

Canaan Historic District Commission
October 21, 2019
Mascoma Senior Center
Canaan, NH

Commission members present: John Bergeron, Chair; Mike Roy, Vice Chair; Elizabeth Jutila, Secretary; Mary Noordsy; and alternates Maria Clark, and Tom Milligan. Scott Bortwick was out of town.

Others present: Suanne Milligan.

7:15 Public meeting opened by John Bergeron.

Minutes read by Mary Noordsy and unanimously approved.

7:18 Public hearing opens with Milligan application. The Milligans summarized the project, which includes expansion of deck with adjacent window/door alterations, removal of north side window, and removal of composting toilet.

7:22 Public hearing closed. The Commission discussed the application. Motion to accept Mike Roy, 2nd Mary Noordsy and unanimously approved.

John Bergeron informed the Board that the New Hampshire Preservation Alliance would like us to join as a Historic District Commission. Membership is \$50.00.

Historic signs for entering the Historic District was discussed. Four signs would be needed. Will be revisited in the future.

Mary Noodsey brought to the Boards attention about Mascoma Valley Preservation. They are looking for new members.

Questions for the Attorney, in reference to the changes to the Historic District regulations, were submitted and waiting for a response.

Questions about the condition of the Dove property were discussed. No news.

7:33 Motion to adjourn Mike Roy 2nd Mary Noodsy and all were in favor.

Respectfully submitted,
Elizabeth Jutila

Historic District Commission Meeting

April 15, 2019

Mascoma Senior Center

Approved Minutes

Members Present: John Bergeron, Chair; Mike Roy, Vice Chair; Tina Lemoi; Richard Fox (alternate); Elizabeth Jutila (alternate)
Others present: Claude Lemoi

7:15 Meeting opens

Minutes of December 17, 2018 were read

Motion to accept, after correction, by EJ
Second by MR
In favor: All

Appointment of Officers

Chair: John Bergeron
Vice Chair: Mike Roy
Secretary: Elizabeth Jutila

Motion to accept: Richard Fox
Second by Tina Lemoi
In favor: All

General discussion of item:

That no existing lot may be subdivided such that any new lot would be created which is less than four acres.

Agreed by consensus and will be added to draft regulations.
Motion to adjourn: RF
Second: MR
All in favor

Respectfully submitted,

Elizabeth Jutila

Canaan Historic District Commission Meeting

May 20, 2019 Approved minutes

Scheduled for the Senior Center but moved to Town Offices

Members present:

John Bergeron, Chairman; Richard Fox; Tina Lemoi; Scott Borthwick, Selectmen's rep.; Mary Noordsy, alternate who was an acting member and secretary for the meeting

Members of the public: Claude Lemoi

The meeting was called to order at 7:25 PM.

We discussed the wording of the Historic District Regulations proposed draft, specifically Page 19, Section VIII, Paragraph D *Environmental Criteria*.

The proposed wording to be added is, "*The lot and yard area shall be maintained free of accumulations, including but not limited to garbage, trash, rubbish, appliances, furniture, lumber, demolition materials, salvage materials, fixtures, barrels, and scrap metal. Accumulations must be stored away from public and abutter view or removed from the property.*"

Richard Fox moved to accept the proposed wording, Tina Lemoi seconded, all voted in favor. The motion passed.

Notices will be posted for a public hearing on the proposed changes to the regulations to take place on June 17th at 7:15 PM at the Canaan Street Meeting House. The public is invited to attend and comment on the draft.

There being no further business, the meeting was adjourned at 7:45 PM.

Respectfully submitted,
Mary Noordsy

Historic District Commission Meeting

June 17, 2019

Canaan Street Meetinghouse

Canaan, NH

Approved minutes

Public Hearing to propose revisions to the HDC regulations, section V, VI, VIII, X, XII. Also review the door and shutter paint colors for Oppel at 491 Canaan Street.

Commission members present: John Bergeron, Mike Roy, Elizabeth Jutila, Tina Lemoi, Richard Fox and Mary Noordsy

7:15 Public Hearing opened by John Bergeron

John Bergeron - Explained the summary of the proposed changes to the HDC regulations via slide show presentation, which is attached.

Brian Ellstein - Comments/Question: Seems like regulations were changed based off the actions of a few residents regarding section 5 G. Recreational Vehicles and section 8 D Environmental Criteria - accumulations.

