

1 Heritage Commission

2 November 19, 2019

3 Final Minutes

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5 Members Present: John Merkle, Chairman, Pam Gjettum, Jay Myers, Julie Gilman, Select Board, John
6 Grueter, Maura Fay, Dave Sharples, Town Planner

7 Call Meeting To Order: John Merkle, Chairman, called meeting to order at 7:00 pm in the Wheelwright
8 Room of the Exeter Town Office Building.

9 First Business: Approval of the September 17, 2019 Minutes. John asked if anyone had any comments
10 or adjustments to the minutes. There were none so Julie made a motion to approve the minutes as
11 presented. Pam seconded. All were in favor and minutes approved.

12 John asked what order the meeting should go because Dave Sharples was present. He asked if Doug
13 was coming and Dave said he was not because he had to be in the Zoning Meeting.

14 John stated that this goes back to seven Oak Street. He said the commission does not know the
15 circumstances. He thinks they were granted a permit to do interior alterations. Dave stated that was
16 correct. John then stated that they just went ahead and decided on their own to demolish it. Dave said
17 they did it on a Sunday. John then stated that the commission was mad and still are. John called the
18 Division of Historical Resources and explained what happened and they sent him the RSA that allows the
19 commission to broaden the ability to enforce things. Dave asked if this was RSA 3139C and it is. John
20 then said that at one of the meetings they had discussed how they might go about doing that and that is
21 what produced this draft document that they wanted to go over with Dave and Doug. John stated no
22 one is ever accountable for ignoring the Zoning Ordinance and the commission also has nobody that can
23 enforce things. Dave asked John what he meant. John states that it says in the Zoning Ordinance that
24 you have to file for demolition permit if the property is over fifty years old. To just ignore it is just what
25 they did up on Oak Street said Pam. There is no penalty for this. Julie then stated that the question is
26 whether or not the commission can change that either through Zoning Ordinance or Town Ordinance to
27 reflect there is some ramification to demolishing something that is over fifty years old without going
28 through the process. Dave stated that he thinks you can. He stated there was a similar situation that he
29 has dealt with is after the fact building permits and they did not like those either in a prior community.
30 They then doubled the fee for after the fact permits. Sometimes that was not a big deal because it was
31 \$25 and went to \$50. Sometimes it was a big deal if the building permit was \$1,000 because it would
32 then be \$2,000. He is not sure how successful this process was and the HDC handled it. Dave then
33 asked if there is a fee here and Julie said no, not yet. Julie stated there is a fee for the demolition
34 review. John stated that they do not see it because Doug takes care of it. What they put down as a
35 value of a demolition is totally subjective for interior especially when it is limited. Dave then said, it is
36 not a set fee. John stated that he does not believe it is. Pam then asked what is a flat demo if you want
37 to take the whole house down. Dave apologized because he does not deal with this and said that Doug
38 would have to answer it. Dave then said if the fee is \$50 and you double it, is that enough. He stated
39 that he thinks they might get into some issues if they try to say ok it is \$25 or free if you get a permit. If
40 you don't it is \$1,000 or something like that. John Grueter asked him why they might run into issues.

