

Historic District Commission Meeting

July 15, 2019

Senior Center
Canaan, NH
Approved minutes

Commission members present: John Bergeron, Scott Borthwick, Mike Roy, Elizabeth Jutila, Richard Fox and Maria Clark

7:15 Public Hearing opened by John Bergeron

Maria Clark welcomed as an alternate. Maria needs to take Oath of Office with Town Clerk before joining Commission.

John Bergeron - Minutes for June 17 meeting read

Correction made- "Mulligan" corrected to Milligan

Motion to Accept - Mike Roy

Seconded - Scott Borthwick

Susan Nero: Question on June 17 meeting- Were questions asked by Brian Ellstein answered and were answers noted in the minutes?

MR - More of a comment, an opinion (EJ agreed)

JB - To restate again tonight, recreational vehicles in place already are grandfathered and may continue to be used as they were.

MR - That was exactly what was said and repeated 5 or 6 times

JB - Accumulations are considered a health problem and they are not grandfathered.

RF - For the record, I don't recall we ever acted in that way, in the way that the comment was made, in that somehow we were taking off against a couple properties. Not the case.

MR agreed - was discussed in the last open meeting too

JB - Regulations updates were proposed, not against an individual, but situations were observed, and regulations proposed to avoid future problems.

Question by Dick Abington June 17: Who does the enforcement? Response - Section 10: Enforcement is done by the town. The Selectman authorize the funds to pay the attorney to carry it forward. Then the prosecutor has to decide if its worthy of carrying forward and if it is a criminal offense or a civil offense. It's the selectmen and the attorneys agreeing to do it. As to who

triggers the enforcement, it really can come from anyone who identifies the problem, town official or private citizen. It gets elevated to town administration then to a Selectman and/or the building inspector or health inspector depending on the issue.

MC - Confirmed that was stated last time.

JB - Andrew Terhune email reviewed regarding not appreciating changes to the regulations. Historic District was established in 1968 for the purpose of preserving it and establishing regulations. We are tightening the regulations. It is noted that some of the populace do not appreciate regulations.

JB - Patsy Carter's concern about selling the property and she explained that she currently has an RV on it. Would she be able to sell the RV on it or is it worthless land because the buyer would not be able to put an RV on it.

Further review by legal council is required. JB says the right to use the RV goes the land. MR and SB disagrees.

JB - Claude Lemoi suggested that a change/clarification is needed to page 19, section VIII D between the first and second sentence disagreement. Agree the wording is not correct and we will revise.

JB - Tom Milligan's question about the 2-4 acre regulation needs to be discussed further.

JB - Dan Fleetham's question about regulations being redundant was answered and they are not redundant.

Regarding the June 18 meeting between JB and Tom Milligan:

Text below provided by JB and is a summary of Tom's comments on June 18. Reaction by the Commission on July 15 is shown in brackets {...}.

The following comments are from a meeting between Thomas Milligan and John Bergeron on June 18. Tom is a former attorney and Judge. He reviewed the proposed HDC regulations in detail, including those sections which are not being amended.

Boundaries (page 3 in May 21 draft)

This section is difficult to understand and the addition of a map may clarify the district, especially for newcomers.

I suggested a map and he agreed, suggesting adding as an appendix

Canaan Historic District shown in map outlined with orange border. **{Accept}**

Four maps providing more detail are a suggested addition to the HDC pages on the town website.

Section III (page 5 in May 21 draft)

Waiver for Incidental Structures is not required for generators and HVAC less than or equal to 27 cubic feet, since second bullet on page 23 says these smaller units are not structures. Since small units are not structures we don't regulate them.

Proposal is to add #5 to page 5.

"5. Heating or cooling equipment, and generators not larger than 27 cubic feet are not considered structures, therefore Waiver for Incidental Structures is not applicable in these situations. See Section XII." **{Accept}**

Section V B. Permitted Uses (page 6 in May 21 draft)

Item B.

