

## Exeter Historic District Commission

September 21, 2017

### Final Minutes

Call Meeting to Order: Patrick Gordon, Chairman, called meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Office Building.

Members present: Valerie Ouellette, Julie Gilman, Selectwoman, Pam Gjettum, Clerk, Curtis Boivin, Vice Chair, Gregory Colling, Nicholas Gray

New Business: Public Hearings: The application of GAB Trust for a change in signage at 24 Front Street. There is another application for this property for signage on the Court Street side. The owner of the building got up to speak. He stated there is a sign out front that has been there for 30-40 years and he would like to replace it. He submitted a sketch and he has hired a sign company called The Sign Center. This is the same company that made the academy signs down the street from his building. The demensions of the sign are the same size as the sign that is there now. He then stated that the arm post has been there for 30 some odd years. Patrick stated that the commission had an application a couple of years ago to replace the Chamber of Commerce sign.

Patrick then asked the commission if they had any questions regarding this application. There were none. He then thanked the applicant for his well organized application. Patrick had no comments on this application, other than asking the material of the sign itself be high density urethane. The owner then stated that the commission has a strong preference for wood signs. He does not think the one at the academy is made of wood. He then stated that he asked the sign company about a wood sign. They told him it would much more expensive and it would be hard to tell the difference between the wood and polyurethane. It is a synthetic material and it will last a long time. Patrick asked Gregory to speak about his experience with high density urethane. He stated that wood signs are not really practical. Gregory just had a sign made for his building downtown out of the high density urethane and you cannot tell whether it is wood or not. He also stated that it does not make sense to make a sign out of wood anymore. Gregory asked the owner of the sign was going to be bigger than the one that is there. It is going to be the same size. Patrick made a comment to request that the aluminum banding that goes around the sign, be painted as well and the fasteners.

Patrick then asked if the commission had any comments or concerns. There were then. He then asked if there was anyone from the public who would like to speak for or against. There were none. Patrick then called for a motion for acceptance of the application. Pam made the motion to accept. Curtis seconded. All were in favor and application accepted. Curtis commented that everything seemed to be historically appropriate with the signs. Patrick asked again if the commission had any more questions or comments. Gregory had a question about the larger sign that will be hanging on the door. Is that projecting out over the sidewalk. The owner stated that it was. Patrick then stated that they do have a provision in the ordinance for the height of the sign. Gregory stated that the height is a zoning issue and Patrick stated that the commission is at least responsible to comment on it. This is about the hanging sign. Curtis stated the ordinance reads that it is eight feet to the bottom of the sign and fifteen feet to the top of the sign. Patrick then stated that the commission could call for a special meeting to move this along for the owner. The owner then stated that does not bother him. The problem is if the others are going to drive up here from Haverhill, he only wants them to come up once. He then stated that he could make it for four weeks. He would have the sign and assuming the commission liked it, they could put it in the next day. Pam then stated that he could be e-mailed with the three kinds they recommend.

He liked that idea. Julie stated that four weeks would be fine since it takes three weeks to make the sign. Patrick stated that the commission can decide with what they have in front of them tonight. The owner then stated that he would get some sort of graphic by e-mail and send it to the commission. Will this be ok. Patrick stated what they would do in that case, is send it to the Planning Office. The commission would all then be notified by e-mail from Barbara to look at individually. Then they could call a special meeting with four of the members who could be available and the public would also have to be notified. The owner then stated that he will try and get all the information to the commission as quickly as tomorrow. Nickolas asked a question in regards to saving the applicant some time and not having a special meeting, are there instructions that could be provided to him in regards to the brackets. Patrick stated they would have to go by the guidelines that either encourages or discourages. Patrick then asked if the commission had any other comments or concerns. There were none. He then asked if anyone from the public would like to speak for or against and there were none. Patrick then called for a motion for acceptance of the application. Curtis made the motion to accept. Pam seconded. All were in favor and application accepted. Patrick then asked if there were any more questions or comments because the public hearing was not closed. The owner then asked who he should give the material to and Patrick told him to give it to the Planning Office to Barbara McAvoy. With no other comments, Patrick then asked for a motion for approval of the application. Pam made the motion to approve and Gregory seconded. Curtis then asked if they had a motion to approve the sign pending approval of the bracket. Pam amended her motion to approve the sign and the brackets will be approved when the commission gets something on which to judge it. Curtis seconded. All were in favor and application approved. Patrick then stated it has been approved conditionally without the brackets.

