

# HISTORIC DISTRICT COMMISSION

## TOWN OF GILMANTON

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### Tuesday, March 7, 2006 Minutes

Chairman Perry Onion called the meeting to order at 7 p.m. Present were Members George Roberts, Jr., Steve Latici (newly appointed full member), Alternates Rebecca Ronstadt and Allen Everett, Selectmen's Representative Ella Jo Regan and Recording Clerk Veronica Say. Mr. Roberts recused himself during the discussion of Ken Paige's case. Phil Eisenmann was absent.

Chairman Onion noted that Craig Squires was not present in time to be first on the agenda for the informal discussion. The Chair acknowledged the presence of Jeff MacDonald, Mr. Paige's contractor, and gave him the floor.

**Continued Public Case #11-2005-Kenneth Paige:** Applicant proposes to build a 28' X 40' barn on 10.85 acres located at 533 Meeting House Road in the Smith Meeting House Historic District, Tax Map/Lot #49-27.

The board was provided with a new set of drawings since the last meeting. Mr. MacDonald said he went point-by-point using the checklist provided, and dealt with the issues of the side door and windows from last time. He said he did not have the pictures of the door hardware, but would inspect what was used in the historic district and copy that.

Mr. MacDonald said some features were the same as on the last proposal, such as use of shiplap, which would be weather tight and economical. He noted that on the front gable, he would fur it out and on the side it would just go up to the solid soffit. He said he would square the casing of the windows as requested previously and bring the siding to them with the copper flashing. Mr. Latici wanted to know what he would use on the door hardware and Mr. MacDonald said Mr. Roberts was sending him a brochure. The Chair said the door hardware did not need to be old fashioned but needed to go with the house.

Finally, Mr. MacDonald confirmed to Ms. Ronstadt that there would be trim on the second window, though it was not depicted, and in answer to Mr. Everett's question, reported there would be no electricity at this time but a tube would probably be run for it.

**MOTION:** Mr. Latici moved to accept the application as amended with the new drawing and this was seconded by Ms. Regan and given unanimous board approval.

Mr. Roberts returned to the meeting. The Chair said he had gotten a phone call about someone who was possibly interested in purchasing a house in the historical district and then moving it, but this was all he knew at the time.

The Chair discussed five letters that had been sent out (with green certified receipt cards- all returned except that of Craig Squires of the Gilmanton Corner Store. As noted in last month's notes, Bob Flanders hand delivered another copy in addition to a second letter which Mr. Squires signed and dated 2/10/06).

The Chair said David Wiggins had called regarding his fence but would not be doing anything for a couple weeks as he was going out-of-town; (however the clerk reported that Mrs. Wiggins had started an application).

He said he didn't know the situation on Richard Fraser's retaining wall or if he even still owned the property, and said this led him to think seriously about fences and retaining walls. He wanted this to be a focus for the May 16, 2006 all-day workshop.

Mr. Latici reported speaking to Henry Page. Mr. Page said the newly painted trim was actually a very dark shutter green (not black), the same green he used to paint it 25 years ago and took the position there has been no change. Mr. Latici and Mr. Onion agreed that this was probably the end of it since there are colored photos on file, but they were probably faded. Ms. Ronstadt suggested digitizing in the future, and Mr. Roberts suggested getting picture of detail.

The Chair reported that Matthew Gault had called and promised plans but these haven't appeared yet (he subsequently called the clerk after the meeting and said he would come in for HDC and building applications).

Mr. Roberts felt some kind of skirt was needed on the light at the Gilmanton Corner Store gas pumps. He reported Mr. Squires said he turns the light off at closing, and was coming up with a plan for the paving. He noted later that there is a place to get wood siding that looks like asbestos.

Mr. Onion then wondered where Mr. Squires was, (he had been informed by phone by the clerk that no decision could be made, as this was just an informal discussion).

Ms. Ronstadt asked that she be notified when the bank submitted a septic plan for the Mudgett house and hoped they would fix it before selling the house or be sure to disclose the problem to a buyer.

The board started to approve the meeting notes when Mr. Squires arrived.

The issues regarding Mr. Squires included having put plywood panels where a door and a window were removed when the walk-in was installed. Mr. Squires wasn't quite sure what to do about fixing the asbestos shingles. Concern was expressed about the new light over the pumps. Mr. Squires reported that the light was the smallest one he could use and still meeting the minimum for lumens. He said he closes at 8 p.m. and at 9 p.m. in the summer, and turns the light off. Mr. Squires said that about a year ago, the store was approved for a four-panel door...then a few weeks later Pam said it was illegal. He said he has renters who can't see through the door at night without the window. If it is offensive, he said it could be painted over.

The Chair said the minutes say a six-panel door was approved. He said the HDC couldn't function unless people report to them before doing things. Mr. Onion discussed the light just appearing, and wondered if another light was available that would look better, and wished Mr. Squires had come before the board first.

With respect to the shingles, he said both Mr. Roberts and the building inspector had knowledge of asbestos shingles that look like wood and are scalloped on the bottom. He pointed out that these issues were being dealt with when Mr. Squires bought the store.

