

**TOWN OF GILMANTON
HISTORIC DISTRICT COMMISSION
ACADEMY BUILDING
TUESDAY January 8, 2008 7:00 P.M.
Meeting Minutes**

Chairman Perry Onion called the meeting to order at 7:03 p.m. Present were George Roberts, Allen Everett and George Carpenter, alternate member. George Carpenter was appointed as a full voting member for this hearing.

Chairman Onion explained the process for public hearings to the public present. He then opened the floor to public discussion on the case before the Commission.

Emily Bracey and Nancy Fraser were present to speak on behalf of the application being presented to the Commission this evening.

#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.

George Roberts inquired if there were any drawings or documents submitted to the Commission regarding the woodshed that was constructed.

Nancy Fraser stated that it is simply a lean two in order to cover stacked wood.

George Roberts stated that he has not seen a site plan or sketches for the woodshed and therefore would consider the application to be incomplete and that the case should not be heard this evening.

MOTION: George Roberts made the motion to delay the meeting until all proper documentation is submitted and sketches for the woodshed and elevations for the septic design. Seconded by Allen Everett.

Emily Bracey stated that she would like to make a comment in regards to the application. She stated that she spoke with Robert Flanders in person and on the phone. She further stated that she spoke with Mr. Onion in regards to the procedures she would need to follow to complete the application. She was instructed to complete the one page application and was not advised to bring any plans, sketches or further documentation. Ms. Bracey made the Commission aware that there is a purchase and sales agreement pending on the property and that she, the Fraser's and the prospective buyers are working diligently to clear any encumbrances on the property.

Chairman Onion stated that during the phone conversation with Ms. Bracey, all his recollection of what was said was that the woodshed would be removed and therefore

would not have to be a part of the application for approval and sketches would not be needed.

George Roberts stated that he is not aware of any ex parte conversations regarding this case. George Roberts also stated that the Commission in addition to not having a sketch of the woodshed, also does not have a plan of the elevation change to the lot.

Chairman Onion brought the motion as made by George Roberts to a vote of the Commission.

Allen Everett stated that the Commission does not have the elevation changes to the lot that happened when the septic was installed. Ms. Bracey stated that she has the elevation changes. George Roberts stated that the information that Ms. Bracey had was supposed to have been submitted to the Commission 10 days prior to the hearing.

Chairman Onion stated that the issue that is before the Commission is the septic system and not necessarily the woodshed at this point and that will be set-aside for the moment. What is in place and goes against the regulations is what he thought the Representative and owner are here to discuss. He stated that it was his understanding that they were not coming before the Board at this time with plans, but to discuss what needed to be done by the prospective owners to come into compliance. Emily Bracey stated that it was her understanding through conversation with Perry Onion and Bob Flanders that she was here to talk about ways to waive the elevation change and how to change the stonewall and rectify the situation. Chairman Onion for clarification asked Ms. Bracey if what they are here for is to ask for clarification of the type of wall that would possibly be accepted by the Commission and further that the Commission would allow the septic to remain the way it is. Emily Bracey restated that what the present home owner, potential buyer and herself are looking for is approval for the issues as they are and if not, then to have a direction on what needs to be done to resolve the issues so that the property may be conveyed to the potential buyer free and clear of any issues.

Chairman Onion clarified that tonight there are no specific plans being presented. Emily Bracey stated that is correct.

George Roberts stated that from the letter from Robert Flanders, which was attached to the meeting agenda mailed to him, he was under the impression that the applicants were coming with full plans for resolutions to the issues. He stated that this case deals with a resident who has done work without permission over and over again and he is not prepared to issue an approval without all the information. George Roberts stated that this meeting should be used to discuss what needs to be accomplished at the property and another hearing will need to be held in order to decide if an Approval Letter will be issued for work to be done or the issues waived.

Chairman Onion stated that the applicants are not here to build anything, but to provide information. He stated that the retaining wall exists and a plan is not needed to approve or

deny what exists. George Roberts stated that he wants pictures of what will be built to replace the existing stonewall.

