

RYE HISTORIC DISTRICT COMMISSION
Wednesday, January 12, 2022
5:30 p.m. – Rye Town Hall & Zoom

Members Present: Chair Kaitlyn Coffey, Stacey Smith, James Tegeder (via Zoom), Selectmen's Rep Tom King, and Alternates Mae Bradshaw, Lydia Tilsley and Katherine Brown (via Zoom)

I. Call to Order and Pledge of Allegiance

Chair Coffey called the meeting to order at 5:36 p.m.

II. Seating of Alternates

Alternate Mae Bradshaw was seated for Daryl Kent. Alternate Lydia Tilsley was seated for Karen Stewart.

III. Approval of Minutes

- **December 8, 2021**
Tabled to the February meeting.

IV. Application Procedure

Chair Coffey stated that she would like to discuss the Commission's application procedure. This has been discussed a few times, but has gone to the back burner. In lieu of the new guidelines, she feels this should be brought back to the surface. (She presented the current application to the Commission, which people can get through the Building Department.) She commented the application is a little vague and confusing. Homeowners seem to not understand the process. She thought that the Commission should review the application and finetune the process so it's clear to the homeowners and also to the Commission, as they keep getting into a cycle of going back and forth on each application of whether or not there should be a hearing. She continued that another thing people are confused about are the fees. To her knowledge, the fees are a requirement if notice has to be served to the abutters; however, there is not a fee to just come before the Commission for repair work.

Member Bradshaw stated that this changed to a \$100 fee if the Commission has to have a meeting because abutters have to be notified anyway. It's more expensive if it has to be put into the newspaper, but there are still expenses to have a meeting.

Chair Coffey noted there is a fee on the application. She thinks oftentimes people don't pay it because they assume it's triggered by the public hearing.

Member Bradshaw stated that she thinks it was decided that since notices have to be sent anyways that there was no sense in using the town's money and there should be an application

fee. Whether the Commission wants the fee to be less if there isn't going to be a public hearing, is something they can discuss. She pointed out that to change the fees is going to take a vote of the Select Board.

Selectmen's Rep King noted that at the recent Select Board meeting, the Selectmen approved the fees for the barn easements. He argued against the fees because they are high. The fees were \$150 for the application and \$8 for each abutter. He questioned the \$150 as being high. He was told that this is what the planning board charges now.

Chair Coffey commented that Selectmen's Secretary Janice Ireland told her that \$5 doesn't even cover the postage and time to serve the abutters, so \$8 is probably more appropriate.

Member Bradshaw stated they should be consistent. All the land use boards should kind of have the same fees. She thinks they should request that the Select Board set the Commission's fees to match.

Member Smith clarified that the \$150 is not just a fee, it's a fee for the advertisement and other costs associated with the application. It's not just charged for the sake of charging it.

Member Bradshaw confirmed.

Selectmen's Rep King stated there may need to be a two-tiered structure. If there's a public hearing it's one fee. If not, there's another fee to just cover the notices.

Member Tilsley asked what the \$150 fee covers.

Member Bradshaw replied it's for the newspaper publication. There are also certified mailings to abutters that need to go out. She explained that the ordinance now says there has to be a public hearing, which is not needed for every case if it's not important to the Commission. The Commission is trying to find a procedure that can be written up that would be middle ground. The ordinance would have to be changed. It would have to go to the planning board and to the town vote. It might be too late for this year.

Selectmen's Rep King commented it might not be too late for this year, if they can define what they want soon.

Chair Coffey noted that she thinks they could get it going and she can circulate it to everyone. She really thinks this should come out with the guidelines.

Referring to the guidelines, Member Bradshaw stated that she has the thumb drive so it can be put on the website. She knows they really didn't want to make copies, until they had it in circulation for a bit, to be sure there are no changes the Commission wanted to make. She thinks they will need about fifty copies. At the last meeting, people said they didn't want it to go out without an appendix that showed the inventory of all the buildings. Member Bradshaw noted that she will talk to Janice Ireland about how to get this done. She asked if the guidelines have been adopted.