Mr. Latici said the board was put in a position where they have to take enforcing action to enforce what has been approved. He said they couldn't start making exceptions after the fact. He suggested that Mr. Squires file a new application requesting approval of the door as it is installed, because they accept applications after the fact all the time, and at that time they could have a discussion as to whether the door would be left as is, or require that the original six-panel door be installed. He said this brings them to the discussion as to the standards that should be applied to "non-historic" grandfathered commercial structures legal in the district. According to the prevailing case law on that, the standard they view is whether or not the proposed change to the "non-historic" structure will have a detrimental impact on the other historic issues in the town (Other historic buildings in the district). He felt this brought them to the issue of the light; as it stands, he was unsure if the light has an adverse impact on other historic district building in the town, particularly "The Tavern". There was a brief discussion about what type of light it actually was, the safety issue, and the impact on the surrounding historic structures. He stated that he would like to get the building inspector's input on the matter and the number of lumens that could be used or is required.

Ella Jo was concerned with Mr. Squires' unwillingness to come before the board before going ahead with his work. She felt Mr. Squires had been around long enough to know that being in the historic district, he had to come before the board when changes are made. Mr. Squires said it wasn't an unwillingness to come, but he had spoken with his contractor, and Mr. Squires said he didn't have much choice for lights. He felt that if he had chosen any of the other lights available to him, that the Board would have been knocking at his door the day after it was done, because they (the lights) were awful. He said he told the contractor that he wanted the smallest, less obtrusive, historic-looking light that he could come up with. Ella Jo felt he should still have come before the board first. Mr. Squires said it would have taken too long to order a light, and file paper work. Mr. Squires was told that he couldn't justify what he had done by talking about time constraints; he put the commission in a position of making a ruling of the fact that his structure is noncompliant, and the board is free to take some sort of enforcement action should they desire to do so, and compel him to remove the lighting, or he could file an application seeking approval of the light as it is now installed. It was stated that Mr. Squires had already been given an exception for his garage door.

The paving of the parking lot was also briefly discussed. Mr. Squires stated that he had gotten a previous approval to pave the parking lot, but it was pointed out that an approval is only good for one year, so he would have to reapply.

## **Other Issues**

**Vault in Academy Building** - Mr. Roberts asked Ella Jo about the proposal to build a vault, as stated in Article 10 in the Town Report. The vault is to be built underground with access from the basement of the Academy building near the rear. Ella Jo confirmed that the vault would be underground with access from the basement of the academy building with no structure involved.

**Approval of Minutes** – The board continued reviewing the minutes of the previous meeting.

**Motion: Ella Jo Regan moved to accept the minutes of the meeting of Tuesday, February 7, 2006 as amended. The motion was seconded and passed by a unanimous vote.**

**Fee Structure** – Mr. Onion stated the need to have a clear fee structure to charge applicants. There was a discussion regarding the fee structure, how it should be determined, and the need to be charged for the application, and a fee per abutter. It was stated that a checklist was needed so that anybody taking in an application could go down the list to see that everything that is needed for a complete application is included. The board will discuss the issue at a work session.

**Fraser**

Perry Onion stated that they don't know if Mr. Fraser still owns the lot. He said the "for sale" signs came down about two months ago, and nobody is living there.

It was stated that Mr. Fraser was the applicant of record, and made the installation and therefore he is the person subject to the enforcement action; not the new owner, who had no knowledge, whatsoever, other than that it was in the historic district.

Mr. Onion said he had sent two letters, and they had been ignored. He said he had also sent a letter to the building inspector instructing him to send Mr. Fraser a letter informing him that he is in violation, and the fine is \$275 per day until the violation is cured; the violation is specifically the retaining wall. Mr. Onion said the wall is not shown on the plan. Becky Ronstadt wondered what could be done if he no longer owns the property. She was told that legal action could be taken to enforce the fine.

The recommendation was that the building inspector issues a notice of violation.

There was a discussion about how the wall should have been built to fit in with the historic setting of the district, and that Mr. Fraser should have come before the board before building the wall. Perry Onion stated that the regulations say that stonewalls should be laid dry, generally fieldstone following the contour of the land, and in keeping with the historic district.

**Motion – Steve Latici moved that the Commission find that Mr. Fraser is in violation of his applications and approvals previously issued in respect to the installation of the retaining wall that is not part of his application or approval, and it is further moved that Mr. Fraser be fined at the rate of \$275 per day effectively immediately, and that he be so notified by the code enforcement officer.**

Ella Jo Regan seconded the motion. There was unanimous approval from the board.

Veronica Say will notify Bob Flanders to notify Mr. Fraser of the Board's decision.

**Letter – Donna Rondolet** – Chairman Onion read a letter from Donna Rondolet of the Iron Works, who is interested in assisting the HDC by meeting with people, conducting research, providing assistance with computer and printing applications. Ms. Rondolet said she has extensive knowledge and access to Microsoft Word and Excel.

There was a brief discussion as to whether the Board could have another alternate member at this time, and possible projects that could be worked on.

Chairman Onion will write a letter to Ms. Rondolet.

**Work Session** - Chairman Onion stressed that the work session for May 16th has to be advertised and posted.

Becky Ronstadt was concerned about what would happen to the historic district in the future. She noted the issues with the store and the fact that both the “Brick House” and “The Tavern” are up for sale. There was discussion about who had the jurisdiction to regulate what happens in the district, and the need to work with the Planning and Zoning Boards, and code enforcement. Becky was concerned about the preservation of the town.

George Roberts said there is to be a spring conference sponsored by the New Hampshire Preservation Alliance on Preserving Community Character on April 11<sup>th</sup> and 12<sup>th</sup> and encouraged anyone who could to attend.

**Motion - ??????? moved to adjourn the meeting. Ella Jo seconded. The motion passed by unanimous approval.**

The next meeting will be held at 7 p.m., Tuesday, April 4, 2006.

Respectfully Submitted

Veronica Say

Recording Clerk

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