Chairman Onion restated the motion as proposed by George Roberts and seconded by Allen Everett, to delay any consideration or approval of retroactive permits until all information is presented to the Commission. Chairman Onion for clarification, inquired if this meant the potential buyer needed to approach the Commission with a complete plan before the property can be sold. George Roberts stated that is not what he is saying because he did not mention anything about the present owner or potential buyer. He stated that whoever wants to make the application and show how the stone walk is going to be rebuilt and plans for the woodshed and it does not hinge on who is selling and who is potentially buying the property and that should not be a part of any consideration. George Roberts stated that this should not have noticed this as a public hearing because there is no information. He further stated that the only way he could be assured of anything being done to the property is with a plan. Chairman Onion inquired why it would not be amenable to have the case heard with assurances from the potential buyer and realtor, with plans, to potentially approve this application. George Roberts stated that the Commission has done that in the past and it has not followed through. George Roberts stated that the potential owner should be the applicant giving his promise and assurances to the Commission. Emily Bracey stated that they would like to sell the property free and clear of any encumbrances. What they will do is place in the Purchase and Sales agreement that the money for the work as approved by the Commission will be escrowed and maintained specifically for the modifications to be made, if any to the property.

George Roberts again made the motion to postpone hearing until the information is all presented. Allen Everett stated that a decision cannot be made tonight, however the Commission can help to discern what is necessary and have another meeting with plans shown to make decisions.

Motion: That there not be action on any requests until all information is provided with regard to the elevation of the septic system, design of the stone wall and the elevation of it also.

George Roberts stated that the Commission has no authorization over an escrow account only whether the permit is granted or not.

Motion carried 3-0.

Emily Bracey inquired as to what is wrong with the stonewall as it is presently. George Roberts stated that the regulations state that if there is an elevation change of greater than one foot then you are obligated to apply to the HDC. Emily Bracey asked again, what is specifically wrong with the stonewall as it is. She asked what needs to specifically be changed. George Roberts stated that stairwells in other homes in the Districts were not made of boulders as this one is. Emily Bracey stated that she visited the cemetery down the street that has similar boulders and walls as the property in question. George Roberts stated

that if you are building a stairwell into the earth there are proper ways to do it and using large boulders is not the correct way. Chairman Onion stated that it is the very large rounded boulders that are the issue. If a stonemason were fitting a wall together the faces and ends would be flat. The issue is not that there are big rocks in it, but the face and top need to be flat and stones fit in between. Emily Bracey asked for clarification that the wall does not need to be torn down only repaired to conform by way of a flattop and face. George Roberts stated that the stairs are also too big and not flat and should be horizontal. Emily Bracey stated that at the front of the wall where the stairs are is the problem. George Roberts stated that the best thing to do in his opinion is to remove the steps. Emily Bracey inquired for clarification is that the main concern is the stairwell. Allen Everett stated that the entire wall is a problem because it does not conform and looks as if it were just boulders dropped. Chairman Onion stated that he does not foresee how that wall could be fixed. Mrs. Fraser stated that the boulders came off of the property.

Mrs. Fraser stated that it was not her intention to snub the Commission at all. She knew that the house was to come before the HDC, however she was unaware of the problems with the walls. The installer of the septic system put in the wall and they assumed that because the installer lived in town that he knew the rules. Allen Everett stated that in all sales deed of homes located within the Historic Districts it states that the property must conform to HDC regulations.

George Roberts stated that he is not trying to place blame and that people have different thought processes and things become misunderstood. He stated that he would personally like to see the huge boulders removed and find out if the retaining wall is necessary near the driveway. If the retaining wall is needed then approach a mason for stones that are more dressed and have the wall come at the right angle. Emily Bracey asked if George Roberts was saying the entire wall needed to be ripped out. George Roberts stated that it is his opinion to see that that should be done and to remove the big boulders and the stairwell. Emily Bracey inquired if they were to repair the stair area and the boulders would that be enough. Chairman Onion stated that it might be possible to leave what is there and to build a new wall in front of it. Allen Everett read from the HDC regulations "Stone Walls shall be laid dry generally of fieldstone to follow the contour of the land and in keeping with the historic district".