Chair Coffey commented that she doesn't think they have formally voted to adopt them. The Commission can do this at the February meeting when more members are present.

It was agreed that Member Bradshaw should have Janice Ireland post the guidelines on the website as a draft for now, as there may be some good feedback on the document.

Member Smith stated that it would be good to let the homeowners in the Historic District know that the updated guidelines are on the website.

It was agreed that it would be nice to send out a letter letting the residents of the Historic District know that the guidelines are on the website and that their comments are welcome.

Selectmen's Rep King noted that the intent is to start digitizing the Town this year. The project will be starting in the Building Inspector's office. The Commission needs to keep this in mind because this will tie into that. For the Building Department to be digitized, it will include interactions with the various land use boards. The Commission needs to keep in mind that digitizing is going to happen. He pointed out that when it's digital, there can be various forms. Maybe in the beginning it will just be minor and major, but it's something to think about.

Member Bradshaw asked if "minor" and "major" would depend upon the cost of the project or the size of the project.

Selectmen's Rep King commented that he doesn't think a dollar amount would be appropriate because someone can spend as much on windows as a deck.

Chair Coffey noted that the Town of Exeter has two applications; change to an existing structure and new construction. Even new additions could fall under new construction.

Member Smith asked if it would be a modification of an existing structure versus an addition.

Member Tilsley commented that they think about it in terms of repairs versus improvements. She asked if they could do it that way; repairs to existing structures versus a new addition to the structure.

Selectmen's Rep King stated that they could also define what they think would require a public hearing versus a non-public hearing. He's not sure if that can be defined or not.

Chair Coffey commented that a neighbor may care more about new dormers going in versus a roof repair, so that may trigger a public hearing.

Member Bradshaw stated that unless it's something like just repairing a small hole, the Commission should have to notify the abutters. Everything else should probably need at least a letter to tell the abutters there's going to be a hearing (not necessarily a public hearing). She pointed out that as much as possible, these should be scheduled for the Commission's regular monthly meeting.

Chair Coffey stated that many times an application comes forward and the applicant wants to meet right away. The Commission tends to get pushed a bit in the sense of being able to look through the package to see if everything has been submitted and then sending it out to all the members. Often, the applicants don't submit everything that is required. She thinks it needs to be really clear that the Commission meets the second Wednesday of the month, so people can prepare their timeline for the meeting. She thinks they need to establish a deadline for the applications to be submitted for a meeting.

The Commission agreed.

Member Smith stated that if it's distinguished between repairs and everything else, the repair application could ask if it's an emergency repair. If it's an emergency, the Commission could jump on it; otherwise, it would go to the normal meeting.

The Commission agreed this is a good idea with an administrative decision being made by the chair.

Chair Coffey pointed out that last year an application came through for an emergency roof repair, which was of no interest to the Commission anyway. She thinks handling the applications this way would be appropriate.

Selectmen's Rep King commented the chair or vice-chair could have authority to grant emergency approval.

The Commission agreed.

Member Smith commented that repair means it's not something new. It's not a new addition. It's not a modification. It's fixing what's there.

The Commission agreed.

Chair Coffey summarized:

- Two categories – Repair versus new
- Repairs will have an emergency action which will trigger the chair's discretion to grant approval.
- General repairs should have an application submitted with a photograph of what is needed to be repaired, along with a detailed description. Applications should be filed by the first day of the month for the meeting on the second Wednesday of that month.

Member Bradshaw stated that the problem is that people don't want to spend the money on architectural plans for the planning board if the Historic District Commission says no.

Chair Coffey commented that oftentimes people will have drawings. They might not put as much time and detail to it, but they could have something to bring forward to the Commission. She asked if they would just ask for a photo and a description for a repair application.

It was agreed there should be a photo and a detailed description.