Next under New Business is the application of Anne C. Bushnell, Trustee of the Anne C. Bushnell 2004 Trust as Amended and Restated 2011 for change to an existing structure for the demolition of the rear 520 square foot addition of the existing structure located at 12 Front Street. Patrick stated that for this application, the commission has received letters from Attorney Lyons, who is the owner's agent, who will be presenting tonight for Anne C. Bushnell. Within there, has been a request to have certain members of our commission recluse themselves from the deliberation. Patrick then stated that he did look into the Heritage Meeting of last month and did note what the concerns were and then also sought out legal counsel through the town. I as the chairman am going to make a recommendation that Gregory Colling and Pam Gjettum recluse themselves from this deliberation. He then stated that he cannot make this decision solely on his own. It is subject to the commission person themselves that has to recluse. If they chose not to, then the commission can take a vote and that vote is a recommendation, it is not a concrete reclusal. With this said, Patrick stated that it is his charge as Chairman of this commission to conduct a professional meeting according to our rules and regulations, procedures and guidelines and our zoning ordinance. With this in mind, we can all agree to have a good application submitted to us tonight and that we shall keep cool heads, deliberate fairly and be impartial in our decisions.

Attorney Lyons then got up to speak and he represents Anne Bushnell who has loved and cared for this property for seventeen years. At this time, she cannot continue to maintain the house. It needs new life to be put into it to preserve it. There are no other residents around this property. She does not want this house empty. Mr. Lyons then stated that Mr. Smith at the Heritage Commission Meeting talked about the interior of this house. He then stated that back in October 2012, Mary Dupre, on behalf of the Historical Society had prepared some notes on 12 Front Street. When Mary Dupre prepared these notes she gave Anne a copy of them. Julie wanted it noted that Mary did this for the Heritage Commission. Julie then stated that the research was done when the garage was being taken down. Mr. Lyons stated that Anne was able to find these notes and it talks about in addition to the rear, not a garage. Additionally, this board previously discussed this addition. The garage was taken down in

2012, so the discussion in 2017 definitely referred to the addition that is in back of the property. There was an inquiry about taking that addition down. The Chair wanted to remove it and wanted to know if it was historic in any way. The Chair indicated that the conclusion was that it was not and he stated that Pam then stated it was just a carriage house and they could take it down if they wanted to. The Chair stated that it was not original to the building. On closer inspection, details of it, are someone was trying to match the details of the house. Ms. Gjettum will look up to see if there is any information on this. Patrick wanted to make a clarification that at the beginning Mr. Lyons stated there was a conclusion. He then stated that this was not a conclusion. It was an opinion. Mr. Lyons then stated that he made a declarative statement as part of the minutes. Just for the record, the minutes stated that the Chair wanted it removed. Mr. Lyons then stated that the structure that they want to take down is in the rear of this historic home. He stated that no where has he been able to find anything that demonstrates the historic center that shows that rear of 520 square feet addition that would fudged. That was made to try and look like the rest of the house. In fact, from the street it is almost impossible to see that rear addition. It is an addition and it is in the rear of the property. What historic value does this hold. Whether it is just an opinion or statements that this board has made on the record about that being an addition and not being original to the property, is significant to his client being able to take it down. However, Mr. Lyons would suggest that it is not really the age or the authenticity that is important. The question is, is it a contributing element to what makes the house important to the Town of Exeter. He believes there is only one reasonable answer and that is no. It is the main building that is important to the Town of Exeter as it sits as a single family home in the historic square. The 800 lb. gorilla in the room is of course what my client is attempting to do in the back of her property. He is going to suggest that that gorilla lives in the rain forest. He stated that the commission's obligation is to make a decision based on the guidelines. The only thing that he would say is that if you review the ZBA Minutes and approving their request for two variances, the ZBA made it clear over and over again, was what they found with most significant about the application for those two variances, was they intend to preserve the front house as a single family residence. They found that was significant and important for the benefit of the Town of Exeter. Ultimately, in determining whether or not to grant his client's request, it is the criteria that is set out in the ordinance that the commission needs to look at and review. Mr. Lyons looked at the preservation guidelines for the HDC and on page 8, under demolition, it indicates that demolition review requirement are contained in article 5, general regulations of the Exeter Zoning Ordinance. Patrick then asked Mr. Lyons to hold up what he was reading from. Patrick stated that it was not the correct guidelines and he will look at the commission's revised guidelines. Patrick wanted to go on record that the current guidelines were provided to the architect. Mr. Lyons stated that the criteria though set out on page 5.7 of your zoning ordinance, those criteria that are referenced there in article 5, even though these Preservation Guidelines he has may not be the same copy, the reference is the same. These guidelines refer you to Section 5.7. Patrick stopped Mr. Lyons and stated in our Zoning Ordinance under Section 8, which is actually page 8-7 of our current Zoning Ordinance is listed 8.8.2 F. Is demolition removal or relocation, no structure or portion of any structure shall be demolished, moved or relocated within the district without the approval of the commission. Mr. Lyons stated that he does not dispute this. Patrick stated that under demolition of the commission's current guidelines, it reads, demolition of historic resources. Resources are buildings that contribute to the heritage of the community and once they are destroyed, they cannot be replaced. The demolition of all portions of all resources on properties within the historic area is considered a drastic action because it alters the character of the street, the surrounding demolition site. This could represent a loss of educational resource for the community. Demolition of historic or architectural structures is rarely considered to be appropriate for an option and is strongly discouraged by the HDC. He then stated to please refer to Demolition Review Guidelines on page 01-3. As an alternative to demolition, property owners are encouraged to repurpose the building or to evaluate whether an addition would provide needed

