

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

**Public Hearing Minutes
Center Effingham Historic District
Effingham Public Library
30 Town House Road, Effingham
September 8, 2014**

Present: P. Potter (Chair), R. Harrington (Assistant Chair), E. Jones (Secretary), J. McRae, N. Potter

Absent: L. Edwards (Selectmen's Representative)

The public hearing was called to order by the Chair at 7:36 p.m.

Members of the public in attendance were: J. Blades, P. Casinelli, J. Lee, P. Leonard, R. Leonard, J. Murphy, R. O'Neal, K. Payne, I. Riordan, and M. Socha.

The Chair first explained that this was a public hearing required by state RSAs to be held in the historic district for the purpose of accepting questions and/or comments from the public on the proposed changes to the Historic District Regulations. Since Effingham is somewhat unique in the state in that we have two separate historic districts, two public hearings, one in each district, must be held. The first public hearing having just been held earlier in the evening at the Lord's Hill Fire Station (Fire Station #1). The Chair further explained that the process by which the hearings would be conducted would be the same. Following the conclusion of this public hearing, the Commission would then consider any action to be taken, whether that be to approve the changes, delay the changes, disapprove the changes, etc.

The Chair then explained the process by which the Public Hearing would be conducted. The proposed Historic District Regulations, copies of which were available for all in attendance, would be reviewed page by page, and questions and/or comments would be taken as each page was reviewed. Once the entire proposed document was reviewed, the comment period of the Public Hearing would be closed so that the Commission could consider any actions to be taken. The Chair did note, that given comments and questions received at the Public Hearing just held at Lord's Hill, that the process of determining what actions might be taken on the proposed changes (i.e. whether to approve, delay, or disapprove the changes) would likely be done on a page by page or, if necessary, paragraph by paragraph basis.

The Chair reviewed the changes to page 1. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 2. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 3. At the request of I. Riordan, the Chair summarized for those in attendance at this hearing but not in attendance at the Lord's Hill Public Hearing, the issue brought forward with regard to livestock fencing. There were no additional questions and/or comments from the public.

The Chair reviewed the changes to page 4. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 5. The Secretary summarized again the reasons why the commission chose to utilize the same definition of a tree for Historic District Regulations generally as is used for scenic roads, the main one being consistency across the areas over which the Commission has authority. It was explained that a tree of the size described here would have a diameter of just shy of 4 inches but that circumference was used as it is an easier measurement to obtain. There were no additional questions and/or comments from the public.

The Chair reviewed the changes to page 6. The Chair again summarized the concerns raised at the Lord's Hill Public Hearing regarding paragraph 26 which relates to Maintenance. He reiterated that since no changes to that paragraph are currently proposed, the possible removal of the paragraph would need to be undertaken as new business at a regular Commission meeting and then, if removal were determined to be necessary, the public hearing process would need to be undertaken again. I. Riordan also raised the issue of storage of structural or architectural features as described in paragraph 27 related to Demolition. She questioned how a property owner could be required to store elements from a building they did not wish to retain, especially if the building was to be demolished as well as how such a rule would be enforced. J. Murphy asked if, as an example, that meant storing gingerbread work on a house that an owner chose to remove. The Commission acknowledged that much like paragraph 26, the regulation is one that might prove difficult or challenging to enforce but it was again reiterated by the Chair that since the only proposed change to the section was grammatical in nature, it would need to be discussed as a new business item for further review. The Secretary indicated that it seemed the intent was to preserve unique architectural elements from a building that might not otherwise be able to be reproduced without a piece of the original structure to work from. He felt J. Murphy's example was a good one and also indicated that while the regulation indicates that an element must be stored, that it does not specifically define the mechanism by which to achieve compliance and that a property owner might comply, for example, by placing the items with the Effingham Historical Society in their collection. There were no additional questions and/or comments from the public.

The Chair reviewed the changes to page 7. The Chair summarized the reasons for the changes to the Penalty section with respect to changes in state law. An inquiry was made as to when the state made that change. Referring to a state land use regulations book, the Secretary was able to determine that the fine amount had actually changed several years before. The Chair also summarized the comments made at the Lord's Hill Public Hearing with respect to the application fee. There were no additional questions and/or comments from the public.

