

**TOWN OF RYE
HISTORIC DISTRICT COMMISSION
MEETING
Wednesday, August 18, 2021
5:30 p.m.
Rye Town Hall & Via Zoom**

Present: Chair Kaitlyn Coffey, Karen Stewart, David Choate, Stacey Smith Alternates: Mae Bradshaw, Lydia Tilsley, Katharine Brown, and Select Board Rep. Tom King

Others Present: Dominique Hawkins

A. Call to Order and Pledge of Allegiance

Chair Coffey called the meeting to order at 5:33 p.m. and led the pledge of allegiance.

B. Approval of Minutes

• Tuesday, January 5, 2021 5:00 p.m. Via ZOOM

The following was noted:

- Heading: ~~Thursday~~, January 5, 2021 should be: Tuesday, January 5, 2021
- Page 4; 1st paragraph reads: She added that she has worked with this Commission for many years and can't understand why, moving forward, everyone on the Commission wouldn't be very interested in making sure that ~~in making sure that~~ whatever structure that is erected ~~there~~ is in keeping with the district, with this Commission's guidance.
- It should read: She added that she has worked with this Commission for many years and can't understand why moving forward, everyone on the Commission wouldn't be very interested in making sure that whatever structure that is erected it is in keeping with the district, with this Commission's guidance.
- Page 4; 1st sentence reads: Member Stewart stated that she read and understands Mr. Philbrick's concerns; however, she does not agree that Member Choate and King are ~~bias~~, as she sees no evidence of that.
- It should read: Member Stewart stated that she read and understands Mr. Philbrick's concerns; however, she does not agree that Member Choate and King are biased, as she sees no evidence of that.
- Page 4; Last sentence reads: She is also ~~bias~~ and that would be grounds for an appeal, if the application is granted.
- It should read: She is also biased and that would be grounds for an appeal, if the application is granted.
- Page 5; 2nd paragraph reads: It is absolutely, unconscionable to not acknowledge that there is a conflict of interest.

- It should read: It is absolutely unconscionable to not acknowledge that there is a conflict of interest.
- Page 5; 3rd paragraph reads: Selectwoman Bradshaw clarified that the contract with the Select Board requires that Mr. Philbrick ~~proceeds~~ with the application for this Board's approval.
- It should read: Selectwoman Bradshaw clarified that the contract with the Select Board requires that Mr. Philbrick proceed with the application for this Board's approval.
- Page 7; last paragraph reads: The Connors are the only historic design and consulting firm that ~~have~~ ever been licensed by the ~~Wither~~ Museum.
- It should read: The Connors are the only historic design and consulting firm that has ever been licensed by the Winterthur Museum.
- Page 8; Question: ~~While~~ there be railings on the steps? It should be: Will there be railings on the steps?
- Page 10; e. Double hung or casements? reads: The ~~window~~ are egress casements. It should be: The windows are egress casements.
- Page 10; second to last paragraph reads: He has been trying to get as much of this information before the commission, prior to those people ruining a ~~years'~~ worth of work;
- It should read: He has been trying to get as much of this information before the commission, prior to those people ruining a year's worth of work;
- Page 11; 5th paragraph reads: *As with new additions; the ~~massing~~, size, scale and architectural features of new construction on the site of a historic building must be compatible with those of the historic building.*
- It should read: *As with new additions; the massing, size, scale and architectural features of new construction on the site of a historic building must be compatible with those of the historic building.*
- Page 11; 5th paragraph reads: *New construction should also be distinct from the old, must ~~on~~ attempt to replicate buildings elsewhere on the site and to avoid creating a false sense of historic development.*
- It should read: *New construction should also be distinct from the old, must not attempt to replicate buildings elsewhere on the site and to avoid creating a false sense of historic development.*

Motion by Mae Bradshaw to approve the meeting minutes of Tuesday, January 5, 2021 as amended. Seconded by David Choate. All in Favor. Motion passed.