George Carpenter stated that the HDC is trying to help with this application and he understands that there is a long history with this case that has not been pleasant. Mr. Carpenter stated that a person couldn't be held accountable who does not have a vested interest in the property. The property owners are ultimately responsible.

Emily Bracey stated that they will certainly come back with the specific information but she needs to know precisely what the Commission is looking for.

Chairman Onion inquired if she had asked Wendy Keane the clerk for phone numbers of masons. Emily Bracey stated that she had and that the prospective buyer had a mason go out to the property and got an estimate to replace the entire wall, however she does not have the

plans of what it would look like. She would like to get three estimates from masons but would like to very clearly know what needs to be done to the wall.

George Roberts stated that a mason would know best what could be done with the existing wall. The Commission discussed different walls within the districts. Perry Onion stated that the applicants should look at the wall on the property two doors up from the Academy Building, specifically the wall on the right of the driveway, so that the applicants are visually aware of what the Commission is looking for.

Emily Bracey inquired what her next step would be. Chairman Onion stated that she would need a plan with footprint and elevation, which shows in measured terms how high it is at various points. Emily Bracey stated that she cannot change the septic as it is state approved and is already there. Different options were discussed to mitigate the septic system by utilizing landscaping. Emily Bracey inquired if landscaping had to be approved, specifically shrubbery. George Roberts stated that trees and foliage are at the discretion of the homeowner.

Emily Bracey inquired for clarification, that if she re appeared before the Commission with a design of an option for a wall that meets the code, would it be possible to get the approval at that time. Allen Everett stated that the retaining wall has been the major issue all along. Emily Bracey inquired if she should come back with a design for the woodshed or just tear it down. Chairman Onion stated that if they were to come back with plans then they would be considered. The plans need to show plans with the pitch of the roof, colors, and structure design. Allen Everett stated that the Commission had met with an applicant recently for a similar structure.

The Commission discussed holding a special hearing to have the evidence presented to them.

George Carpenter stated that he will be out of town for a meeting proposed for the 28th or 29th of January.

Emily Bracey inquired that if the application were to be approved, is it ok for the funds to be put in escrow and the work be done in the spring. Chairman Onion would like to see that the buyer is ok with the plans. It was suggested that he be present at the meeting.

The Commission, applicant and property owner continued to discuss ways to bring the property into compliance and an escrow account for the work to be done post sale.

Chairman Onion again urged the applicant to view the wall at the Bartholomew residence and gave directions to the property.

Emily Bracey inquired about receiving the minutes from this meeting. Chairman Onion stated that Wendy Keane would have them available in the time mandated by RSA. Chairman Onion stated that the minutes are not transcribed verbatim.

George Roberts stated that his last issue to discuss is the repainting of the garage door. Nancy Fraser stated that the doors have not been repainted and that the color has faded or has discolored. Nancy Fraser stated that they have only put a protective coating on the doors and not a color.

The Commission and Nancy Fraser discussed inconsistencies and other issues regarding codes and the following of them. There was also general discussion on the changes in Building Inspectors and HDC members over the course of the building of the house.

Emily Bracey inquired if there was anything other than the submission of plans that she needed to do to facilitate the meeting on January 29th, 2008. Chairman Onion stated that she should contact Wendy Keane in the morning to discuss the plans.

Other Business:

The Commission discussed ongoing issues within the districts as well as the proposed changes in policy.

Allen Everett moved to adjourn the meeting at 9:00 pm. Seconded by George Carpenter. Motion carried 4-0.

Respectfully submitted,

Wendy L. Keane
Land Use Clerk

