

Historic District Commission  
**Final Minutes**  
Work Session Meeting  
17 March 2021  
Meeting House, Canterbury NH

Present

Art Hudson (BOS rep), Kevin Bragg (Chair), Mark Hopkins, Anne Emerson, Jeff Leidinger, (alternate this evening), Lois Scribner (secretary)

Kevin Bragg called meeting to order at 7:04

Agenda

1. Minutes of 17 February

The previous Minutes were moved by Jeff Leidinger, seconded by Mark Hopkins and all members voted in favor to approve.

Kevin added that it would be good to have an Agenda and put it on the website in the future as well as attaching to send out to members prior to a meeting. **If members have an issue to raise, forward it to Lois to put the Agenda together and distribute. It was agreed that Lois would be in touch with members the Thursday of the week before the next meeting to ask for Agenda items.**

2. Draft Ordinance

Jeff had forwarded the second draft of the Ordinance. Kevin had sent some extracts of Demolition criteria from other towns round the country.

Art asked about the mechanics of this process. Kevin said they were coming up with the overall Ordinance first. Art said that it would have to be ready by November for public hearings on the Ordinance for Town Meeting. Art was in favor of using the regular amending process.

Looking at the section on Powers and Duties Kevin said the question was how much was regulations that the Board have control over with the Board of Selectmen to change versus things that need Town Meeting approval. Art thought that was not fully spelled out. Moreover the HDC would have to explain at a public hearing why they were making these changes.

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42 Jeff recapped previous discussion among the Commission. The  
43 process for making these changes was that the HDC would come up  
44 with a recommendation and give that to the BOS and they can amend  
45 as they see fit. Then that document would be presented in public  
46 hearings. The Ordinance would be then put forward for Town Meeting  
47 vote.

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49 Art thought that the Planning Board usually gets involved in changes to  
50 the Zoning Ordinances. Maybe the Town Attorney too.

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52 Jeff reiterated that some of this process was about reorganization from  
53 the existing Ordinance and some was about taking ideas from other  
54 historic districts in different NH towns. **Jeff said he would try to make**  
55 **a document that showed the changes made.** He had highlighted  
56 additions from the initial draft in the version for tonight. Art said there  
57 were quite a few areas where there are changes. In effect this is a new  
58 Chapter 13 Jeff confirmed.

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60 Members began work on looking at the draft revision, section by  
61 section. Anne said it was easier to go through it in order.

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63 Points of discussion included:

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65 (a) Membership and qualifications

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67 Kevin reiterated the point about having people who understand the  
68 purpose of the Commission, who should be members of town and at  
69 least one living in the historic district. And maybe people with skill sets  
70 like fundraising, grant writing, professions other than architecture and  
71 construction. Jeff said he would refine the language. Mark said it would  
72 be dangerous to make qualifications so specific it was impossible to  
73 find anyone to serve. Members agreed.

74  
75 Kevin asked if they wanted to go to 7 and have a PB member as ex  
76 officio. Mark thought it was important to have a conduit with other  
77 Boards though that was not necessarily achieved by asking someone to  
78 come to all meetings. Communication channels were critical. Anne  
79 agreed that communication needs to be there and also wondered if  
80 anyone on the Planning Board would even want to come to these

meetings. Mark suggested that if there were issues in HDC that might end up at the PB they could invite a member to attend on a case-by-case basis, for a specific item. Art agreed.

Jeff had a different view. The advantage of a PB member attending regularly would ensure that communication would happen. He thought it was not too onerous. Jeff did not mind serving as an alternate because his opinions had been sought always. He thought that expanding the HDC and getting another regular member was a good thing. Mark pointed out that in the past they just had members, all folks attending as full members. There was some discussion about quorum needs and tie votes regardless of numbers of members. Mark suggested that if some issue was so problematic as to result in a tie it was probably a sign that there should be a cooling off and a second meeting discussion. Generally consensus was the goal. The original HDC document allowed for 5 to 7 members and was permissive in that it stated 2 alternates 'may be' appointed. Art suggested talking to the PB to see their view. **Kevin said that he was in favor of asking the PB their view of this liaison. Jeff would strike alternate from the draft.**

#### (b) Powers and Duties section

There were fewer changes here except for the addition of the 'trees and natural vegetation' clause. Mark pointed out the intent is to protect mature trees and significant natural vegetation, not prevent someone getting blackberries out of a wall, but Kevin said they had wanted to protect trees as much as possible. Weeding was like maintenance on your house. He suggested that there could be more detail on that in the regulations for landscape features further on. Jeff confirmed that this section on Powers and Duties was more generalities.