- **Thursday, January 7, 2021 3:00 p.m. Via Zoom**

The following was noted:

- Page 3; Elevation A204 reads:
 - View ~~come from~~ the Town Hall on Washington
- It should read: View coming from the Town Hall on Washington
- Page 3; Note: There was discussion at the previous meeting regarding casement windows ~~versus~~ double hang windows.
- It should read: There was discussion at the previous meeting regarding casement windows versus double hang windows.
- Page 4; under; None of the mechanical plans have been done at this point reads: Bathroom and kitchen vents will be placed by code (bath ~~throw~~ the ceilings).

- It Should read: Bathroom and kitchen vents will be placed by code (bath through the ceilings).
- Page 5; second to last sentence reads: The ~~detail~~ in these windows is significantly different that the 600s.
- It should read: The details in these windows are significantly different that the 600s.
- Page 6 reads: Mr. Philbrick explained that the ~~mechanic~~ plans have not been finish but the intent is to place these on the parking side (Olde Parish Road side) of the building.
- It should read: Mr. Philbrick explained that the mechanical plans have not been finish but the intent is to place these on the parking side (Olde Parish Road side) of the building.
- Page 7; first bullet; Steve Bedard of Bedard Preservation & Restoration of Gilmanton, NH, spoke to the design. Reads: *As with new additions; the ~~massing~~, size, scale and architectural features of new construction on the site of a historic building must be compatible with those of the historic building.*
- It should read: *As with new additions; the massing, size, scale and architectural features of new construction on the site of a historic building must be compatible with those of the historic building.*

Motion by Mae Bradshaw to approve the meeting minutes of Thursday, January 7, 2021 as amended. Seconded by David Choate. All in Favor. Motion passed.

- **Tuesday, January 19, 2021 6:00 p.m. Via Zoom**

The following was noted:

- Page 9: **David Choate, 108 Washington Road and Member of the Historic District Commission** reads: addressed his comments to his fellow Commissioners. One question for Mike Connor: Are you and your wife licensed architects in the State of New Hampshire? Are you architects and are you licensed in New Hampshire?
- It was decided that the second question was not needed. addressed his comments to his fellow Commissioners. One question for Mike Connor: Are you and your wife licensed architects in the State of New Hampshire? ~~Are you architects and are you licensed in New Hampshire?~~

Motion by Mae Bradshaw to approve the meeting minutes of Tuesday, January 19, 2021 as amended. Seconded by Lydia Tilsley. All in Favor. Motion passed.

- **Tuesday, January 26, 2021 5:30 p.m. Via Zoom**

Motion by Mae Bradshaw to approve the meeting minutes of Tuesday, January 26, 2021 as presented. Seconded by Lydia Tilsley. All in Favor. Motion passed.

- **Wednesday, March 24, 2021 5:30 p.m. Via Zoom**

The following was noted:

- Page 3: 4th paragraph reads: The first idea was for it to be a ~~standalone~~ structure, which would be located where the picnic tables are now.
- It should read: The first idea was for it to be a stand-alone structure, which would be located where the picnic tables are now.

- Page 3; 4th paragraph reads: It could be built closer to the road, if it were built into this broader notion of a ~~grille~~ and welcoming area for day visitors.
- It should read: It could be built closer to the road, if it were built into this broader notion of a grill and welcoming area for day visitors.
- Page 3; 9th paragraph reads: His thought is if this is going to include a more permanent and attractive situation for the ~~grille~~, it would be closer to the pier and not in the open of the lawn.
- It should read: His thought is if this is going to include a more permanent and attractive situation for the grill, it would be closer to the pier and not in the open of the lawn.
- Page 5; second paragraph last sentence reads: The next step might be finetuning some of ~~he~~ details for the Commission.
- It should read: The next step might be finetuning some of the details for the Commission.
- Page 7; last paragraph reads: However, if she sees things that are glaring or ~~hear~~ of something that is not reflected in the ordinance, she will point it out.
- It should read: However, if she sees things that are glaring or hears of something that is not reflected in the ordinance, she will point it out.
- Page 7; paragraph 5 reads: For the existing district, ~~its~~ probably less complicated, if there are willing property owners, to expand with a couple of properties here and there.
- It should read: For the existing district, it's probably less complicated, if there are willing property owners, to expand with a couple of properties here and there.

