

**TOWN OF RYE
HISTORIC DISTRICT COMMISSION
MEETING**

Wednesday, April 14, 2021

5:30 p.m.

Via Zoom

***Present: Chair Kaitlyn Coffey, David Choate, James Tegeder, Select Board Rep Mae Bradshaw;
Alternates Katharine Brown, Stacey Smith and Lydia Tilsley***

I. Call to Order

Chair Coffey called the meeting to order at 5:32 p.m. and led the pledge of allegiance via Zoom teleconferencing.

II. Attestation

Statement by Kaitlyn Coffey:

As Chair 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, 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 board 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 with meeting ID number: 814 0989 1684 Password: 751953 or by participating via Zoom: www.zoom.com ID # 814 0989 1684 Password: 751953.
- b) Providing public notice of 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 at 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 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.

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Roll call attendance:

- Kaitlyn Coffey
- Katharine Brown
- David Choate
- Stacey Smith
- Mae Bradshaw
- James Tegeder
- Lydia Tilsley

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

III. Seating of Alternates

Chair Coffey seated Alternate Brown for Member Herlihy; Alternate Smith for Member Stewart and Alternate Tilsley for Member Kent.

IV. Review of project application – 562 Washington Road

Chair Coffey stated that the purpose for this meeting is to review an application for 562 Washington Road, owners John Mitchell and Mary Connolly.

Mr. Brendan McNamara, the residential designer of the project, spoke on behalf of the Mitchells. He presented the Commission with a slide presentation of the project. The project is for the remodel and restoration of a two-family New Englander Victoria. It is somewhat limited, as it is primarily the remodel of the second floor with the inclusion of the third-floor attic into the second floor. The new windows are for the second and third floors only. The other change is to the rear of the building on the first floor. The rear landing and steps will be replaced with a new landing and steps, which will create a second-floor deck. The proposed windows are the Marvin Elevate line, which was previously the Marvin Infinity line. The windows are fiberglass clad. The intention is to do replacement in kind, the same size and the same trim package. They are simulated divided light, double hung windows. Because they are a new double hang, they do not need a storm window so they will only have a half screen. Some new wood trim will be required, but the existing trim will be reused where possible. There is some moving of the windows on the rear of the building. There will be a change in the window in the upper gable facing the road. That room is becoming the master bedroom. The current center window is not large enough to accommodate egress, so that window is proposed to be slightly larger. The current window is 2.8 foot wide and the proposed window will be 3 foot wide.

Member Choate noted that the windows on the first floor are two-over-one but the proposed windows are two-over-two for the second floor. He recommended staying with the two-over-one design.

Mr. Mitchell responded that he and his wife have talked about eventually replacing all the windows. They are trying to do this in phases, due to the requirements imposed by the Town on multifamily dwellings to meet international fire codes. This is a huge job with a 120-year-old house.

After further discussion, Member Choate commented that this is a significant project that warrants a public hearing, so that interested abutters can get up to speed as to what is going on. He also suggested that the Historic District Commission asked for a sample of the windows being proposed.

Mr. McNamara asked if the content of the submission is adequate for the presentation at the public hearing. He also asked how they would deal with seeing a sample of the window with the restrictions of meeting by ZOOM.

Chair Coffey explained that Mr. McNamara could leave the sample at the Town Hall prior to the public hearing and the Commission members would stop by to look at it. He can also include a picture of the window sample in the packet.

Mr. McNamara asked if he could send an original PDF of the original plans. He stated that the drawings that they have been looking at seem to have eroded in quality during this process. There was an issue with transferring to the Town due to the file size.

Speaking to Mr. McNamara, Chair Coffey responded that if he sends the plans to her, she will send it out to the Commission members.

Selectwoman Bradshaw stated that she saw no need to delay the application for a public hearing. The Commission has approved windows like this on a number of other houses in the District. The deck is in the back of the house and is not visible from the street.

Member Tilsley agreed with Selectwoman Bradshaw in terms of this project.

Member Brown stated that she would be fine not going to a public hearing. The project is an improvement and is not controversial. She asked the Mitchells if they have decided if they are going with the two-over-two or the one-over-two windows.

Mr. Mitchell responded that they feel that the two-over-two windows are a nicer look. However, the two-over-one would be a cost savings. If it is something that the Commission feels strongly about, they will go with what the Commission wants. Hearing that it is something that matters to the overall vision of the Town Center and the control over what goes on in the District is important to him.

Member King pointed out that the Commission doesn't have a way to communicate the results of the work session to the building inspector in their procedures. All they have is a full hearing or no interest. He felt that the Commission's procedures need to be refined.

Selectwoman Bradshaw responded that for the past twelve years the Commission has been issuing a certificate of approval after a meeting such as this. The certificate of approval goes to the building inspector and the project moves forward.

Member King pointed out that the Mitchells did not fill out a formal application, which should be part of the packet going to the building inspector.

Chair Coffey explained that the Commission does have the Historic application. It was not available on the website or at the Town Hall. There have been some changes in the building department. She continued that when Mr. Mitchell approached her with his application, she told him that they could work off the building permit. She pointed out that the next item on the agenda is for the Commission to discuss the process and she has some information for everyone to review. The Mitchells did a complete packet, just not on the formal letter head form. She added that she feels it would be good if the Mitchells could drop off a sample of the windows at Town Hall for the Commission to look at, by a certain date. If she does not hear from anyone that there is a problem with the window, she will go ahead and issue a certificate of approval to the building inspector.