The **Review Criteria** section is a mix from the existing Canterbury ordinance and the Bedford HDC ordinance. Jeff suggested the HDC members should consider 'C' through 'O' of these criteria. This list is an expansion and intended to provide a real scope of what is appropriate. Kevin thought some could be combined and tightened up somewhat. – **Members were invited to forward ideas about this list to Lois to send on to Jeff and later incorporate.**

#### (c) Demolition and Relocation and Minimal Maintenance

These are raised in Section P. Kevin had researched other towns in different states for ideas about presenting this section with a 3 prong approach including Demolition, Relocation and Minimal Maintenance.

Art pointed out the something like the Barn would have taken a lot of money to invest to stabilize it. Kevin said that was beyond the HDC but it should require an engineer or professional to make that decision about demolition being the last resort. It should be someone with historic building expertise. Stabilizing can mean different things from keeping a structure present versus full renovation. The onus should be on the owner to have that assessment done.

There was discussion about how people who purchased property in the HDC would know what their responsibilities would be. Kevin was in favor of making these responsibilities better known.

Mark suggested 3 things.

1. Having signs made for the roads entering the Town.
2. Liaising with the Real Estate Board in Concord and the state licensing board for realtors.
3. Also having the Canterbury Town office hand out information regarding the HDC to prospective or new residents.

Jeff said the lack of clarity in the current ordinance was the real problem and the absence of that allowed home owners to do what they wanted. The issue of maintenance was important even if it could not be legislated totally. Zoning ordinances were a policing function to protect neighbors.

**Kevin asked that members go through this section P. and look at the language that is most useful, taking some ideas from the other towns that he had researched.**

Mark said he liked the Shelburne VT version. Having a black and white statement that puts the burden on the applicant. The purpose of the Ordinance is to preserve so if someone is proposing the opposite then the burden has to be on them to show why demolition is necessary. Art liked the Shelburne language too. Mark would see that as hand in hand with the Minimum Maintenance requirements from Eagle ID.

There is a useful paragraph in the Winchester NH clause M about evaluating cost of maintenance versus demolition.

**Kevin asked members to consider the time limit issue and the ‘end result’.** Many of these examples have one year for commencing work and one year more to complete. There should be a time limit included for all projects. Mark said the problem comes when players were not acting in good faith. With the Barn the stipulation to keep working once begun was ignored. **Art will ask Ken Folsom about the status of the letters between the Town and the owners of the Barn.**

There was some discussion about the possible role of bonding to ensure a project would be completed.

**Jeff asked if Kevin would synthesize these criteria and procedures as a P1.P2.P3 and combine these into a draft.**

Mark noted that the Hamilton MA language was a bit more specific and formal about requiring a plan for future use of the site. And it involves the building inspector. It makes it clear an owner has to show that what comes next will be better for the historic district. It is a shared responsibility among people who buy into the district.

Art was in favor of HDC signs and wondered if they could go out and ask for contributions for such signs.

For the next meeting, members were asked to look at the Application process and Administrative section, 13.6-7.

Jeff mentioned that these sections would bring in the issue of the Building Inspector as Code Enforcement Officer. There has to be someone who is assigned that responsibility as a vehicle to review and enforce conditions. And these needed to be specific. There was a consensus that ‘consultation’ with the Chair of HDC by the Building Inspector was critical, rather than the BI being expected to know all the regulations and priorities of the HDC, especially if there were cases where changes were required as work progressed on a property.

199 **Kevin will put the Demolition section together and will send that to**  
200 **Jeff. Jeff will make additional changes and send that to Lois to**  
201 **distribute to members hopefully a week before the next meeting.**

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203 For next meeting it would be helpful if Members could reread the whole  
204 Ordinance too, as well as the parts for further discussion. As time goes  
205 on refinements can be made to the draft. Kevin wanted to move  
206 towards the Hints and Suggestions part too.

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208 Mark made motion to end the meeting at 8.50 pm. All were in favor.

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210 NEXT MEETING, APRIL 21, 7 PM, MEETING HOUSE.

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212 Respectfully submitted,  
213 Lois Scribner, secretary to HDC.