

**HISTORIC DISTRICT COMMISSION**  
**TOWN OF GILMANTON**  
**TUESDAY, DECEMBER 2, 2008 – 7 p.m.**  
**MINUTES OF MEETING**

**Present:** Chairman Perry Onion, George Carpenter, Deborah Chase, Allen Everett, Selectmen's Representative Rachel Hatch, Alternates – Ella Jo Regan and Joanne Wilkens  
Land Use Clerk – Annette Andreozzi

Chairman Onion opened the meeting at 7:00 p.m. with introductions.

- 1. Informal hearing- Lynn Durham, applicant:** Concerning the current septic which did not receive HDC approval before it was put in. Property located at 500 Province Road in the Gilmanton Corner Historic District; Town Tax Map/Lot #127/50.

Lynn Durham was present.

Chair Onion opened by giving history of the property as it related to the HDC. Ms. Regan stated the bank put in the septic and sold it to the previous owner, who made some changes. The problems lay with the land not the owner. Ms. Durham did not know that there were other problems, but the bank would not loan money on the property because the appraiser said there were problems with the septic relating to the HDC. Mr. Everett indicated the other problem was with a drainage pipe, but that was a side issue because the pipe was no longer there. Chair Onion stated that there were 3 tubes coming out of the septic and perhaps they could be painted to match the fence, but he did not know if the fence was on the property. Ms. Chase was concerned that the septic had failed, and she wanted the correct status before continuing. Ms. Durham did know the septic status. Ms. Regan thought the original septic was across the street. Ms. Chase was concerned that restoring the house would require a huge investment.

There was a discussion about what might need to be done on the house. Chair Onion stated that any internal structure repair does not require HDC approval.

Ms. Durham believed that the septic works, and wondered what could be done to clear this issue with the HDC. Chair Onion felt the Commission needed to assume that the septic works. Mr. Everett stated the septic pipes could be covered with shrubs.

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Mr. Onion said that shrubs need to be green year round. He would prefer a stone retaining wall on one side parallel to the house and a picket fence maintained in the front to keep the slope from being noticed. The fence to the right is ok.

Ms. Chase described how the tank or well area looked when she went on the property.

Then there was a general discussion about how it might look. Ms. Regan stated that work of the kind discussed would need permission of the HDC before it was performed. Ms. Chase stated the new owners would need to clear up where the boundary was for the driveway. Mr. Onion felt the split rail fence would have to go.

Public comment was made by George Roberts that the HDC regs do not require a picket fence, but only allow a 4' fence, the state gives septic approvals, vegetation or a fence would block the view of the septic, and the issue was how to make the septic appear to have less impact on the site.

Ms. Chase & Mr. Onion expressed concern that they know that the septic works before the HDC goes any further. Ms. Durham said there is a state approved septic plan, but doesn't know if the state approved the construction. Mr. Onion stated that the septic was not approved by the HDC, but the property needs one, so how can it be fixed? He polled the commissioners:

- Mr. Everett liked the idea of it being behind a fence, and fixing the other fences on the property.
- Ms. Regan expressed frustration about people doing work first then coming before the HDC.
- Mr. Carpenter felt that a fence and shrubs should do the trick, and he didn't have a problem if they wanted to include a retaining wall.
- Ms. Chase concurred with the rest of the members; she felt the mound was the problem and anything to minimize it would be positive.
- Mr. Everett felt the septic pipes needed to be covered and the fences need to conform to HDC regs.
- Mr. Onion stated in this case he prefers a taller fence.
- Ms. Regan suggested to match the Stubb's fence, but doesn't object to a picket fence, landscaping, or a retaining wall. Just submit a clear plan.
- Mr. Onion felt the retaining wall could look like a sunken sidewalk.

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- Ms. Wilkens agreed with all that was said and felt it should have a standardized look.
- Ms. Hatch felt any improvement is better than what is there presently.

Chair Onion stated the applicant should have an idea of the Commission's thoughts, the next step is to make a formal application with plans & elevations, dimensions, colors, every detail. If a stone wall is desired refer to other walls in the corners district.