functionality to allow a continued preservation of the historic building or structure. Mr. Lyons stated that these are the guidelines. What controls, however, is the ordinance and he suggested if there is a discrepancy between the ordinance and the guidelines, the ordinance will control. The ordinance has a specific section that sets out the criteria to be used to determine whether or not an applicant has the right to raise a building or a structure. This is on page 5.7. Mr. Lyons then read what is written on page 5.7. Mr. Lyons stated that preserving the property as it is, would add historic value. It appears based on everybody's review, that the 520 square foot structure in the back, does not meet the criteria. Patrick stated that the structure is visible from the street as you drive by. It is visible as you walk by. Mr. Lyons stated that he has Anne Bushnell with him tonight, her Real Estate Agent, Betty Labranche and Angelia Belgin. He wanted the commission to know that they are all available to answer questions if anyone has any.

Patrick stated the commission is going to address all of what Mr. Lyons had said about this structure not being historically significant. About the structure not being original to the building. About everything in terms of the commission's comments on January 2017. The commission will also address the historical significance of architecture and early progression of colonial homes and the construction. He will also comment that the commission does have a recommendation from the Heritage Commission Sub Committee Review Board and their recommendation is to deny the demolition and the structure is historically significant. Nicholas stated that the commission is going to have a deliberation without any preconceived notions. This would be perfectly fine for a member of the public to come with a presentation of this nature, for someone on the commission already prepared, it could be interpreted as we have arrived with our decision already made. This is his concern. To clarify this, Patrick asked if anyone on this commission seen this presentation. Has anyone formed an opinion from the presentation. None of the members have seen it. Patrick stated this speaks to the evidence that what he is about to present is historical research.

Mr. Lyons stated that he objects to this. It is highly inappropriate. No one on this board should be offering any evidence on anything. The commission is here to receive information and then make a decision. Valerie stated the commission needs correct information and facts. Mr. Lyons stated that someone else needs to come to the commission to present it to them. The board that is deliberating and whether the chair says he is not going to vote or not, he is the chair of the board. He cannot offer evidence. Somebody else would have to. Even if the chair thought the evidence that was presented was not correct, you can only rule on the evidence that is provided to you. You cannot produce your own evidence. Patrick stated that no presentation has been made by him at this point. He is asking the commission if they do not want to see this presentation prior to deliberating. He is completely comfortable with this as chair. It could be made available to each member if they feel this would be more appropriate. Mr. Lyons stated that he just talked with his client about potentially tabling this application to give the commission the opportunity to talk to legal counsel. He also notes that your ordinance talks about exploring compromise. Mr. Lyons asked the commission if he does table this, what would be the process. How would he work with the commission and how would this happen. He asked the commission if they have ever done this before. They have not. Julie stated that she thinks part of what Mr. Lyons is talking about has to do with the business of the Heritage Commission and what they need to consider and this is the part of the zoning ordinance that talks about working with the property owner. Mr. Lyons stated that they want to move forward. They respect the role of this board. Maybe there is some way to compromise this. Patrick had a question for Mr. Lyons. The Heritage Commission that met last month, the 1884 map was offered and wanted to know if this was part of the application. Mr. Lyons stated that it was not. Mr. Lyons asked the commission if there could be some kind of compromise. Anne Bushnell got up and spoke. She stated that all of this is very confusing to her and she tried to find some clarity. She stated she looked through old papers she had at her house. She stated that they should be working together on this. She feels it had become hostile and she does not