The phrase below after the word "criteria" is difficult to apply to a future application. The requirement doesn't easily provide a clear yes or no answer for an application. Is there a better or clearer requirement?

"However, multifamily uses of structures shall not be permitted where it would result in violation of environmental criteria, or where it would be conducive to physical conditions (noise, traffic, congestion, etc.) incompatible with the characteristic appearance and atmosphere of the District." **{Remains open for discussion.}**

Item C.

Add meetinghouses. **{Accept}**

Item G. 1.

Rephrase as follows:

Based upon purposes stated in RSA 674:45, a balance between preservation, property values, civic beauty, and pleasure is achieved by allowing brief *Recreational Vehicle occupancy* and selective *Recreational Vehicle* placement on lots. **{Accept}**

Item G. 2.

Suggest adding screening of recreational vehicles. **{Reject}**

Item G. 3. and 4.

Merge items G. 3 & 4 into a single paragraph.

“No Recreational Vehicle on a lot shall be located within thirty (30) feet of a side lot line or rear lot line. No Recreational Vehicle on a lot shall be located within fifty (50) feet of Canaan Street pavement, except that a Recreational Vehicle on a lot may be within thirty (30) feet of Canaan Street pavement for no more than 14 days in a ninety 90 day period.” **{Accept}**

Item G. 7.

Strike the word “allowed” in last sentence. **{Accept}**

Section VI (page 8 in May 21 draft)

Item A.

It is not clear what the intent is for the following:

“New building sites shall be no larger than those prevalent within the District...”

What was the intent? What is a building site? Perhaps no foundations bigger than those that exist? Perhaps no yard areas bigger than what exists? Something else? See also item VII E. 9 below.
{Consider changing “building sites” to “buildings”}

Item E.

Recommend prohibiting tents and fabric garages. **{Reject}**

Item E. 3. (page 9 in May 2019 draft)

Include address of Historic New England and paint supplier California Paints.

<https://www.historicnewengland.org/preservation/for-homeowners-communities/your-old-or-historic-home/historic-colors-of-america/>

<https://www.californiapaints.com/find-my-color/digital-fan-deck/>

Click on “Historic” tab **{Accept}**

Item E. 7. (page 17 in May 2019 draft)

Recommend prohibiting cell and amateur radio towers. **{Question to add “windmills” to the list and a 35’ maximum allowed height. Open for further discussion.}**

Item E. 9 (page 17 in May 2019 draft)

Middle of last paragraph on page 9 contains the word “site”, which may lack definition. See also item VII A. above. **{Consider with VI A comment above}**

Item E. 9 (page 18 in May 2019 draft)

Add additional sentence to Skylights.

“Visibility from public way shall be minimized.” **{Accept}**

Section IX A. (page 19 in May 2019 draft)

Add to end of sentence “.....and any subsequent amendments.” **{Accept}**

Section X (page 19 in May 2019 draft)

Remove “are mandatory” and replace with “have the force of law”. **{Accept}**

At the June 17 hearing, Charlotte Abington suggested that we add “by the court.” to the end of the first paragraph. **{Accept}**

Section X (page 20 in May 2019 draft)

In second paragraph, strike “Selectmen, Building Inspector, or” and use Town Administrator. **{Accept}**

Add a sentence “Appeals may be made to the Selectmen.” **{Accept}**

End of comments from JB and Tom Milligan meeting of June 18.

MC - Add the phrase "lots that have RV now can have them in the future even if it is sold" into the regulations for the grandfathering of RV use to be reviewed by the attorney.

JB - Add the words "even if it sold" to the regulation.

MR - Disagrees and wants to have the attorney's opinion.

SB - Add "grandfathered use on property" instead.

Wording decision to be decided by attorney.

MC - Question: Do we need to present the draft of the Historic Regulations again to the public?

JB - No, if it's not a substantial change, then we do not have to present again.

8:36pm Meeting Adjourned by RF, Seconded by SB

Respectfully submitted,
Elizabeth Jutila