

HERITAGE COMMISSION

Draft Minutes

March 3, 2011

The Heritage Commission held its regular monthly meeting in the City Council Chambers at 37 Green Street, Concord, New Hampshire, on Thursday, March 3, 2011, at 4:30 p.m.

1. Call to Order and Seating of Alternates:

Chairperson Philip Donovan called the meeting to order at 4:39 p.m.

Present at the meeting were Chairperson Philip Donovan, Vice-Chairperson Frederick Richards, and members James McConaha, Dr. Bryant Tolles, and Robert V. Johnson II. Absent from the meeting were Commission Members Marilyn Fraser, Carol Durgy Brooks, Steve Shurtleff, and Elizabeth Durfee Hengen. City Planner Douglas Woodward and Administrative Specialist Donna Muir were also present.

Chairperson Donovan elevated the alternate members to full member status for the meeting.

2. Minutes of the February 3, 2011 meeting:

The Commission considered the minutes of the February 3, 2011, Heritage Commission meeting; however, the acceptance of the minutes was tabled until next month, as a number of members in attendance were not present at the February 3, 2011, meeting.

3. New Business:

a. *Historic District Application by Robert and Sherri Morrill at 278 North Main Street.*

Chairperson Donovan opened the public hearing at 4:45 p.m. and reviewed the Morrill's application to replace two exterior windows on the south elevation of the house, install a larger window on the south elevation in place of an existing small window, install a new window in place of an existing door on the north elevation, and move the existing door on the north elevation to a new location on the east elevation. Robert and Sherri Morrill were in attendance at the meeting. Mr. Morrill stated that they are remodeling the inside of an existing, unfinished shed which is attached to the house. The changes being proposed to the windows will match, to scale, the existing windows of the house. They are also proposing to move the door which is currently on the north side of the shed to the corner on the east side. Mr. Morrill believes that the door was originally on the east side.

Vice-Chair Richards said that he had looked at the property from the street and asked whether windows #3 and #4 would be to scale and if the new replacement sash would be a true divided light window. He also asked whether the muntins would have a profile or be flat. Neither Mr. nor Mrs. Morrill knew whether they were flat or profile. Vice-Chair Richards said that he didn't have any problems with the application, as none of the architecture of the house was being changed. He did, however, feel that because the windows on the south side could be seen from the street that it was important that the

muntins had a profile. Mr. Morrill called his contractor who stated that the windows were double pane with muntins between the glass panes and that the muntins have a profile, so visually the windows will not look any different.

Mr. McConaha asked whether the windows were insulated. Mrs. Morrill stated that the windows are insulated and that they discussed with their contractor their desire to keep everything looking the same. She does know that some of the reproduction windows are single pane windows. Mr. McConaha also asked if the exterior casings on the windows will remain. Mr. Morrill said that once the new sashes are done, the windows will look the same. Mr. Johnson stated that the exterior casings would not remain on windows # 3 and 4, as they are replacing smaller windows. Mr. Morrill agreed and said that he believes the house was built in the 1840s and that it was built in two parts. Dr. Tolles asked if there would be a new door installed once the door frame was moved from the north to the east elevation. Mr. Morrill stated that it would be a new door, but it was a duplicate of the door to be replaced.

Chairperson Donovan asked if the Commission had any other questions for the applicants. Being none, he closed the public hearing at 4:57 p.m.

Chairperson Donovan then asked that deliberations begin. Mr. Johnson made a motion to approve the application, and it was seconded by Vice-Chair Richards. Chairperson Donovan shared comments he had received from Ms. Hengen:

“The application doesn’t state the reason for replacing windows #1 and #2. Why are they being singled out? I’d be hesitant to start replacing windows throughout the house ...all the studies indicate that well-maintained wooden sash with a storm are as energy efficient as double-glazed sash.”

“While the proposed replacement sash will have true divided lights, according to the application, the manufacturer’s description doesn’t spell that out (unless I’m missing something).”

“The smaller window on the shed is currently scaled and detailed like what you would ordinarily find on a shed. I would not recommend approving a window that is larger (unclear from the application if that is being proposed), nor adding trim to match windows #1 and #2 on the main house. Window #3 is on a shed addition with a lower profile and different roofline; any new sash should match what’s there now. Bracketed sill and cornice would not be appropriate for this location. If they want to change how it operates, a six-light casement would be fine. Or a sliding window. Even a 3/3 double hung. But the size and trim should change.”

Mr. McConaha stated that he was confused, that the application says that windows #1 and #2 were being replaced. Mr. Morrill stated that was true, but the looks of the window wouldn’t change. Mr. McConaha asked if they were using replacement windows where the frame is not changed but the new sash is fit into the existing frame. He feels that when replacing the frame of the window that it becomes thicker and therefore changes the size. Vice-Chair Richards said that that was not necessarily true. He also said that it would be helpful if applicants would bring in samples in the future.

Mr. Johnson asked what the reason for enlarging windows #3 and #4 was, in terms of the internal use of the structure. Mr. Morrill stated that they are insulating the shed, putting in a floor, and making it a mud room / laundry room. Mr. Johnson asked why the need to enlarge window #3. Mrs. Morrill said that the light from the windows would be the main source of light and ventilation for that room. He also asked whether the exterior trim would match windows #1 and #2 and whether the window would be the same size. Mr. Morrill stated that the window would be to scale with the rest of the windows on the house. Chairperson Donovan stated that the drawings show the dimensions of the windows.