41 Dave stated that every time he has taken enforcement to court and the enforcement statues are such
42 that first you have to give them notice of the violation. In this case, this is kind of tricky because the
43 violation is that you did not get a permit. So then they would come in and get a permit. That you can
44 do. That already exists without the ordinance. He told about an issue he had on Sanborn Street that
45 was a mess. He went and looked at it and said they could probably get him under the junkyard statue.
46 They wrote a violation notice and then you give a certain amount of days. If you ever get to court and
47 this one eventually did, you have to show that you have given them the opportunity. Then you give
48 them another notice. You let the first one lapse and 4 to 6 weeks go by. Now you can issue land use
49 citation and file it with the district court. One the first offense, you can go up to \$275 a day, up to a max
50 of \$2,750. Automatically by the time you give those two notifications and the time the violation has
51 been since the day of the first letter, you are automatically at \$2,750. Then you can go to court and get
52 that. He said that in Sanborn, they got that awarded. Julie then stated that the problem they have is
53 that you go through the whole demolition process, there is nothing that says if you don't abide by it, this
54 is what occurs. Dave stated that anything in the Zoning Ordinance can be enforced the way he just said.
55 He then said that this is a different case because usually the goal is to get compliance. In this case, the
56 goal really isn't compliance because there is no compliance possible. He said he will research this and
57 find out the answer for the commission. Julie stated that they are also thinking that if they can fine
58 somebody for not going through the correct process and including the commission in the process that
59 the fines would go into the Heritage funds. They could be used for grant matching another project.
60 Dave said that 3139C may not work because the penalty for any separate offense shall in no case exceed
61 the maximum penalty for a violation as set forth and is in NH \$275 a day for the first offense and \$550 a
62 day for subsequent offense. Julie stated the commission only has thirty days to make a determination
63 on it. Dave said the commission has to notify them of the violation. Generally if you are going to get the
64 money, you have to go in front of a judge and the judge awards the money. The judge wants to see that
65 you gave them the notice of violation and you were reasonable in the timeframe to remedy it. In this
66 case, if they don't want to remedy it and they ignore you, then you can get the money. If they don't and
67 they come in with good faith and go through the process, then you are not going to get anything out of
68 them. The only way you get money is if they refuse to comply with the notices of violation and they
69 don't come in and get the permit, and you have sent a notice and a second one. Jay asked what
70 happened in this case and did they get fined. Julie stated they did not because they do not have that
71 tool. Dave told the commission that what happened was that Doug came and talked to him about it. He
72 told Doug what he told the commission. The remedy is 3139C. Send them a violation that they did not
73 get a permit. Jay asked if Doug did that and Dave said he did not. Jay asked why. Dave stated that at
74 the end of the day he said what is the remedy here. The remedy is going to get him a permit and he
75 comes in and does an after the fact permit and waits for time and does a public hearing and he is going
76 to get the permit issued anyway. Julie stated that the Heritage Commission is not well known. They
77 have no voice because they have no support from other staff. They have to put it out there themselves
78 and none of them are really technical savvy to put out information about what they do here. In this
79 instance, they did not have the opportunity to say this is not the right process and please do not do this.
80 Here are the consequences and this is the process that should have happened and this is what we lost.
81 John then stated that he wished Doug was here because part of the remedy could be that if money is
82 not an option, then time would be. In other words, they tore down and now they cannot build anything
83 until they go through this process. Dave then left to go and get Doug. Doug came back with Dave and
84 asked why he was not invited to this meeting. He then stated that there seems to be a lack of

85 communication here because he is the one who does all this stuff and takes the blame when things go
86 wrong. Maura then said that the commission does not hear from him either and they have been
87 uninformed. She then stated they are talking about the unpermitted demolition done on Oak Street.
88 Doug said that was done. Doug stated that he and John had a conversation that morning and he then
89 stated that he did not know what more he wanted from him. Maura then asked if they applied for a
90 building permit and Doug said they did. Doug then said how could they build a house without a permit.
91 Maura said they demolished one without a permit. Doug stated that he has no control over that, but
92 building one he does. They were going to build on the same foundation and Doug said they are not
93 building a new house on an old foundation. If they want to do that, they need to get an engineer design
94 report. They went and got this from an engineer. The concrete guy shows up and says he is not building
95 anything on top of this. He thinks he convinced him to change the plans. Julie then stated that they did
96 not get to go through the process of the demolition review. Doug then stated that the house is gone
97 and that is pretty much the end of it. Julie said that there still was a process they were supposed to go
98 through. Doug said he has letters that gave him the authority to do that from John. John then said,
99 what did I send you. Doug stated he received something that said pretty much, it is what it is. John said
100 he does not have the letter here, but he responded to Doug and though that he made it clear that they
101 had a meeting here and drafted out some things they wanted to discuss to see that this does not
102 happen again. The first meeting did not work because of Doug's dual commitment with the ZBA and
103 Dave was not available for that one. It kept getting pushed off and pushed off. Doug then asked who
104 was in charge here. Dave or him. They all said it would be him. Julie said their question is because they
105 did not go through the process and they have no recourse, what can they do. Doug stated fine them.
106 He then stated that this was discussed, right and John and Julie said no. Doug then asked if they wanted
107 him to bring the gentleman in. John said that he thinks it is too late for that. Doug asked again if the
108 commission wanted him to contact the guy and bring him in and talk to you people. Julie said they do
109 that with the HDC. Somebody makes an addition and they come in and talk about it. Doug stated that
110 he was not told to bring him in, matter of fact to the contrary. He said he will dig the file out and send
111 the commission everything that he has. Everything that he did was to the letter because he knows he is
112 dealing with the Historic District up there, dealing with this situation and he covers his butt all the time.
113 Maura said it would be nice if they were able to be informed as to what part of the process is
114 happening. John stated that he does not recall it going that way. He was unclear as to even authorized
115 it being taken down. Doug said that nobody authorized it. John said he is not talking about the town.
116 The owner supposedly told the contractor he had a permit to take it down and he lied to him. Doug said
117 they looked at the permit and John checked the permit out and that was to do an interior renovation on
118 the house. The last time he saw the house the interior was gutted just like he said he was going to.
119 John said what he thinks is important to the commission at this point is that they would like to set some
120 things up so there is a procedure. Doug agreed and thought they were going to do that. John said they
121 honestly tried to set up to do this, but it has not happened yet. Doug said that he would have liked to
122 have been informed of that. He does not know why the Town Planner is here. He has nothing to do this
123 at all. This is me. If you do not want it to be me, let me know. He has done a great job and he has no
124 control over when people do things behind my back. He is sorry that it happened. Julie said she
125 understands that but what is nagging at them is there is nothing to use as an example as what not to do.
126 There is no recourse and is this within their purview. Doug said he thinks it is. He thinks fining the
127 person doing demolition without a permit is an option. Dave said they could have sent him a notice of
128 violation by demoing the place without a permit. Give him so many days to come in and apply for the

