

Approved Minutes

Historic District Commission Meeting

Monday, October 18, 2021

Mascoma Community Health Center

18 Roberts Road

Canaan, NH

Members present: Chair: John Bergeron, Richard Fox, Mike Roy, Elizabeth Jutila and Selectmen Representative: Scott Borthwick

Alternates: George Foley, Tom Milligan and Maria Clark, who joined the meeting on Zoom.

Associates: Chris Wolcott and Bill VanZandt

Members of the public: Mike Samson, Kris Burnett, Suanne Milligan, Claude Lemoi, Alex Ishii, Lisa Rogak, Mark Mills, Laura Smith, Denis Salvail. Jerry Brightman and Janice Ellis joined the meeting on Zoom

7:15 Public meeting opened by John Bergeron

Application for Alex Ishii and Lisa Rogak, 486 Canaan Street: convert the full two-bedroom, ground floor apartment from long term to short term rental.

Public hearing opened.

There was a public discussion and three letters were read; see attached.

Public hearing was closed.

Findings:

This application is for a change of use and those use requirements are found in the Historic District regulations Section VI, with related definitions in Section XII. Related to this property and application, topics of parking, bedrooms, square feet, architectural criteria, environmental criteria, use criteria, community economic benefits, fire safety, leash ordinance, health inspections, length of stays, number of cars, traffic, noise, guest vetting, guest rules, pets, parties, quiet hours, owner occupancy, and occupancy levels were explored. This property has had long term rentals in the past, and no evidence of prior traffic on noise complaints was identified. No building or land alterations are planned, so architectural and environmental elements will not change. Additional traffic due to this use is minimal, since Canaan Street is a high-volume commuter route, and the primary traffic source during business hours is Cardigan Mountain School. The application was found to be in compliance with the regulations and more specifically, both sections VI D, Professional occupations; and VI E, Commercial Businesses.

The following is from Historic District Regulations, October 19, 2020:

Section VI

D. Professional occupations may be practiced either as a combined residence/office or solely as a business office as long as architectural and environmental criteria are met and traffic flow and noise constitutes no hardship or annoyance to the residents of the District.

E. Commercial businesses consistent with the character of the District are permitted as long as architectural and environmental criteria are met, and such factors as level of employment, traffic flow, and noise constitute no hardship to the residents of the District.

Section XII

Commercial Use shall mean facilities for the sale, lease, trade or delivery of products, goods or services, and their accessory uses.

Professional Occupation shall mean any business or profession conducted entirely within a dwelling or an accessory building located on the same premises as the dwelling, which entails contact with the general public at the premises; is capable of being unobtrusively pursued; creates no nuisance nor any environmental, health or safety concerns; does not change either the character of the building or the character of the neighborhood in which the Professional Occupation is established.

A motion was made by Scott Borthwick to approve the application as submitted and seconded by John Bergeron. The motion passed by a vote of four in favor and one opposed.

Discussion will continue during the next meeting. Tom Milligan proposes, at the next meeting, we discuss a potential amendment to the regulations dealing with "short term rentals".

Minutes: August 16, 2021 Motion to approve Mike Roy, Second Richard Fox

All in favor: unanimous

Minutes: September 20, 2021 Motion to approve Mike Roy, Second Richard Fox

All in favor: unanimous

Discussion on target practice: Mike Roy asks if this is legal on Canaan Street? Should we adopt a regulation to ban target practice? There was a decision not to continue the discussion.

Certificate of mailing versus certified mail: Certificate of mailing is the better choice.

Motion to adjourn: Scott Borthwick, Second Richard Fox

All in favor: unanimous

Respectfully submitted,

Elizabeth Jutila

Dear Neighbors,

On Monday, October 18, 7:15, at the Mascoma Health Center, the Historic District Commission will hear a proposal to allow AirB&B status (called "short-term rental" in the agenda notes) to our neighbors' property at 486 Canaan Street. This is the former church just to the north of us.

We oppose the change in use for the following reasons:

1. Canaan Street is primarily an historic residential district. AirB&B establishments are neither historic nor are they residential.
2. The HDC regulations describe the importance of maintaining the "historic character" of the district. We believe the character of the street would be significantly and negatively altered with AirB&B use, as they are essentially commercial operations, bringing with them increased traffic; the potential for safety and security concerns; and the rise in absentee landlords who have little interest in the community.
3. Allowing an AirB&B sets a clear precedent for other property owners to be allowed to commercialize their properties in this way. Right now we are sandwiched between an AirB&B both to the north and to the south of us and there is the likelihood of others coming. This diminishes the value of our property. If the trend to AirB&B usage expands in our historic district, property values for all residential owners will fall. This, in turn, will have an impact on Town taxes, eventually, and is, therefore, neither in the best interest of our historic, residential neighborhood nor the Town of Canaan.

