

**Town of Effingham, New Hampshire
Historic District Commission**

**Meeting Minutes
July 14, 2014**

Present: P. Potter (Chair), R. Harrington (Assistant Chair), E. Jones (Secretary), J. McRae, N. Potter, L. Edwards (Selectmen's Representative)

Absent: None

The meeting was called to order by the Chair at 7:02 p.m.

The minutes of the June meeting were distributed. It was moved by R. Harrington to accept the June meeting minutes as written. Seconded by L. Edwards. Passed and carried.

Old Business

1) Historic District Signs.

Mr. Edwards reported that he was able to find a source for the breakaway posts with a price of about \$40 per post, significantly lower than the original price quoted of \$140 per post. The posts would still be ordered through the Selectmen's Office to ensure the best possible price as a municipal customer.

2) Historic District maps/Planning Board.

The Chair presented the full-size, color-coded maps of the Lord's Hill Historic District. These will be placed in the file cabinet in the Modular Offices. In addition, now that the cartographer understands the errors in the previous maps, these particular maps will be corrected in the full, town-wide maps during the next revaluation cycle when the maps are completely reprinted.

The Secretary again inquired as to whether or not the digital version of these maps could be placed on the Town website with a link to them from the Commission's section of the website. The Chair felt that question was best posed to the Town's webmaster. The Secretary advised that he had inquired with the town's webmaster and that she believed it was possible. The Secretary did raise concerns that without coloring-coding and the ability to zoom/drag the maps, they would be so small on-screen as to be unusable. The Secretary will make further inquiries on this topic with the webmaster.

3) Historic Roadside Marker for the Effingham Town Hall building.

No update at this time.

4) Building Permit Application Process/Historic District Commission role.

The Secretary provided to all a recap of the session with the Town Attorney, as he understood the conversation and how it related to our specific issue regarding the routing of building permit

applications for properties located in the Historic Districts. Also in attendance at that session were the Chair, Mr. N. Potter, and Mr. Edwards. They were in agreement with the Secretary's recap.

Essentially, the Town Attorney provided the following guidance concerning the building permitting process and the Commission's role in concert with the Zoning Enforcement Officer (ZEO).

First that the Commission is correct that a building permit may not be issued for a property in the Historic Districts unless the applicant has received their Certificate of Approval from the Commission.

Second, that the Commission is permitted 45 days to review and issue a decision on an application and that this clock starts upon receipt of the application by the Selectmen's Office, who do date stamp the applications when they are received. It was noted that the RSA does give the applicant the ability to agree to a longer period of time. However, while a clause can be placed in the application where the applicant, by signing, agrees to a longer period of time, an application cannot be refused as incomplete solely for being unsigned as this could be construed as coercion if by signing the applicant must agree to certain terms. In addition, the Town Attorney advised that, generally, if the Commission acts in good faith to approve an application as quickly as possible, the courts do not look favorably on any challenge to a decision based on the 45 day deadline.

Third, that the ZEO may set minimum requirements for a completed application for a permit and that for properties in the Historic Districts, that this can include their Certificate of Approval. Procedurally, the ZEO and the Commission could proceed in two ways on "incomplete" applications. The ZEO could issue a conditional approval pending the applicant obtaining the required missing element (i.e. their Certificate of Approval) and withhold the building permit until the required elements are submitted or the ZEO could refuse to accept the application as incomplete. With the first option, the ZEO's 30 day timeframe to issue a decision begins with acceptance of the application. With the second option, it does not begin at all. It was the opinion of the Commission members in attendance at the session that the Commission would prefer the second option. The ZEO had no objection except to request that the same procedure be applied to the workflow for other land use boards as well so that the procedure was consistent. Members of the Planning Board in attendance seemed to have no objection. A member of the Zoning Board indicated that in their case, an action by the ZEO is necessary in order for the applicant to have something to appeal. It was pointed out that this action can either be an administrative decision or a denial and that refusal to accept an application as incomplete could be construed as an administrative decision.

It was the understanding of the Commission that in the future, the ZEO will only accept complete applications, that included the Certificate of Approval from the Commission, and that incomplete applications will be refused and the applicant will be referred to the Commission for further guidance.

5) Updates and Revisions to the Commission Application Form, Fee Structure and Review Process.

The Commission scheduled a work session for Monday, July 28th at 7:00pm for this review work.

6) Planning Board Work Session/Open House.

The Chair reported that only one member of the public was in attendance at the Open House and that person expressed an interest in the Library Board.

New Business

1) Effingham Preservation Society/Septic System Plans Inquiry.

The Assistant Chair, speaking on behalf the Preservation Society, presented a plan outlining two proposed septic system designs for the former Grange Hall in Center Effingham and requested guidance for the Society regarding which options may or may not meet Historic District standards and why, as well as guidance as to their next required steps.

The first option places a septic tank below grade on land just to the west of the building with a below grade leach field located at the western edge of the lot near the boundary line.

The second option places a septic tank below grade on land just to the north of the building in what is now the parking lot with an above grade leach field located to the east of the septic tank and north of the building, also in what is now the parking lot. With this option, use of approximately half the parking lot would be lost.

The Commission generally felt that Option 1 would likely be approved but that Option 2 would not on the basis that the regulations do not permit changes to the ground level or grade of a property in the Historic District between the building and the road. It was pointed out that Option 1 may require the removal of some trees, which is also regulated within 10 feet of the right of way of a road, but it was agreed it was unlikely this would prove an impediment.

In order to proceed further, the Commission would have to receive an official, completed application for a Certificate of Approval from the Effingham Preservation Society. It was pointed out by the Secretary that because the Historic District Regulations are in the process of being reviewed, and since according to the Chair, changes to them must be approved at the Town meeting, we may enter a period where an application cannot be reviewed.

2) Potential Members/Vacancies on the Commission.

The Commission discussed the issue of filling the vacant seat and two alternate positions. It was the general consensus that while the Board of Selectmen are the official appointing authority, the best people to seek out and recommend new members are the Commission itself.

In addition, if we proceed with the idea of reducing the Commission from seven members to five, then two of our current members will cycle off the Commission. They could then fill a vacant seat or an alternate seat, which could solve some of our membership issues.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Erik Jones
Secretary