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, March 24, 2021 as amended. Seconded by Stacey Smith. All in Favor. Motion passed.

- **Wednesday, April 14, 2021 5:30 p.m. Via Zoom**

The following was noted:

- Page 2; IV. 2nd paragraph reads: The project is for the remodel and restoration of a two-family New Englander ~~Victoria~~.
- It should read: The project is for the remodel and restoration of a two-family New Englander Victorian.

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, April 14, 2021 as amended. Seconded by Stacey Smith. All in Favor. Motion passed.

- **Wednesday, May 12, 2021 5:30 p.m. Via Zoom**

The following was noted:

- Page 4; IV. Selectwoman Bradshaw paraphrased: Rye Code 190-2.2 G reads:
Government uses. All publicly ~~owner~~ lands and buildings, including playgrounds and parks under the control of the Town, school district, county, or state, also all property which by laws of the State of New Hampshire is ~~except~~ from taxation in whole or in part, shall comply with the requirements of the zoning district(s) in which they are located.
- It should read:
Government uses. All publicly owned lands and buildings, including playgrounds and parks under the control of the Town, school district, county, or state, also all property which by

laws of the State of New Hampshire is exempt from taxation in whole or in part, shall comply with the requirements of the zoning district(s) in which they are located.

- Page 5; Last paragraph reads: There were also no grantees that the buyer would be able to do anything with the parcel than what it is currently zoned for which is single-family residential.
- It Should read: There were also no guarantees that the buyer would be able to do anything with the parcel than what it is currently zoned for, which is single-family residential.
- Page 6; Last paragraph reads: Mr. Azzi ~~state~~ that at this time they are not allowing meetings, but as of yesterday they have started discussing that if things continue to progress as they are now, by September it would be allowed.
- It should read: Mr. Azzi stated that at this time they are not allowing meetings, but as of yesterday they have started discussing that if things continue to progress as they are now, by September it would be allowed.

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, May 12, 2021 as amended. Seconded by Lydia Tilsley. All in Favor. Motion passed.

- **Wednesday, May 23, 2021 5:30 Via Zoom**

The following was noted:

- Page 2; D. 2nd paragraph reads: She asked if they were talking about thirty properties, or are ~~the~~ talking about expanding the Historic resources that they regulate; and if that is so, are the rules going to stay the same.
- It should read: She asked if they were talking about thirty properties, or are they talking about expanding the Historic resources that they regulate; and if that is so, are the rules going to stay the same.

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, May 26, 2021 as amended. Seconded by Lydia Tilsley. All in Favor. Motion passed.

- **Wednesday, June 9, 2021 5:30 p.m. Via Zoom**

The following was noted:

- Page 5, Windows: All references to muttons should be muntin
- Page 7 reads: Trees ~~ad~~ Shrubs
 - Encourage home owners to maintain all historic trees and shrubs
- It should read: Trees and Shrubs
 - Encourage home owners to maintain all historic trees and shrubs

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, June 9, 2021 as amended. Seconded by Lydia Tilsley. All in Favor. Motion passed.

- **Wednesday, June 30, 2021 5:30 p.m. Rye Junior High**

The following was noted:

- Page 5; 2nd paragraph reads: HDC has rules, but maybe they need to do some soul searching on how they can embrace saving the planet, while at the same time, preserving the ~~planet~~.

- It should read: HDC has rules, but maybe they need to do some soul searching on how they can embrace saving the planet, while at the same time, preserving the historic nature of the district.

Motion by David Choate to approve the meeting minutes of Wednesday, June 9, 2021 as amended. Seconded by Mae Bradshaw. All in Favor. Motion passed.