129 permit. As long as he did that, the violation would go away. Doug said that he thought at some point
130 they were going to sit down and talk about this because he remembers the meeting it happened. Doug
131 said this was not to the fault of anybody. He said that he was shocked when he and John went out there
132 and saw it. Doug said that this property is not done yet. He has seen it. There is a brand new house in
133 the front and he assumes he is living in the rear. It is appalling and it was an old barn that was
134 converted into a two family. He has no idea how that happened. He is planning on moving into his new
135 house in two weeks. He heard this from his gas contractor. He has not talked to the owner. He has only
136 been dealing with his contractors. He thinks that building will be coming down and he cannot imagine
137 that he would be coming to the commission to get a demolition review for that. He would be pretty
138 stupid if he tried to do that. Pam said that he does have to get a permit to take it down and Doug said
139 yes, he does. Doug said that what went on there was everything they could have possibly done. This is
140 a good educational thing for all of us. John stated that he would also like to explore the fact that they
141 hire consultants or have the owner pay for consultants if they take a building down without a permit
142 that would delay construction. John would like to explore the fact that they could hire consultants or
143 have the owner pay for them if they take a building down without a permit. That would delay their
144 construction until it was documented and researched. Doug stated he will enforce anything the
145 commission regulate. He is the enforcement person. Just tell him what you want him to do and it is
146 going to be part of the regulations. Doug then said that if it is commercial property, Dave as the planner
147 is going to be involved. Doug said that the likelihood of this happening again is remote. He said he
148 talked with the owner and the whole site was pretty much a disaster. He thinks he has long term plans
149 for maybe doing a two family in the back. This would require some zoning relief because he does have a
150 two family there. He could take that building down and build a two family in the back brand new. He
151 really thinks this is going to happen. Julie stated that if that happens and the building is demolished,
152 then they would still have their 30 day process. Doug said they would. Julie then stated that there was
153 a facebook post of somebody asking how this could possibly happen. She felt she could not respond and
154 say they just tore it down because she did not want to give people the impression that you can just tear
155 stuff down. Doug said this was not pretty and it was not nice for him to deal with this. John gave Doug
156 a copy of their suggestions and after he reviews he will meet with the commission. He said if there were
157 any letters or documentation, he will have Barbara forward them to the group. John stated that he does
158 not feel they are any further ahead. John Grueter said he thinks they are a little bit because now they
159 understand where the commission is coming from. Pam said the next time this happens, if it happens, we
160 will get Doug on it and freeze any further permits they are asking for. John Merkle stated he thinks that
161 would be an easier step to take rather than doing heavy fines. We will keep this on the agenda and
162 maybe we will have to change to another day so that Doug and Dave can attend.

163 Next on the agenda is the update on the Park/Cass Streets survey. Julie stated that this is done. She
164 thinks there is a copy of it in the Planning Office. She has asked for it to be posted onto our web page.
165 One of the things Julie commented on the committee that is going through and renaming the streets. In
166 the time that the survey was started and the time it ended, there were house to be numbered and
167 photos of those houses have the old numbers on them. She sent a comment that they need to change
168 these and the budget had already been used up. Maura stated that having this posted on the web site
169 would be a good thing and to be able to direct people to that. It is not on the web site yet.

