

RYE Historic District Commission
Wednesday, October 21, 2020
7:00 p.m. – Via ZOOM

Members Present: Co-Chair Alex Herlihy, David Choate, Karen Stewart, Alternates: Tom King, Lydia Tilsley, Katharine Brown – Selectmen’s Rep. Mae Bradshaw

Others Present: Dominique Hawkins, Design Preservation Partnership

A. Call to Order

Selectwoman Bradshaw called the meeting to order at 7:00 p.m.

B. READING of ATTESTATION

Statement by Mae Bradshaw:

As a member of the Rye Historic District 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: 014785 or by clicking on the following website address: www.zoom.com ID #825-9646-1787.
- 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 Becky Bergeron at bbergeron@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:

- Alex Herlihy
- David Choate
- Tom King
- Katharine Brown
- Lydia Tilsley
- Mae Bradshaw

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

Selectwoman Bradshaw seated Tom King for Member Tegeder and Katharine Brown for Member Coffey.

C. Work Session – Historic District Guidelines

Dominique Hawkins, Design Preservation Partnership, started the presentation by introducing herself. She is a preservation architect with her main focus being historic buildings and places. She has written design guidelines and helped cities with regulatory control. She has worked locally for Portsmouth and Exeter and has also worked in Massachusetts, New Jersey and Pennsylvania. She has worked for Fort Lauderdale, FL., Oak Park, IL., and the city of New Orleans. She has also volunteered for the Philadelphia Historical Commission on their technical review board, as well as sat on their Commission.

Ms. Hawkins noted that Rye has the smallest historic district that she has ever seen. Other towns have small historic districts, but they tend to have multiple districts. Rye’s district has a little over 30 properties, with 10 not historic, leaving about 20 that the Commission is trying to regulate. Two things that she looks at are; Is there a sense of continuity and is there a logical perimeter? In Rye, she unequivocally says “no”. It is really hard to understand the boundaries of the historic district because many of the same types of buildings continue one or two doors from where the line is. It is not that it is disjointed, it is just not logically encompassing the historic properties in a way that the Town could benefit from.

Ms. Hawkins asked how the Commission wants to regulate in the future? Once this is established, she can prepare the guidelines to help the Commission get to that goal. She explained that if status quo is what the Commission wants, with regulating the properties within the District, the Cable House and the Island, they can move forward and have that discussion tonight. If they want to consider preparing guidelines that will allow properties under these regulatory guidelines to broaden in the future, that is the discussion they should have first and then look at how to get there. She added that guidelines have a shelf life of about twenty years. She doesn’t want to write them and have them obsolete in five years.

One option that would have to be researched through New Hampshire State Law and current Rye Zoning would be to create an overlay over the Town of Rye. Any property older than (some date) the Historic District Commission has jurisdiction over. In some other states, such as Pennsylvania, this is not considered spot zoning. The criteria for these properties would be more specific such as age or significant characteristics that would be designated town wide. The level of review for demo or the prohibition of demo on a home older of a certain age would become more stringent for these buildings. Also, using this model there would be contributing buildings that have good historic merit, but they don’t meet the criteria of the first group and then there will be non-contributing buildings.

Ms. Hawkins pointed out that this is well beyond what she was hired to do. She is not trying to influence how the Commission moves forward. She will need to know if they are going to be regulating every property in Town equally as being significant, contributing and non-contributing, in order to properly write the guidelines. She added that the answer will not come tonight. The Commission will need to deliberate on this matter.

There was discussion in regards to expanding the District and protection of historic properties outside the District such as:

- “What is the legislative mechanism in expanding the district?”
- Resistance from property owners
 - It is a question of how and what is regulated. The more specific the regulation, in terms of very stringent rules, people are going to resist more. If there is some relaxing under the regulatory control, people will be more accepting.
- There are currently 300 properties out of 2,250 Rye properties that have been identified to meet the criteria of being built prior to 1900.
- Will the residents of rye vote for an overlay ordinance?
 - Its good in principal but will be a tough sell and get people to agree to it.
 - People will think its too restrictive
 - Important to differentiate the effects on individual properties within the three categories.
- Is this a goal of the Commission?
- Criteria for regulation to think about:
 - Some people take the position that everything on the outside of the building must be exactly as it was when the building was built. A restoration.
 - Less regulatory is; What is or is not visible from the public way; street, sidewalks, as well as publicly held land. Less visible from the public ways, allows for more flexibility as to what can be changed.
 - If someone is standing on a public way, can they tell if the matter being used is not historic and does it matter?
 - Does an addition have to be of the same material as the property with the same characteristics?
 - What do you do about new construction?
 - A new building can be something at the back of a historic property like a garage;
 - On a vacant lot in the District; or
 - A property that is not historically significant in the District that someone wants to tear down and build new.
- There may be a more stringent set of rules for those buildings that are older and rarer. Perhaps a lighter standard of rules for those properties that have been compromised or are part of the general history, but are not of individual importance, and then a different set of standards for those properties that are not historically important.