- **Wednesday, July 14, 2021 5:30 p.m. Via Zoom**

The following was noted:

- Page 2; middle of the page reads: The guidelines can clearly state that whatever existing configuration is; it must be matches, or it must be something more ~~historical~~ appropriate.
- It should read: The guidelines can clearly state that whatever existing configuration is; it must be matches, or it must be something more historically appropriate.
- Page 4; Other topics typically put into an introduction include:
 - ~~Demolish~~ by ~~negligent~~
- It should read: Demolished by neglect
- Page 5 reads: ~~The~~ was discussion regarding temporary structures, such as canvas car ~~posts~~, boats on trailers, etc.
- It should read: There was discussion regarding temporary structures, such as canvas carports, boats on trailers, etc.
- Page 5 reads: Introduction
 - The Introduction tends to be a catchall
 - It should describe the process
 - It should outline philosophy of the ~~HCD~~. It should read HDC
- Page 5 reads: The was discussion regarding temporary structures, such as canvas carports, boats on trailers, etc. Ms. Hawkins stated that these things are not real property, even though they are sitting on a base, they are personal property (like furniture) and cannot be regulated by the ~~HCD~~, they will need to relay on the zoning ordinance.
- It should read: The was discussion regarding temporary structures, such as canvas carports, boats on trailers, etc. Ms. Hawkins stated that these things are not real property, even though they are sitting on a base, they are personal property (like furniture) and cannot be regulated by the HDC, they will need to relay on the zoning ordinance.
- Last page; last sentence reads: The commission will then meet again with Ms. Hawkins for the ~~final~~ review on September 8th.
- It should read: The commission will then meet again with Ms. Hawkins for the final review on September 8th.

Motion by Mae Bradshaw to approve the meeting minutes of Wednesday, July 14, 2021 as amended. Seconded by David Choate. All in Favor. Motion passed.

C. Seating of Alternates

Chair Coffey seated Member Tilsley for Member Tegeder.

D. Review of 1st draft of the new guidelines from Dominique Hawkins

Ms. Hawkins noted that the introduction was the hardest section to write. Also, she was trying to think about the best way to develop the Isles of Shoals section. These two sections took longer than anticipated. She suggested that they start with the introduction and go page by page through the review. She explained that in the development of the introduction, she was relying on the information that is on the website. If things have changed recently or if things are done differently then what is in the HDC's regulatory process, she does not know that. However, they can modify the guidelines to reflect what the commission wants it to say. She will let the commission know where she sees conflicts, so they can make sure that the backup information, such as, the ordinances, rules and processes, are reflected appropriately in the other documents on the website.

Suggestions:

- First Bullet: Commission's Purpose - add the word Civic * This is not in Current Ordinance
- Add the website address: www.town.rye.nh.us/historic-district-commission
- Check phone number of the Building Department
- When referring to the Isles of Shoals, it should be referred to as the New Hampshire Isles of Shoals, as the commission does not have any jurisdiction over the Maine Isles of Shoals.

Question: Is the Isles of Shoals its own Historic District?

- The benefit of it being its own district is that slightly different rules can be applied, making them more in tune to the Isles' unique characteristics and natural environment.
 - Distinction: Main-land HDC looks at the impact on neighboring properties in town center. There are no neighboring properties on privately owned islands.

Ms. Hawkins recommended leaving this until later. It can be left as written or modified to reflect two different zones. However, if left as written, the Cable House and the massacre site are all part of the same district as Rye Town Center and the Isles of Shoals.

She suggested that she could add language that states: Within the Rye Historic District there are four geographically dispersed areas.

Note: Ordiorne Farm is not owned by the Town. It is owned by the State of New Hampshire. (This is just a reference to national registered properties.)

Question: Should the properties that are on the New Hampshire Registry be listed? Do we know what they are?

- It would have to be researched and could be added later in the edits.

Question: Does being listed on the New Hampshire Register of Historic Places give any regulatory implications?