The Chair reviewed the changes to page 8. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 9. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 10. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 11. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 12. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 13. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 14. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 15. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 16. There were no questions and/or comments from the public.

The Chair reviewed the changes to page 17. There were no questions and/or comments from the public.

The Commission briefly discussed whether or not to approve any changes at this time. The general consensus was that, if the proposed changes were discussed page by page or paragraph by paragraph if required, then it would be prudent to act on any proposed changes which did not seem to raise any objections or discussion. It was moved by the Assistant Chair, seconded by the Secretary, to act on the proposed changes on a page by page basis. Passed and carried.

The Commission then began the process of acting upon the proposed changes page by page.

The Chair reviewed the changes to page 1. It was moved by the Assistant Chair and seconded by J. McRae to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 2. It was moved by the Assistant Chair and seconded by N. Potter to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 3. It was moved by the Secretary and seconded by N. Potter to approve the changes as written with the exception of paragraph 13 so that further research into the issue of livestock fencing changes could be undertaken. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 4. It was moved by the Assistant Chair and seconded by J. McRae to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 5. It was moved by the Assistant Chair and seconded by the Secretary to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 6. It was moved by the Secretary and seconded by the Assistant Chair to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 7. It was moved by the Secretary and seconded by N. Potter to approve the changes as written with the exception of paragraph 35 to allow for further discussion of the application fee. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 8. It was moved by the Assistant Chair and seconded by the Secretary to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 9. It was moved by the Assistant Chair and seconded by J. McRae to approve the changes as written. There was no discussion on the motion. Passed and carried.

The Chair reviewed the changes to page 10. It was moved by the Assistant Chair and seconded by the Secretary to approve the changes to pages 10-17 (i.e. the changes to Appendices 1-8) as written. There was no discussion on the motion. Passed and carried.

The Commission then discussed whether to adjourn the public hearing or continue it so that the issues related to livestock fencing and the application fee could be further considered and possibly acted upon with beginning the process from the start. The Chair suggested that the public hearing be continued until the next regularly scheduled meeting of the Commission. It was pointed out by the Secretary that the regularly scheduled meeting for October fell on Columbus Day and inquired whether the Commission would want to meet on that day. J. There was a general consensus that members would prefer not to delay action until November and that rescheduling for a different day in October could present challenges related to availability of members. The Secretary inquired if because we were required to hold two public hearings at the start, we would be required to hold two public hearings when we continued. The Chair indicated he did not believe this to be the case because those in attendance at the Lord's Hill Public Hearing were advised both that they could choose to attend each hearing and that at the conclusion of the second hearing, the Commission would consider what, if any, actions to take on the proposed changes. Since choosing to continue the public hearing for further action on those proposed changes requiring further review is such an action, the members of the public in attendance at Lord's Hill were given appropriate notice of this potential course of action. The Chair further stated that since Columbus Day represented the conclusion of the Columbus Day weekend, most members were likely to be available and that since the consensus seemed to be to move along with process as expeditiously as possible, that we meet that day as scheduled. Other members of the Commission agreed, with J. McRae noting that she would be out of town and therefore unable to attend. The Chair therefore announced that the Center Effingham Public Hearing related to the proposed changes to the Historic District Regulations would be continued at the Commission's next regularly scheduled meeting, to be held on Monday, October 13, 2014. The Assistant Chair asked whether the time would be the same and the Secretary inquired whether we needed to use the same location. The Chair indicated he saw no reason to change the time, with the Secretary noting that the time was changed on this occasion only so that two Public Hearings could be held in the same evening. Therefore the Chair indicated that the Commission's regularly scheduled time of 7 p.m. for the October meeting would be observed and noted that the meeting and hearing would again be held in the meeting room at the Library in order to remain in compliance with the requirement that public hearings related to changes to regulations be held in the district.

I. Riordan inquired whether postcards announcing the continuation of the Public Hearing could be sent to those who were in attendance at the Lord's Hill Public Hearing but not in attendance at the second Public Hearing. The Secretary indicated that in this instance, as a courtesy, we could do so but noted that an email account has been setup for the Commission for the

purposes of receiving inquiries and sending announcements. The Secretary circulated a sign-up sheet for those interested in receiving announcements.

The public hearing was recessed at 8:28 p.m.

Respectfully submitted,

Erik Jones
Secretary