Note: Member Karen Stewart joined the meeting at 7:42 p.m.

- The concept is not to have all this in place before the guidelines come out. The guidelines should set the table for the Commission to do what it ultimately wants to do with expanding the District or controlling the demolition process in a different way.
- A recommendation by Member Herlihy: Start with roughly four dozen homeowners who have homes that were built before 1825 and get them engaged early in the process.
- There are two things to decide: 1. Expand the District on Central Road to include the houses in front of the cemetery and on Washington Road to Fern Ave. 2. Do an overlay of the Town. Phase in property by significance, contributing and non-contributing, starting with 40+ homes built prior to 1825, engaging the property owners in the process.
- Once the guidelines are written and people understand what is being regulated, it may actually make it easier to expand because it takes the guess work out of the meeting. People can anticipate what the outcome will be.

Ms. Hawkins recommended calling the State Preservation Office and speaking to the Town's CLG coordinator about the challenges the Commission is facing and about what has worked for other towns in New Hampshire, in regards to regulating scattered properties throughout a municipality or regulating demo, etc. CLG will have the best examples that are legal under the New Hampshire enabling legislation and zoning laws and will give the best guidance on these matters.

Selectwoman Bradshaw said she will get in touch with Certified Local Government and asked if someone will attend their next meeting by Zoom to answer their questions.

Findings at Star Island

Ms. Hawkins reported that she looked at Star Island as a logical cluster of buildings on the Island. In her mind, she was looking at it the way she does with an architectural project, starting first with the most important parts tiered down to the least important parts. So, as to develop the criteria of zones of historical importance. In looking at the Island, there is a version of that. When approaching the Island and coming off the boat, there is nothing blocking the view of the hotel and that composition of buildings. Then there are the landscape zones, where the primary focus is the natural setting. There are a cluster of stone buildings in the back that are related to the church, which is another important landmark. Also, there is the area of housing that is of a particular character but of no importance. Looking at this as a series of zones, anything on the main hotel building and anything that happens to the stone buildings needs to be reviewed by the Historic District Commission with great scrutiny. The landscape area is a free space, as it is for nature. Whatever happens there by nature is fine. The housing cluster is another free zone. If they built another building in there it probably doesn't matter, as long as it doesn't interfere with the main historic zones.

The guidelines for the Island will not be isolated guidelines. The Island is a single owner property and the guidelines will be written for all the properties. Ms. Hawkins recommended that the Commission work with the Island to develop an agreement about how heavily each zone will be regulated.

There was talk about scheduling a site walk for the Commission to get a feel of the natural boundaries of the Historic District. A date will be set later.

Ms. Hawkins also recommended starting out by writing a statement of significance. Why is this building/property important? It could be it was built before a certain date or was built before a certain event or it is a certain style or type. Knowing the Town's history will help to develop those boundaries better.

D. Other Business

Member Choate stated that he is still concerned about the Parsonage being torn down. He was made aware that the deal with Dan Philbrick may be back on from the discussion of the lot line adjustment at the Planning Board meeting last night. If the deal with Mr. Philbrick goes through, the second agreement calls for the demolition of the building. He commented that if the first vote stated that the building would be torn down, he feels it would not have passed. The concern is that there is no willingness on the part of the select board to add a deed restriction to not allow it to be torn down. He still would like to be able to tour the building with Steven Bedard to see if the building is structurally sound enough to be restored.

Member Herlihy pointed out that the building will not be torn down without a town vote.

Selectwoman Bradshaw stressed that the select board does not have a proposal in front of them to make any decision. There is no agreement on any of these points at this time. The select board voted to allow the Historic District Commission to tour the building with Steven Bedard to document anything that is historical that should be saved and that should go to the museum. However, they can't come away from a twenty-minute tour and make declarative that the building can be saved. What would be the cost? What would be the end product? This is a very important decision for the Town and is not being taken lightly by the select board. This could be a million-dollar mistake for the Town if the exchange is lost. Whether or not it has to go back to the Town for a vote depends on what the new proposal says, which the select board does not have yet. Once there is a new proposal, it will go before town counsel for his opinion.

Adjourn

Motion by Alex Herlihy to adjourn at 8:54 p.m. Seconded by David Choate.

Roll Call Vote: Roll Call Vote: Mae Bradshaw – Aye; Katharine Brown – Aye; Karen Stewart – Aye; Lydia Tilsley – Aye; Alex Herlihy – Aye; David Choate – Tom King- Aye.

Motion passed.

Respectfully Submitted,
Dyana F. Ledger