understand why. Mr. Lyons thanked the Patrick Gordon, Chairman for letting his client speak. He is still looking for some way they can work together. Julie stated that she appreciates that aspect because this has been a very difficult time and many people are interested in what happens here. She likes the idea of having a smaller group talk about situation so they are all speaking the same language. There is a time limit of 45 days. Julie then stated that if they table it now, would they be willing to extend the time limit. Mr. Lyons stated that if they table it, he has no reason to suspect the commission won't be putting a good faith effort to try and find some compromise. Julie asked Mr. Lyons if she could make a suggestion and he said ok. Because of the presentation they would like to make, Julie wanted to know if it should be part of their discussion and part of the public hearing. She would like to recommend two people from the commission, the Town Planner, Attorney Lyons and whatever representative he will be having, get together and talk about why they are here. Attorney Lyons stated they will be glad to look at all of this and is there some way to compromise. Patrick then stated that the commission is always open for discussion. He thinks it is in the best public interest to have that conversation. He does not disagree that this would be of value to the town to have that conversation. Attorney Lyons stated that if this is something the HDC would consider, then he would be willing to based on their vote, to ask the commission to table the application that is in front of them to be able to do that. Anne Bushnell is ok with this. Patrick then stated that the question is that the applicant would like to table the application if the commission agrees that a separate or private meeting in terms of the materials that were researched or discovered is then seen by Attorney Lyons prior to the commission members seeing it. Attorney Lyons then stated that it is just not looking at the materials, it is to potentially come to some compromise. Patrick then asked the commission if they had any questions or comments about this. Julie stated that she does not want this to drag on and she thinks it would be good to have this discussion because the Heritage Commission never had or took the opportunity to do the same. Julie then stated that it might be a good opportunity for this board for at least one of the members to be informed of the research at the same time of the applicant so everyone is working together. Patrick then stated that he is going to pose another question to the commission members. It is that they are still having an open public hearing at this point and he is asking for their recommendation to him as to whether he should call on the public for anyone who would like to speak out for or against. If the application is going to be tabled and the commissions deliberations will continue at a later date, that information would be more prevalent to the public at that time. He then stated that this is a question to the commission members. Curtis stated that as a rule of order, the suggestion to table the application is out, he would not proceed with the public discussion. Curtis then stated that it really comes down to the commissions decision on the historically appropriateness of this structure and whether or not the commission feels that it has a beneficial use to the existing building. It is his opinion to ask if they are denying the applicant a beneficial use of her property. It is a question of what is the value of the structure to the public. Julie then stated that she is a little uncomfortable with the presentation in front of the board because they are not advisory. Patrick then stated that the question is on the table whether they would like to call for a motion to table this application at the applicant's request. Attorney Lyons that stated that maybe there is a way they can find a solution that satisfies the concerns of this board and also provides his client with the relief that she needs. Attorney Lyons once again stated that he is still willing to table to give them an opportunity to work together. Curtis asked Patrick what kind of compromise could there be because they are talking about the client would like to demolish a structure. What is the possibility of the commissions return on that. Looking at the historic district that the commission is concerned with, replacing it with a parking lot is interrupting the historic nature of the town. Patrick stated that this would be something they would have to work through in a work session. Mr. Lyons then stated that he feels they might be able to work together to eliminate the risks of both sides and the costs on both sides and all of that kind of thing. Patrick wanted to make a point of

reference in terms of architectural terms, he wants to be clear about what the structure is they are talking about. The main building itself, which is the home, there is a piece off the back of that called a kitchen L. The piece that is outside of the kitchen L is called a working L. Patrick then stated that the structure that is in before the commission is not the Carriage House. It should be referred to as a Coach House, or a working L. Patrick then asked if there were any more comments from the commission before he calls for a motion to table the application at the request of the applicant. Curtis asked what happening when the structure comes down. Attorney Lyons stated that they will have their architect, Alisha Murphy, here as part of the Work Session.

At this time, Patrick called for a motion to table the application. Curtis made the motion to table the application. Curtis then amended his motion to table the application pending an extension of time. Attorney Lyons stated that he and his client agree with this with the understanding that they would move forward with deliberate speed. They agree to an extension. Julie seconded. All were in favor and application tabled.

Attorney Lyons made a suggestion that the commission table the application until the November meeting and the October meeting could be the Work Session perhaps. The commission would not have to worry about the Planning Board trying to gather people.

Julie then made a motion to rescind the previous motion to table and make a new motion. All were in favor of rescinding the motion. Patrick then stated that there is a new motion with conditions and extensions on the timeframe and dates at which the Work Session will occur. Julie then made a motion to table the application for the purpose of undertaking a Work Session between the client and members of this board to be determined. This meeting will take place during our regular October meeting. The final decision will be at the November meeting. Curtis seconded. All were in favor and motion accepted. A member of the Historical Society spoke and she wanted to know if the commission had copies of the public comments from the Heritage Commission. Patrick stated that they are available on line and the video of that meeting is also available. Patrick stated that the commission has access to the video and he watched it as well.

Other Business: Approval of the August 17, 2017 Minutes. The commission reviewed the minutes and Gregory had a change on the size of the door. Julie made a motion to approve the August 17, 2017 Minutes as amended. Gregory seconded. All were in favor and minutes approved.

Dave Shaple, Town Planner spoke. He stated that during a workshop session, the commission was going to make a motion to recommend Historic District Ordinance as amended so it can move forward to the Planning Board for their consideration.

With no further business, Patrick asked for a motion to adjourn. Julie made the motion to adjourn. Curtis seconded. All were in favor and meeting adjourned at 9:30 pm.

Respectfully submitted,

Elizabeth Herrick  
Recording Secretary