

Historic District Commission Hearing and Meeting - Final Minutes
Meeting House – April 19, 2023

Members present:

Chairman Kevin Bragg, Jeff Leidinger, Anne Emerson, Ginger Laplante, Harry Kinter, Kent Ruesswick (BOS rep), Lois Scribner (secretary and alternate)

Others present

Leslie Nolan (Director Canterbury Shaker Village), Shirley Wajda (archivist, CSV), HDC residents Daimon Meeh, Audrey Knapp, and residents Anne Dowling, Lisa Carlson and Al Edelstein, Sam Papps (Town Clerk)

Agenda

1. Call to order

Kevin Bragg called the meeting to order at 7.00 pm.

2. Minutes of March 15, 2023

Kent Ruesswick moved the Minutes and Jeff Leidinger seconded, all voted in favor of approving the Minutes of March 15.

3. Historic District Regulations Update Public Hearing

Kevin introduced the hearing saying members of the HDC had spent 2 years working on the Regulations in relation to the Ordinance. The goal has been to improve procedural issues and clarify expectations for applicants. They had looked at a range of other towns and cities in NH and cherry-picked ideas to use.

Jeff added that members had wanted to make this revision particular and appropriate for Canterbury. It had been decided during the work to maintain the Ordinance, Article 13, as it was, (except for 2 issues that the HDC will return to) and focus on revising the Regulations, which the Commission had the power to do with a public hearing and liaison with the Select Board.

38 So, the result was in 4 parts. Firstly, Ordinance. Then secondly, the Regulations, which
39 serve as an amplification of the Ordinance and includes issues that were not in Article
40 13. That part includes the authority of the commission, its purpose, the definition of
41 the districts, their powers and duties, the review criteria and a new section about
42 demolition and maintenance requirements. Thirdly, there is the Application, with a
43 revised form and process. There is a new provision to appeal now. And fourthly, a
44 section on Guidelines which has been revised for clarity about many of the questions
45 the commission has to discuss with applicants, so it is designed to be consultative. The
46 commission would take commentary this evening and make any necessary changes
47 prior to submitting it to the Select Board. There would be an enhanced role for the
48 Code Enforcement Officer (Building Inspector) in this document and the BOS must
49 decide if they want to authorize that.

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51 Jeff pointed to two further changes that the HDC would seek to make in the future,
52 that involve changes to the Ordinance, so will have to come to Town Meeting. One is
53 to replace the 'metes and bounds' legal description of the two districts with new
54 reference to updated zoning maps, which will eventually be on line and in the town
55 offices. Secondly, the HDC will seek to create a waiver provision. It has been seen that
56 not all applications and issues should require a full hearing, with the time and expense
57 that entails. So, a waiver provision would allow the HDC Chair and BOS rep to look at a
58 question or issue and decide if it does need a hearing or not. If a proposal from an
59 applicant was not going to impact abutters and/or be viewed from the road, then it
60 might well not require a full hearing. Currently the HDC does not have the power to
61 issue waivers like the other land use boards. There should be a record of that process
62 kept in town so everyone can be held accountable. Kevin added that there would have
63 to be a written record of decisions taken in case someone tried to build 'a taj mahal'
64 in the future. But this way they could save residents money. And make things less
65 complicated and more user friendly for residents, whilst still protecting the essential
66 qualities of the historic districts.

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68 Kevin asked for questions and comments from either members or others present.

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70 Daimon Meeh asked about the waiver process. He had experience of sending multiple
71 certified letters to his relatives on Shaker Road for a hearing. It was acknowledged
72 that this issue was not finished in the draft. A fee could be charged, maybe the
73 applicant would get the fee or some of it back, minus administrative costs time for the

town. Jeff agreed that language needed revision. They did not want to make additional fees if someone was already applying for a building permit.

Shirley Wadja pointed out that under 'Activities Requiring Review', specifically about changing or removing natural features, it now included mention of trees. She thought this was 'getting into the weeds' but asked if there would be a parallel provision for natural features in the way there was for buildings or construction distinguishing between change versus maintenance. She gave the example of a sick one hundred-year-old tree needing to come down and how that might impact viewsheds and historic landscapes. Jeff asked if she knew of any districts that already had that provision. There are none in NH but there are some precedents in NY state, in the Hudson Valley. Kevin had also encountered something similar in Amherst. There an applicant must replace the dead removed tree. **He thought the commission should add a section on landscaping in the Guidelines. The idea would be that if someone was doing landscaping work and tree removal and the tree was not dead, then it would need approval from the HDC. They would want to prevent tree cutting for no reason.**

Harry added that from his knowledge of work at CSV, there had been clearing of stone walls, getting rid of bittersweet, and those kinds of things were maintenance. Likewise, pruning in the orchard. If some trees were blighted, for instance, and had to come down, that could be given quick approval by the HDC. **Ultimately there was a fine line between maintenance and viewshed impediment.**

Lisa Carlson requested people present to introduce themselves.

Audrey Knapp lives on the side of Goodwin Road that is in the HDC and said it seemed arbitrary. Kevin noted with the Kinters being added to the HDC last year that it was possible to have discussions about boundaries. And the HDC had talked about the idea of a heritage commission which would allow property owners to join voluntarily, including people with historic houses that are not in the two historic districts.

Daimon Meeh asked if there was any mechanism by which homeowners in the historic districts could have a tax break for the specific kind of work they have to undertake? It was generally understood that there is not any provision for this at the town or state level. It would be a good thing, however, to let towns people know that

everyone benefits from the efforts of property owners in the two historic districts, residents and visitors alike.

Lisa Carlson asked whether Lamprey Road was in the Center Historic District. It is not. There is a serious outbreak of knotweed there. Lisa was concerned that trees were at risk and asked if the various commissions and boards in town collaborated about tree and vegetation care.