170 John then asked Julie to explain the EMMIT System. She can explain a little but cannot show it because
171 she does not have it. The Division of Historical Resources changed their name by State mandate to

172 Division of Historical and Cultural Resources. They have digitized all of their records. The Commission
173 has an account that has three members that can be active on it. Julie recommended John as the
174 Heritage Commission member, somebody from the Historic District Dave as the Master Administrator.
175 What you can do with this, is go and look up your town and see what has been documented. There is
176 around twelve properties that did not go through this process. All the documents that were produced
177 went back to when it was only paper. They are stored digitally and you can go on and research
178 something. It does not mean that you can get adequate information about a particular property, like
179 the one on Oak Street, unless somebody has done it. You can look at parable land or architecture.
180 When the next demolition project comes up, we can go to that database and see if there is anything on
181 that property. Julie also thinks this is going to be very handy. John Merkle stated there are two sights
182 you can search from.

183 Next is the Heritage Commission budget for 2020. John Merkle asked if the Commission worked this out
184 in September. Julie stated that they put very little money into the budget this year. This comes from
185 Dave making recommendations without consultation. What has happened right now is we have been
186 trading off with the HDC for applying for a CLG Grant. Last year it was the HDC and that grant was not
187 awarded. Right now there is \$10,000 in the HDC budget for grant matching. Do we want to pursue the
188 project the HDC went after which was preservation plan. It is like a micro version of the Master Plan
189 that is just about what are we going to do for our town. What are the priorities? Other towns have
190 done this. Kingston did a very nice one. The question is do we want to try for this one again, or is there
191 a project we would like to do. Julie said she does have time to move that money from one commission
192 to the other. Pam stated they had talked about doing more work on Winter Street Cemetery or doing
193 some work on the poor Gas House Cemetery. Julie said that might just be a question of adding money
194 to the Heritage budget. Julie then said that the Director of the Independence Museum told her about
195 an Eagle Scout project that the Historical Society is doing for a phone app. She thought this might be
196 something the Commission would be interested in doing as well. Julie then said that she can price out
197 chemicals for just doing the cleaning the cemetery.

198 Julie then discussed something that was not on the agenda. For the Independence Festival, it takes
199 months of organization, a lot of contacting, funding to raise for a very small profit. The whole event gets
200 paid for by the museum. The re-enactors on the parkway, are the most expensive thing. They barely
201 make a profit because of this. They try and make it up through having the vendors on the street. They
202 get a grant from the Antisense Center up on the museum grounds. There is also a deal with the beer
203 manufacturer. Everything has a tradeoff so they may break even or make around \$2,000 for the whole
204 day. They are looking to break it up somewhat so that their totally part time staff can have an easier
205 job. Ideally what they are looking at is breaking it up into three parts, where the museum just deals with
206 what is on the museum grounds. Maybe the Chambers will take over the vendors on the street. They
207 were talking to Park and Recreation about taking over the Swasey Parkway activities. This all costs
208 money and Parks and Recreation is a little hesitate because it is their busy season and they may not
209 have the personnel to coordinate this. What the museum is looking at ultimately is just not to have to
210 deal with that part of it. They would like someone to pay for it and organize it. It cost around \$5,000 for
211 the re-enactors on the parkway. That is about how much money there is in the Heritage fund. Julie
212 thinks it would be a good fit for the Heritage Commission to assist in some way because part of the
213 mission is educational and celebrating the history of Exeter. This was not on the agenda so Julie did not
214 want to go into all of the details. Emma the Director would like to come to the meeting next month and

215 talk about it in more detail. The Heritage funding has strictly been through us sweeping whatever of the
216 general fund is left into that fund. There is usually only around \$900 a year. However, we can have a
217 Warrant Article asking to raise and appropriate funds to go to that fund for a particular purpose, such as
218 match granting or donation to the Independence Day Festival. Pam stated that as someone who has
219 worked on many festivals, it is a lot of work. Is there somebody one calls who gets the re-enactors
220 together? Julie said there is. There is somebody now who will reach out to the other groups. For a long
221 time it was you had to call this malaise and that malaise. They have now all gotten more coordinated.
222 Pam stated that someone from the museum would have to be there all the time. For example, if the
223 bathrooms are not working. Julie said that this is where Parks and Rec comes in.

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225 With no further business, Julie made a motion to adjourn. Pam seconded. All were in favor and
226 meeting adjourned.

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228 Respectfully submitted,

229 Elizabeth Herrick

230 Recording Secretary

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