Note: *Karen Stewart logged onto the meeting via Zoom at 6:00 p.m.*

Referring to any changes that are new, Chair Coffey noted this would be anything being added that isn't already there. If someone was to change a footprint of a structure, that would go under new, as the Commission would want to see the details of what it will be.

Member Stewart requested that they be very clear in the language for anybody who is not doing a repair but is putting in something new that might be considered a replacement, which would be considered new. A petitioner might be thinking they are just replacing something.

Chair Coffey clarified that replacing falls under new versus repair. She agrees that language is very important. It's important to include the word "replacement" under new because it's something the Commission would want to see.

Chair Coffey summarized:

- New/Replacement category – Applicant will fill out a narrative describing what is being done. A photo of existing conditions should be submitted with drawings/plans and material list. Location of the work to be done on the property should be clear.

Member Bradshaw stated that landscape plans come up often when talking about outside work. That seems to be more of a site change and that would be new, if it was going to be a major clearing of the land. The Commission might want to plan for that. She's not sure that the building piece has to be contingent upon approving the landscaping. She asked the Commission if they should require people to show what the landscaping is going to look like before they get permission to do the building changes.

Member Tilsley commented they have talked a lot about landscaping on a lot. Since it's not permanent, is it something that should be considered the same way as an addition to a house?

Chair Coffey stated there are some people who will invest in a big landscaping plan. There are others who do it themselves and it continues to develop throughout the seasons. She's not sure that people would even know the Commission wants to see all that.

Member Stewart commented that they don't want to rule out the landscaping. Someone might not like the proximity of a sidewalk to their property and put a big berm in front of their house. In her mind, that's not temporary. It's actual earth changing.

Chair Coffey clarified that Member Stewart is saying she wants to include the landscaping. A tree could be temporary, as it could be cut down. However, if it's something that is going right in someone's front yard, the Commission may want to look at it.

Selectmen's Rep King stated that applicants going before the Conservation Commission have to come up with a whole planting plan to present to zoning or planning. The Conservation Commission will go back to the site in a year to be sure the planting plan was followed. He

continued that there are no real wetlands with what the Heritage Commission is looking at. He thinks they would be more concerned with shielding generators or trash cans. Things that really shouldn't be seen from the street. The Commission doesn't need to know exactly what it is. They should just condition the approval upon shielding certain types of things with plantings. He's not sure they really want to define what types of plants. With Conservation it's different because the plantings are protecting wetlands.

Member Smith asked if a fence is landscaping.

It was noted that it's a structure and it's covered in the ordinance.

Member Smith commented that some people will put trees or shrubs in that will grow tall to act like a fence. This will change the look of the Historic District.

Member Brown stated that it's a tough one because it's something that could be a real negative if the Town wants to expand the Historic District. People are going to get "tied up in knots" about this. Getting into these little tiny details will drive people crazy.

Selectmen's Rep King stated they aren't talking about not letting people put things in. They are talking about requiring things. For example, if they are putting in a generator and it has to be in the front of the property, the Commission would want that shielded. People putting in flowerbeds is not really the Commission's concern.

Chair Coffey stated they have to be clear. There could be an item that says landscaping and they could write out what would be of interest to the Commission. She thinks it could become unclear or people are just going to ignore it. But like Member Brown said, it could be cumbersome for people to even do things in their yard and to know when they have to come to the Commission.

Member Bradshaw stated that she thinks there is something already in the ordinance that talks about the land around property and the state of the landscape. If someone wants to put in pavers or such, the Commission has jurisdiction over all of that. Fences, walls and driveways, etc. are covered in the Historic District Statute.

Member Stewart stated that she would be in favor of acknowledging it and using language to express what the Commission is looking for. It's possible to say that there are instances in which landscaping can dramatically alter the exterior appearance of a residential space. It should be very clear to all homeowners that the Commission is not looking to control their gardening.

Member Tilsley commented this is just the application. The guidelines are where all that information would be.