Ms. Durham clarified that the unapproved changes to the property were the septic and the little fence.

Chair Onion expressed the hope that the realtor could convince the potential buyers to take on the property.

- 2. Informal discussion to close out - Case #5-2008 - Tina Mirabella:** Request to repair breach in stonewall located at 541 Meeting House Road in the SMH Historic District; Tax Map/Lot #414-61.

Mr. & Mrs. Mirabella were present.

Chair Onion explained that there was an issue left over relating to a stone wall on the Mirabella property, that wasn't completed according to plan.

Mr. Mirabella showed pictures of the stone wall before and now, and explained that they have contacted the contractor to make the appropriate corrections.

There was a discussion about how the wall should look and what to be done about it.

Land Use Clerk Andreozzi, explained that the state statute says that if the HDC does not submit a certificate of approval or disapproval within 45 days of an application, that application is deemed accepted. The time frame can only be extended with the agreement of the applicant. Since the HDC did not get an agreement of extension from the Mirabellas and did not certify a disapproval, by default the HDC has accepted.

Mr. Mirabella said that they care about restoring the property, which is now on the market. They would have made the wall adjustment anyway.

Ms. Chase asked if the Mirabellas weren't willing to make the changes to the stone wall, would the HDC be stuck? Ms. Andreozzi thought, yes.

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3. **Informal discussion relating to - Case #1-2008 Emily Bracey applicant, Richard Fraser owner:** Retroactive application requesting approval for retaining wall, woodshed, and site elevation change. Property is located at 623 Meetinghouse Road, in the Smith Meetinghouse Historic District, Tax Map/Lot 414-65.

Chair Onion stated that the 45 day rule does not apply in this case, that the HDC made a decision, the applicant did not abide by the decision. He passed out a copy of an escrow agreement to the members, and explained the background of the case. The HDC had not demanded to see the terms of the escrow agreement, which states that buyer & seller will agree to completion of the project.

There was a discussion relating to the legal ramifications of the escrow agreement, and who was responsible as the property is owned by Tim Pease. Chair Onion stated the issue is what do we do, and since winter has set in can we expect the stone wall to be fixed before spring.

A discussion ensued relating to writing a letter and extending Mr. Pease's time frame to a specific period.

**MOTION: Chair Onion to write a letter to Mr. Pease expressing that he has failed to complete his project according to specifications of the granted HDC approval. The HDC will grant him an extension until July 31, 2009 to correct the stone wall and do the shingles, escrow funds will be released after the HDC approves the work. Motion passed.**

4. **Approval of minutes:**

**Motion : to approve September 2, 2008, HDC minutes as amended. The 3 members that had attended the meeting, all voted in favor.**

**Motion : to approve October 7, 2008, HDC minutes as amended. All in favor.**

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**5. Other Business.**

There was a discussion about the Academy building's cupola. Ms. Hatch said the Selectmen are discussing how to fund its restoration.

There was a discussion relating to enforcing the authority the commission has in the historic districts, and whether fines could be levied. It was suggested that the topic be made an agenda item for a work session.

Ms. Chase commented that the General Store is running out of time and a letter should be sent to them regarding the painting that was started in June 2007.

Ms. Andreozzi brought up a contradiction in the HDC procedures relating to the time applications and supporting documents were filed. A discussion followed.

**Motion: To amend the first sentence of Gilmanton Historic District Commission Procedures Section I A.1 to read: An application for Certificate of Approval must be submitted *22 days before the next regularly scheduled HDC meeting*, for all activities requiring approval of the Commission under the Gilmanton Historic District Regulations, including, without limitation, additions and exterior changes to presently existing buildings, and for the exterior portions of any new structures which are proposed to be built within the historic districts of Gilmanton. [the portion in italics being the only change]**  
**Amendment adopted, vote 4-1.**

The 2009 HDC meeting & deadline schedule, based on the above motion was accepted.

Motion: To adjourn at 9:15 PM

Respectfully submitted  
Annette Andreozzi  
Land Use Clerk