Kent responded that they were organizing a committee to look at the Center to take care of the area around it. Jim and Donna Miller are coordinating it and attacking invasives is part of that work. It is hoped that there will be more collaboration between the different committees in town. For now, there is no specific authority to police invasives and the town does its best to keep them controlled in various areas such as Riverland where the town crew mows.

Daimon raised the issue of changes in natural vegetation again. If he needed to plant another round of corn for the distillery, for instance, would he have to come to the HDC? **Kevin said something that would really change the appearance or wind flow for abutters, such as clear cutting a woodland, was more likely to need a hearing. With 'change or removal' of 'trees and vegetations' referred to in the draft this needs clarifying.**

Leslie Nolan commented that Shaker Village has conservation and preservation easements. They have a 10 year forestry plan. **If they were doing some tree thinning, would they have to come to the HDC as well as the Forestry Commission for approval? Kevin thought it would be a neighborly thing to do, to let the town know, but the easement authority was not something the town could be involved with. Cutting timber would seem to be an issue for the HDC if it is changing/managing the landscape under an easement. This forestry issue was something else to clarify in looking at trees and maintenance.**

Kevin said that the 'Canterbury way' might be to have a qualified arborist give a view and comment on the good cause for tree removal. It could avoid a public hearing. Leslie noted that arborists can give totally different assessments – CSV currently has some arborist reports and 4 say they should tear down some trees but 2 say they can repair them. Kevin responded in that situation you could try the repair option first. This does need clarifying in the HDC regulations. **Whereas it can be helpful to have**

flexibility with things written in generalities, some of these issues really require clarification too.

Shirley raised the issue of what is 'historical' and 'historic'. As an historian she noted there were specific legal definitions of these terms. For the HDC to clarify what was 'historical' could be difficult. All properties, of whatever vintage, are included in the historic districts. Where would you draw the line? **Perhaps it was easier to say 'historic' not historical.** And see how to clarify this. Would it be anything over 50 years old? Ultimately it has been noted often that the HDC is seeking to preserve not just buildings but the ambience, aesthetic, walls, roads, atmosphere. Daimon said that historic districts perpetuate a story and people need to know what is expected of them – what time frame is the story set in? He has kept his property as close to the ambience of Shaker Village as possible, yet he has a neighbor with a 1950s house.

Shirley added that sometimes historic districts are about origin stories, focusing on the oldest properties in a town. This is something of an issue across the country where the post WWII building boom impacted landscapes. Ginger Laplante noted that much of the Canterbury Center burned down in 1943 and there are houses of different periods. Kevin read from **the original preamble to the HDC regulations and there is reference to maintaining the idea of a 'pre-1900' village.** Perhaps something more from those Architectural Style paragraphs should be added back into the draft, to make these intentions more explicit.

Shirley asked about stone walls – would work on them be routine maintenance? Kevin responded that the town should know if work was going on – particularly as they could be in public view – people would see them come down before they go back up. It could be through a pre-conceptual meeting. There is work going on at CSV and some orange tape needs to be put round the walls in question.

Audrey said she appreciated the fact the HDC was trying to make the process easier. Jeff said that they really want to offer assistance and make people aware of resources. The commission should be a helpful entity and not arbitrary enforcement. Lisa said thanks for noticing this process, because although they do not live in the historic districts, they realize they benefit from them. She hoped that CSV could continue to broadcast what they were doing to let towns people know.

Kevin explained about the rest of the procedure the HDC will be undertaking. **After the public hearing, they can adopt any regulation changes by majority vote by the commission and then they would meet with the BOS and if it needed town counsel that would be arranged. The HDC would distribute the finished document as it had the draft (via town posting and digital town communications).**

Daimon repeated the **request for flexibility for those engaged in agriculture** in the historic districts. No restrictions on the height of grass for instance. He also suggested that the HDC could take a look at the easements that he had with the Forest Society and the CSV had with the state as the Shaker Preservation District. They could do a comparison of what is required by the easement and see if what the HDC is asking for is redundant. Kevin noted that the SVPD is smaller than the Shaker Village overlay – and the underlying zoning is Rural.

For the next meeting, more detail and clarification about landscaping issues (changes or removal of natural features, trees and vegetation) need to be added to the Criteria and Guidelines.

‘Historic’ to be used rather than ‘Historical’.

Jeff would think about some language. And perhaps some parts of the Preamble need to be re-included in the next draft?

See below – add something about ‘ground mounted equipment’ to be discreet/out back.

4. Other Business

- (i) Harry mentioned that he has a picket fence which has deteriorated and is going to be repaired. It was not something for the HDC – it was regarded as routine maintenance. The Kinters also have a forsythia bush, given by Bud Thompson and it is overgrown with bittersweet. Kevin will work on getting rid of it. Again, that is maintenance only.
- (ii) Questions were raised about the house at the bottom of the hill on Center Road, which is in the HDC, that has an animals in pens. And also, the house on the corner of Carter Hill Road that has an excessive amount of furniture and ‘junk’ outside on the porch and in the driveway. In order to take any action, the Select Board needs complaints to be looked into by the Code Enforcement Officer. The HDC is advisory only and is not tasked with looking for problems unless the CEO came to the HDC and wanted to investigate taking action –

maybe for fencing or other appearance issues. Currently there is no code for animal welfare. Fire safety might be a concern.

- (iii) Kevin mentioned that in the section about solar panels and outbuildings, maybe there should be reference to **'ground mounted equipment', items such as condenser units, mini splits, trash dumpsters and so on – these things to be made as discreet as possible and placed at the back of a property.**

5. Adjournment

Kent made a motion to adjourn and Jeff seconded. All were in favor. It was 8.47 pm.

Respectfully submitted,

Lois Scribner, secretary