Chair Coffey noted that the guidelines have a section on site elements. She's not sure that anything specific was included for shrubs or plants. She asked if landscaping should be included on the list of things that Commission wants submitted with applications.

Member Bradshaw suggested including a landscaping plan if it's relevant to the project.

The Commission agreed.

Chair Coffey stated that she feels the Commission is comfortable with the details of the application. She asked when the items should be due to the Commission, so there is time to review the materials and to determine the type of meeting that is needed. She explained that usually someone will email an application. She thinks they need to look at the month before the meeting, so there is time to advertise it if it is a public hearing, as two weeks are needed.

Member Smith asked if whether it will be a public hearing needs to be a full Commission decision or a chair decision.

Chair Coffey stated that she doesn't think it should be a chair only decision. She's not sure that everyone would agree. Maybe the chair doesn't think something should go to a public hearing, but the members might feel differently.

Member Bradshaw asked if there could be a smaller administrative body that could make the decision.

Selectmen's Rep King commented it would be like a technical review or technical advisory committee. That committee would say whether the application is complete and how it should move forward. He commented that maybe the Commission would assign three people rotating every month.

Chair Coffey commented that the chair could assign people each month and rotate the schedule. That way each member would know when it's their turn.

The Commission agreed this would be a good plan. There was discussion about when the applicants would pay the \$150 and when the abutters would be notified if the application was going to a public hearing.

Member Bradshaw stated it's reasonable for the applicant to pay \$50 when they file the application. If there has to be a public hearing, there will be an additional \$200 assessed; \$50 for the abutters and \$150 for the newspaper.

Member Smith pointed out that on the application format there's a section for HDC comments and stipulations. She asked what this is for.

Chair Coffey explained that after the Commission reviews the application, the chair usually writes up a letter of approval, which is also sent to the Building Department so they have it on record. This section would be for comments and conditions of approval.

Member Bradshaw noted that it goes back to the Building Department to show if it's approved or not approved.

The Commission reviewed the Town of Exeter's application. The Commission agreed that a line stating "no interest" should be added to the application with an explanation why. It was also agreed that applications need to be submitted to the Commission three weeks prior to the monthly meeting date.

After five business days, there will be an administrative finding of the technical committee; 1) whether or not there is interest;

2) whether the application should go to a work session only; or

3) whether the application should go to a work session and then to a public hearing.

The technical committee will also determine whether or not abutters should be notified. The committee will report their findings back to the chair, who will prepare the abutter notices and meeting agenda. If the application is to go to a public hearing, the applicant will be required to pay \$150 at that time for the posting in the newspaper. Abutters will be notified of an application going to a work session. They will also be notified again if the application is going to a public hearing.

It was agreed that the work session would be the Commission's next monthly meeting. If it's determined that the applicant is going to a public hearing, the clock for the fourteen days could start and an extra meeting could be scheduled for that month.

There was some discussion about whether the applicant should specify in their proposal the timeframe for getting the work done; estimated completion date. It was agreed that an estimated start date would be more reasonable, as some applications may need to go to other boards and could take longer to complete.

Member Bradshaw noted that they have to compare the application with what is in the ordinance. It may be a good idea to have town counsel look at these changes.

Chair Coffey stated that she will type up the changes and circulate it to the Commission. She will also ask Janice Ireland to submit it to town counsel for direction.

V. Guideline Launch

It was agreed to do a soft launch. The guidelines will be posted on the Town's website and people can be directed to the website. Chair Coffey will ask Janice Ireland to send a link to the guidelines to the other land use boards. A letter will also be sent to the homeowners in the Historic District letting them know that the guidelines can be reviewed on the Town's website. People will be invited to give comments in writing or at a meeting in February or March, after which time the guidelines will be finalized.

- **Next meeting February 9, 2022 at 5:30 p.m.**

Adjournment

Motion by Lydia Tilsley to adjourn at 6:51 p.m. Seconded by Stacey Smith. All in favor.

Respectfully Submitted, Dyana Ledger