- It is a step in applying for the federal registry. One can't apply if the property is not on the state registry.
- It also helps in being awarded state grants.

Member Stewart pointed out that this is not an inventory document or a pitch piece. However, the commission has had a lot of conversation about expanding the district. She asked if it would be worth

including a section in the introduction as a friendly invitation to the homeowners and to include the benefits of being in the Historic District.

Ms. Hawkins suggested that she could add a paragraph stating that there are benefits to being a listed property (see page two of this guide), in addition to preserving the historic value of Rye. There are also some potential financial benefits. For further information contact the commission.

Suggestion:

- Remove the language regarding the Federal Preservation Assistance Program
 - It only applies to one property that qualifies. (Sotheby's)
- Concentrate on the State programs
 - CLG
 - LChip
 - Moose Plate

Ms. Hawkins: CLG is for the benefit of the municipality only and not homeowners. This is a guide for homeowners. The Federal Preservation Program can be removed, if the commission does not foresee any expansion that would include commercial buildings.

- The Select Board has voted to adopt NH RSA 79:D - Discretionary Preservation Easements. This RSA preserves historic agricultural structures that are being demolished or not repaired because of the adverse impact of property taxes due to the repairs to the structure. This will be on the ballot for 2022.

Ms. Hawkins requested that the information regarding this program be emailed to her.

Suggestion:

- Under sustainable, emphasize more on the benefits of no demolition.

Question:

- Under Preservation and Review Process; What are the rules for minor application?

Ms. Hawkins explained that at this point there is flexibility. An individual will submit a formal application and it will go to someone in the group. A decision will be made among the group as to whether or not it is a minor application. The number of people making that decision is up to the commission. This is part of the commission's rules and regulations, which can be changed by vote annually. This happens behind the scenes and the public doesn't need to know this.

Jurisdiction: In this section, it doesn't say that the commission's jurisdiction only applies to what can be seen from the street or what a neighbor can see.

Ms. Hawkins: How would the commission like to regulate? From the street? From back yards or neighboring back yards? Rye's ordinance does not say. There is nothing that limits it or says it's everything.

- Most jurisdictions are "as visible from a public way".
 - Public way includes: any street, any sidewalk, any public property
 - Any jurisdiction that is open to the public

- School, Library, Town Hall, Public Safety Building
- Street is: Vehicular access roadway

Ms. Hawkins pointed out that currently the commission has stated that there cannot be anything but wood on any side of the house and wood windows must be used on all sides of the house. If the commission does not have jurisdiction on the back on the house, they can not regulate it.

After discussion, it was decided to leave it the way it is currently written. This will give the commission the ability to review the applications on a case-by-case basis.

Suggestion:

- Take out reference to quarterly meetings and special meetings.
- Under Demolition Review Committee
 - Purpose: Is to review historically important and/or architecturally significant buildings
 - Needs to be clarified: Although the Demolition Review Committee has no jurisdiction over the district, the Rye Historic District Commission employs similar standards in their review of demolition.
 - It is good to mention the Demolition Review Committee in this document because it distinguishes it from the Rye Historic Commission. The individual roles must be stated clearly.
- Take out reference to Erosion Control Plan
- Insert: As part of the regular demolition permit application process there will be other documents required.
- Under Safety Precautions:
 - Arsenic is now deemed something that must be disclosed in agreements; in addition to asbestos, lead and radon.
- Design and Alteration Section
 - Reference to Demolition Review Committee should be changed to the Rye Historic District Commission
- Guidelines for HDC
 - Should be clarified to just the exterior of properties
- Page 108: Remove the word “contemporary” and replace with “traditional”.
- Where should I begin the process: take out the building inspector and insert the Rye Historic District
 - Suggestion: Contact the Rye Building Department to be placed on the agenda of the Rye Historic District Commission
- Page 110: Is Preservation Expensive:
 - Remove the first sentence that talks about fees.
 - Keep: Do I have to hire a professional?