Please consider attending the meeting or writing a letter to the Historic District Commission addressed to John Bergeron (bergeronjh@gmail.com) and voicing your opposition to this proposal. Kindly forward to neighbors who are not on this list who might be interested. (Sandy to Ben and Chris, please; Fran to van Ettens, please)

Sincerely,

Kris and Jim Burnett

484 Canaan Street

To the Members of the Canaan, NH Historic District Commission

c/o John Bergeron, Chair, bergeronjh@gmail.com

October 11, 2021

Let me begin with three important preliminaries:

First, thank you Members, Alternates and Associates of the Commission for your service. Being on a local public board is a significant undertaking of time and effort, and sometimes a thankless job. Nan and I appreciate your commitment and diligence.

Second, Kris and Jim, we take your concerns seriously and offer our response to your email with respect and friendship.

Third, Lisa and Alex, we appreciate your having filed an application to the Commission. In the course of our 40-year project of converting our house and barn from decrepit wrecks to their present condition we have applied to the Historic District Commission quite a few times for approval of various changes to the appearance of our house and barn, paint colors and materials, location of windows and doors and the like. We were always thanked by the Commission for doing so and it was mentioned on at least one occasion that some folks just went ahead and did things without bothering to make an application to the Commission, or did so only after the fact.

Canaan Street was a resort area for decades during the late 19th and early 20th centuries, with numerous small hotels, only one such building remaining. Surely some people were taking in paying guests in spare bedrooms during those times. AirB&B use is entirely consistent with the history of the District and has potential for promoting the improvement and maintenance of properties. At least two properties on Canaan Street were or are now unoccupied and ill-maintained for years. One of them has been restored beautifully at least in part from rental income— a great benefit to everyone. The other remains unoccupied and deteriorating – a potential eyesore in the making. A third house, adjacent to the cemetery, is occupied but has deteriorated to an appalling condition. When it was a B & B operated by Lee & Louise Kremzner it was beautiful. A winter weekend stay there about 30 years ago convinced us to make a big push to winterize and improve our house. I'm skeptical that the presence of some AirB&Bs will have an adverse effect on property values. Perhaps the Commission should engage the services of an appraiser or other real estate specialist with appropriate expertise in order to reach an informed conclusion should it consider that necessary.

Are not issues of disturbances a possibility for any house and subject to remedial action if necessary by the police? And as to the present application, isn't the rental space in question part of Lisa and Alex's home? It doesn't seem like the question of an absentee landlord is present.

Finally, I question the authority of the Commission to pass on this question. Ordinarily one would think that a use restriction (as opposed to matters of physical appearance) would be covered by a zoning ordinance. This topic came up recently as to a point raised by – as I understand it – counsel for the town to the effect that certain aspects of the Historic District Commission Regulations required a zoning ordinance in order to be enforceable. The question was put to the voters, who declined to approve a zoning ordinance. The change in use provision in the Historic District Commission Regulations is breathtaking. If Nan and I were to decide that we wanted to make our home at 504 Canaan Street our principal residence and live here year-round, does the Commission seriously assert that we would have to ask its permission in order to do so?

Enough. I could go on, but I practiced law for too many years and have trouble shutting up. Thank you for reading this far.

Very truly yours,

Bill Stone

Nan & William Stone

504 Canaan Street

PO Box 504

Canaan, NH 03741

Stonefam69@comcast.net

My name is Suanne Milligan and my husband and I own and reside at 485 Canaan Street.

Thank you for serving on the Historic Commission and attending to the needs of the district.

I object to the application regarding the property at 486 Canaan Street for the following reasons:

1. It will increase the traffic on Canaan Street, on Canaan Street Lake, and on the town beach.
2. It is not in keeping with the spirit of the Canaan Street Historic District because it is a tourist business and not a residence. A resident receives mail at the residence, is entitled to vote in the town, can register his/her vehicle, access the transfer station, and is present at the location. A tourist is not a resident.
3. It is not in keeping with the character of the Historic District.

The character of the district is created by residents who serve on the Canaan Street Lake Association and provide Lake Hosts—tourists do not do this.

The character of the district is created by residents who serve the Canaan Historical Museum. Tourists do not do this.

The character of the district is created by residents who support the Mascoma Community Health Center—tourists do not do this.

The character of the district is created by residents who support the Friends of the Library—tourists do not do this.

The character of the district is created by the Bird and Garden club who provide flowers and other amenities—tourists do not do this.

The character of the district is created by the residents who serve on boards such as this and many other local governmental boards.

And what is the benefit to the Canaan Street Historic District if this character is changed?

We are at the top of a slippery slope as lawyers say. If this commercial enterprise starts, where will it end? I think our property values will suffer. And that will increase the tax rates for the whole town. I think it sets a bad precedent and should not be approved.