John Bergeron – Re-summarized the slide titled “Proposed Revisions”

Dick Abington - Question: Who does the enforcement? Section X

Andrew Terhune - Comment received from Andrew Terhune via email before the hearing:

“I did go to the link and read the redlined proposal. My reaction is that I'm thankful that we don't own any property in the district. Both the existing and proposed rules represent the kind of meddling in people's private affairs that I've come to expect in big cities but perhaps wistfully hoped one could escape in small-town America.

I would prefer that the town work toward voluntary cooperation among the owners in the district rather than by coercion as is the case with the ordinance.”

Patsy Carter - Comment/Questions: Explained reasoning for their use of the mobile home and the right of way. Asked how this change would affect them.

Claude Lemoi - Comment: Suggested a change/clarification is needed to page 19, section VIII, D; between first and second sentence disagreement: ‘ ... maintained free of accumulations,... Accumulations must be stored away from public and abutter view or

removed from the property.' First sentence says you cannot have accumulations except that the second sentence says accumulations must be stored away or removed. Agrees with the proposed Regulations.

Bob Nero - Comment: Agrees with the Historic Street and review of section 5 K Grandfathered Use. Also agrees with the proposed Regulations.

Mike Roy - Comment: Public opinions are important to the HDC board and the public are invited to every public meeting. The HDC board, mainly John Bergeron, researches all information and regulations.

Tom Milligan - Question: Is the change of 2 to 4 acres regulation an invasion of property rights and has it been cleared by legal counsel?

Dan Fleetham - Questions: Do the town regulations cover any of the proposed revisions? Are these being redundant?

7:50pm Public Hearing closed

Elizabeth Jutila - reading of April Minutes

Mike Roy: Move to accept Motion, seconded by Tina, all in favor

Mary Noordsy - reading of May Minutes

Mike Roy: Move to accept Motion, seconded by Tina, all in favor

8:00pm Open Public Hearing

General Discussion of item: Oppel requested color change for the front door and shutters.

8:05pm Public Hearing closed

Mike Roy: Move to accept Oppel's request, seconded by Tina, all in favor

General Discussion of item: Historic District Sign

Discussed: Carved sign versus painted; material used being metal versus wood; approach town for funding or take up a collection from residents on the street. All options are on the table and other historic district's choices will be reviewed.

Motion to adjourn by Tina, seconded by Mike

Respectfully submitted,
Elizabeth Jutila

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

Historic District Commission Meeting

August 19, 2019

Canaan Street Meetinghouse
Canaan, NH

Approved minutes

Commission members present: John Bergeron, Tom Milligan Alternate, Richard Fox Alternate, Maria Clark Alternate and Elizabeth Jutila.

7:15 Public meeting opened by John Bergeron, and alternate members Tom Milligan and Maria Clark appointed to serve as alternates for absent regular members for this meeting.

Minutes read, from July 15th, were read
Motion to accept Maria Clark
Second: Tom Milligan
All in favor

Review and discuss summary of changes to the Regulations. Discussions included changes documented in July 15 minutes, minimum lot size, and grandfathered uses.

8:30 Motion to adjourn: Elizabeth
Second: Maria
All in favor

Respectfully submitted,

Elizabeth Jutila

Canaan Historic District Commission
September 16, 2019
Canaan Street Meetinghouse
Canaan, NH

Approved Minutes

Commission members present: John Bergeron, Chair; Mary Noordsy (acting as secretary for the meeting); Mike Roy; Richard Fox, Thomas Milligan

7:15 Public Meeting opened by John Bergeron and he appointed alternate members Tom Milligan and Richard Fox to serve in place of absent regular members. When Mike Roy arrived at 7:26 pm Tom Milligan became an alternate again.

The minutes from the August 19, 2019 meeting were unanimously approved.

Mary Noordsy is a newly sworn in regular member.

Reviewed the Historic District Regulations document. The appeals section was fine-tuned a bit.

Discussed the impact of changing the minimum lot size from two acres to four acres. It was decided to leave the minimum lot size at two acres and perhaps revisit the topic in the future.

The questions for the town attorney were discussed. John will submit the questions to Mike Samson for review and feedback.

The condition of the Dove property was discussed. We will ask Mike Samson what the current status of the cleanup is. While we recognize that some progress has been made in cleaning up the property, we would like to have it on the record that we are dissatisfied with the condition of the property as it is now. It would appear that there is a considerable amount of work still needed to accomplish the task.

At 7:45 there was a motion made by Mike to adjourn the meeting; Tom seconded it and all were in favor.

Respectfully submitted,
Mary Noordsy