Member Choate disagreed. He read from the ordinance 190-3.3 D. (1) (c)

Upon receipt of a completed application form, the Historic District Commission will normally within 15 days:

[1] Determine that the application is of no interest and notify the applicant in writing that he may proceed; or

[2] Determine that the application is of interest and schedule a public hearing.

Member Choate felt that the Commission does not have a choice and must have a public hearing, unless they are saying that the project is of no interest to them.

Member Tegeder pointed out that the issue of not having or following a process is not an issue with these homeowners and the process that they have gone through. It is an internal process issue of the Historic District Commission.

Member King felt that the windows alone would not be cause to have a public hearing; however, the addition of the second-floor deck is. The abutters need to be notified of the project.

Mr. McNamara explained that the building inspector has already ruled that they get a variance for the second-floor deck because it is considered a non-conforming situation, where it is an expansion of bulk. So, they are required to go before the zoning board for a public hearing.

Member King acknowledge that this new information takes care of his concerns regarding the abutters being notified.

Member Choate agreed.

Motion by James Tegeder to accept the proposal as presented and to issue a Certificate of Approval to John Mitchell and Mary Connolly for their project at 562 Washington Road as soon as possible. Seconded by Mae Bradshaw.

Roll Call Vote: Katharine Brown – Aye; Tom King – Aye; David Choate – Nay; Lydia Tilsley – Aye; Stacey Smith – Aye; Kailyn Coffey – Aye; Mae Bradshaw – Aye; James Tegeder – Aye.

Chair Coffey stated that she will issue the Certificate of Approval for the project as presented to the Commission and send notice to the building inspector.

V. HDC application process

Chair Coffey acknowledged that the public hearing is part of the Commission's process; however, she feels it is outdated, too formal and doesn't work well for homeowners in the District. As it stands currently, anyone that wants to do a project within the District, would automatically default to a public hearing. That is technically how the ordinance reads. In the past, they have not held public hearings on some issues and have held them on other larger issues. She felt that it is time to update and finetune the process. She asked for feedback from the members on this issue.

Member Choate suggested that the fallacy in the ordinance is that it doesn't layout how to determine "of interest" and "no interest".

Member Tilsley agreed with Member Choate that there should be a checklist of what is of interest. in order to have a process. She pointed out the importance of looking at this issue to see how they can make this work in order to keep the integrity of the District.

Member Choate agreed with Mr. McNamara's idea of taking ideas on process from the Portsmouth ordinance. There are certain thresholds that an application goes through before it reaches the level of the HDC. Once at that level, they always have a public hearing.

Member Tilsley suggested that they need to decide how they are going to go about making the changes. Are they going to leave this session, do some research and come back with questions?

Chair Coffey agreed that they would not come up with a solution this evening. She pointed out that this is the first homeowner applicant that has come before the Commission in a long time that wasn't on the Commission. The Mitchell's didn't know what to expect or what the process would be. There has also been changes at the Town Hall in the building department. Chair Coffey reported that she has talked to Chuck, the building inspector, and he is very eager to collaborate with the Commission. He was even thinking about putting together his own checklist. She feels they should work together with the building inspector to put something together that then can be published on the website, so that anyone that has a project that needs to come before the HDC, will know what to expect.

Member Smith suggested that they talk about "a process for the process". Maybe set some time aside for doing the research. Maybe a couple of the members, who have more knowledge about this, can pull information together for the Commission to look at and talk about. She recommended having a meeting just about this issue.

Selectwoman Bradshaw recommended that there be a level between "no interest" and "public hearing".

Chair Coffey stated that there are three different things that need to be updated:

1. The application;
2. The checklist of things they are asking the applicant to provide; and
3. The ordinance.

VI. Update on guideline project with Dominique Hawkins

Chair Coffey reported that she has a few dates from Ms. Hawkins. She would like to get on the calendar the Commission's first session to start the work on the guideline project. She pointed out that Ms. Hawkins had stated that the Commission will be collaborating with her for a few evenings. It would be better to meet once a week, as there is too much to do back-to-back. Ms. Hawkins has available Monday, May 3rd and May 17th. They would start at 5:30 and block off two hours for a session. Chair Coffey will send the dates out by email to get the Commission's availability.

Member Choate reported that Monday, May 3rd is a conflict for Members Tilsley, Smith and himself because the Rye Advocacy Committee meets on the first Monday of each month at 5:30.

All agreed that Monday, May 17th would be the first session.

Chair Coffey said that she will write up an email with some takeaway points of tonight's meeting to the group. She also stated that she will go on Exeter's and Portsmouth's websites to get information regarding the process, which she will send out to the members for their review. She agrees that the Commission should set up a meeting to work on only the application, the process and the ordinance.

VII. Approval of Minutes – Tabled until Next Meeting

- 1/5/21
- 1/7/21
- 1/19/21
- 1/26/21
- 3/24/21

ADJOURNMENT

**Motion by Stacey Smith to adjourn the meeting at 7:16 p.m. Seconded by Lydia Tilsley.
All in favor.**

Respectfully Submitted;
Dyana F. Ledger