoever. He continued that Selectwoman Bradshaw said that the Town can’t worry about demolition until someone has a plan. She also said that the building is not in good shape, but that is not known for sure. The people who are saying this don’t have the expertise, in his opinion. He added that he is concerned. In his opinion, people voted for that swap because it would save the Parsonage, not because they would get a park next to the library or another building next to the library. He reemphasized that his concern is that it is going to be put on the ballot with no deed restrictions. He feels that there should be deed restrictions.

Member Herlihy explained that the building was constructed in 1810 and was used as the Parsonage for 20 years. It was then used as a private home. Throughout the twentieth century and up until now, it has been a public building, either as an inn or as an apartment building. Member Herlihy stated that he voted in March on the Bank and the Town Hall. He didn’t vote on the Parsonage. He had been through the building. If the building got saved and restored, that would have been fine. He explained that the original negotiations that the Town voted on, broke down and ended May 31st because the Town did not get the subdivision. There were a lot of things the Town did not do well on this matter. It was all very complicated. The negotiation that started in June was all new, which led to what was posted on the website in August about demolition and the park. That was a hold new set of negotiations that had nothing to do with what the Town voted on in March. They knew all along that even if they agreed, it would have to be voted on by the Town. So, nobody is doing anything without the permission of the Town. Member Herlihy stressed the need to educate the Town on this matter.

Member Choate stressed that if the building is not a teardown, (and he doesn’t believe it is), and the Select Board puts the building on the ballot with no restrictions, they are going to meet with a lot of opposition. It will have to be brought up that the Heritage Commission and the HDC will have to marshal against the Town. He added that he is trying to avoid that confrontation.

Member Herlihy pointed out that the Parsonage Committee existed for several years and they realized that the building needs a lot of work. There are people that are willing to spend the \$800,000 to \$1,000,000 to do that type of renovation. Mr. Philbrick was willing to do them, but those negotiations ended on May 31st.

Member Choate stated that he will notify the members when the tour of the building is scheduled.

Note: *Member Gail Hughes joined the meeting at 4:40 p.m.*

Chair Walsh recommended the Commission keep their eyes and ears open for right now. If “push comes to shove” they can have a discussion about some form of intervention on behalf of the Heritage Commission. He added that they can’t let this slip by.

Member Choate explained that the reasons that Selectwoman Bradshaw feels the way she does about the Parsonage is because the appraiser said that the building wasn’t worth anything. Member Choate pointed out that the appraiser is not a historic preservation specialist. Selectwoman Bradshaw also said that the building didn’t qualify for the historic register because too many changes were made to the building. Member Choate believes that is still not an excuse. He stated that most importantly, Selectman Bradshaw is looking for ways to get money to renovate the Town Hall to make it more office friendly.

Member Herlihy pointed out that anyway that it is looked at, this 1810 building has been allowed to decline for over a century. There has been a lot of deferred maintenance. Also, because it has been used as a public building, it wasn’t treated as a historic building as a private home would have. That is why Steven Bedard’s opinion will be very interesting. He is looking forward to going through the building with Mr. Bedard.

Member Herlihy pointed out that the Heritage Commission is responsible for overseeing the historic graveyards in Rye. One of the most prominent graveyards, the Foss, (at the end of Washington Road, on the crest of the hill on the left before the historic house) the neighbors came up with \$700 to pay for Alan Bucklin to go in to really clean it up. Member Herlihy pointed out that these graveyards are in the Heritage’s preview but the Commission is so busy with other issues. Very few people have come forward to adopt a graveyard, nor have descendants come forward. Here is a case of the neighbors reaching out to take care of the graveyard. He stressed the need to do some publicity about what these people have done, in order to encourage other neighborhoods to join in and do the same.

Recently, a graveyard was discovered were Jen Maddens’ real estate office, which is the descendants of the Trefethans. They were clearing some brush off road and uncovered some amazing gravestones. The gravestones were laying flat on the ground, but you can still read everything. Member Herlihy will be going there to photograph and record the findings.

Member Arnold will do a writeup about the find for Rye Magazine. Chair Walsh will do a writeup for the next town newsletter.

- **Next meeting will be November 12, 2020 at 3:30 p.m.**

Adjourn

Motion by Bev Giblin to adjourn at 4:58 p.m. Seconded by Alex Herlihy.

Roll Call Vote: Philip Walsh – Aye; David Choate – Aye; Alex Herlihy – Aye; Bev Giblin – Aye; Anne Richter Arnold – Aye; Gail Hughes – Aye; Elizabeth Lantz – Aye.

Motion passed.

Respectfully Submitted, Dyana F. Ledger