The commission agreed that they would like to have a conceptional review for a complex project prior to the property owner spending a lot of money filing the application. The application requires plans and other schematics. The property owner should be able to apply through the Building Inspector for a conceptional review.

Ms. Hawkins recommended that the best place for this would be the Preservation Review Process.

- Does my project require HDC review?
 - Should refer to proposed changes to the exterior

There was discussion on whether or not the commission wants to have a say in regular/ordinary maintenance of a property. It was decided to leave it as is.

- Does my project require HDC review?
 - Staff level = there is no staff
 - The administrative decision will be made by the HDC
 - 7 to 10 days is way to long for ordinary maintenance

What qualifies the project as regular/ordinary maintenance?

Ms. Hawkins recommended revising the application to have a section for minor maintenance. It should outline what the commission needs in order to review the project. There needs to be a picture, a description of what is being done and what materials are being used. It could say that there is zero cost for the application, just to confirm that the project is for minor maintenance. If the HDC makes a decision that the project is not in fact minor work, the property owner would be asked to provide a full application with required review materials and fees.

Ms. Hawkins has an example of this type of application that she will send the commission as a cheat sheet to work from.

It was noted that this would have to be made known to the current residents in the Historic District. It will first have to be approved by the Select Board.

Isles of Shoals:

- There should be mention of Seavey Island, regardless if it is inhabitable. Some day someone may try to build on it and that would be a concern to the commission
 - If the commission is to try to regulate Seavey Island, it needs to be added to the Historic District. It is currently not listed in the Rye Historic District in the ordinances.

Question: Why does the HDC only have jurisdiction on things that can be seen from a boat?

- This is at the root of how the enabling legislation from the State allows historic districts to regulate properties. Every state is different.
 - Preservation is a public benefit; therefore, the public right is to have access to that benefit.
 - It is not a feel-good thing. It is a health, safety, welfare thing;
 - For the health, safety, and welfare of the citizens of the State of New Hampshire, preservation is a priority;
 - If it is a priority of the public, it must be regulated from the point of view of the public benefit.
 - Public benefit on a privately owned island is from the water or the air.
 - If money in the form of grants is involved, it changes the terms of the jurisdiction.

It was decided to write this section in a way to remove the obvious statements about jurisdiction.

- Remove the jurisdictional language from page 1.

Ms. Hawkins asked that the commission share this section with Jack Farrell and get his comments. She stated that she did her best in outlining the boundaries, but he may have some modifications.

Next Step: The commission would like to meet as a group to review further and give Ms. Hawkins any feedback from that meeting. If there is anything major to discuss they would like to be able to pull Ms. Hawkins back into the discussion.

Ms. Hawkins asked that the commission consolidate their comments for the introduction and the Isles of Shoals. In particular, the other funding organizations or preservation assistant programs from page 2, that was mentioned. That text should be vetted by the commission again. Also, if there is anything in the body of the document that needs attention, she asked that it be sent to her.

The deadline from the State for project completion is October.

Alternate Bradshaw requested a vote to approve payment of Ms. Hawkins invoice of \$17,311.28. The contract called for payment upon the final draft. The amount will be paid by the Town and submitted to the State for reimbursement.

Motion by Mae Bradshaw to approve the invoice to pay Dominique Hawkins the amount of \$17,311.28. Seconded by Lydia Tilsley. All in Favor. Motion passed.

The commission discussed their upcoming event hosted by the CLG and the NH Preservation Alliance. The topic is: Effective Historic District Commissions presented by Barbara McCloud and Maggie Steers. It is about effective communications to the public. The commission discussed the best way to present the presentation for accessibility to other communities.

Next Meeting: September 08, 2021, 5:30 p.m. Town Hall: Regular Monthly Meeting
September 15, 2021, 5:30 p.m. Rye Public Library: Application of 500 Washington Rd.

ADJOURNMENT

Motion by David Choate to adjourn the meeting at 7:24 p.m. Seconded by Stacey Smith. All in Favor. Motion Passed.

Respectfully Submitted;
Dyana F, Ledger