Vice-Chair Richards asked what the original use of the space was. Mrs. Morrill stated that it was originally used as a wood shed. Vice-Chair Richards asked what the shed was sitting on. Mrs. Morrill stated it was a granite slab. He also asked whether the shed was original to the house. Mr. Morrill stated that he believed so.

Mr. McConaha asked whether new storm windows would be installed. Mrs. Morrill stated that they had talked about it, and would do so if the Heritage Commission required it. He stated that good solid double hung wooden sash windows are just as energy efficient as the replacement ones when combined with high quality storm windows. They are also less costly and would look virtually the same as the existing windows. Mr. McConaha stated that he hated to see these windows inserted into the Historic District and would encourage the Morrills to consider more traditional windows.

Chairperson Donovan stated that he would like to focus on the size and trim of windows #3 and #4, and that he agrees with Ms. Hengen. He asked the Morrills how committed they are to changing the size of these two windows. Mrs. Morrill stated that she really needs to have the windows larger. Mr. Morrill said that he thinks that the current windows have less symmetry than the new ones will have. Chairperson Donovan asked what is above and below the windows located above the shed. Mr. Morrill said that everything is the same as in windows #1 and #2. Mr. Johnson feels that the window on the shed should stay the same, but wants to weigh in on the needs of the owners. Vice-Chair Richards agrees totally with Mr. Johnson. Chairperson Donovan said that on the manufacturer's specifications, that the bottom window is the smaller one. Mr. Johnson said that he thinks the applicants should look at the wooden sashes. Mr. McConaha agreed. Mr. Morrill said that the wooden sash windows will require repair and maintenance work year after year. He wants the replacement windows so that he would only have to do this once. Mr. McConaha said that the Heritage Commission could recommend a contractor who could do the work and thinks it is something that the Morrills should consider.

Chairperson Donovan said that he had one last item: window #3 currently contains no ornamentation, but the proposal says it will match windows #1 and #2. His question is: should the ornamentation be the same as windows #1 and #2 or should it match what is currently there? Mr. McConaha feels that all the windows should be the same. Dr. Tolles agrees with Mr. McConaha, saying that it would be more in keeping with the period.

Chairperson Donovan asked for recommendations from the Heritage Commission. Mr. McConaha stated that he won't vote for replacement windows, as he thinks it is a bad precedent. He would encourage the applicants to look to use high quality double hung windows.

Chairperson Donovan asked the applicants where they were in terms of working on the project. Mr. and Mrs. Morrill stated that they were just about done with the mechanicals, so they would need a response on window #3 soon, but have more time for windows #1 and #2. Vice-Chair Richards asked whether the Commission could make a decision on window # 3 now and table the other windows until a future meeting, when the applicants could bring in a sample window.

Mr. McConaha said that he doesn't understand how the new windows would be installed if not into the original frames. He stated that it was important to him to have consistency with all the windows.

Mr. Johnson asked whether the applicants would be inconvenienced if they were held up by the Heritage Commission. Mrs. Morrill stated that they would be inconvenienced, as they planned to move right along with this project.

Chairperson Donovan stated that windows #3 and #4 are going to be different. Mr. McConaha stated that he is just trying to maintain consistency. Chairperson Donovan stated that because windows #3 and #4 do not exist now there is no way to match them. He wants the Commission to figure out what to approve for windows #3 and #4. Mr. McConaha said he would continue to argue for windows that are visually compatible.

Mr. Johnson withdrew his original motion and Vice-Chair Richards withdrew the seconding of that motion.

Mr. Johnson then made a motion to allow the applicants to move forward with windows #3 and #4 and the moving of the door, with the recommendation that the replacement windows be double-hung, wooden sashes with true divided light and muntins which have a profile. Vice-Chair Richards seconded the motion. Chairperson Donovan asked if there was any further discussion on the motion. The motion passed unanimously.

Chairperson Donovan then asked how they should proceed on windows #1 and #2. Mr. Johnson made a motion to table the application as it pertains to windows #1 and #2 and have applicants investigate double-hung, wooden sashes, or the restoration of the existing double hung window sashes, and asked that a sample of the proposed replacement windows be provided to the Commission prior to any final action on this part of the application. Vice-Chair Richards seconded the motion. Chairperson Donovan asked if there was any further discussion on the motion. The motion passed unanimously.

Chairperson Donovan thanked the applicants. [Mr. and Mrs. Morrill left the meeting at 5:45 p.m.]

- b. *Action on an amendment to Section B-5, Voting, of the Heritage Commission's procedural rules relative to adding a requirement for members to meet a juror standard or to otherwise disqualify themselves from participation in any decision making when reviewing applications in the Historic District and applications for Demolition Delay*

Chairperson Donovan stated that the Commission needed to vote to accept the amendment to Section B-5 of the Heritage Commission's procedural rules. He asked if anyone had any questions regarding the amendment. Mr. Johnson asked why both item I and II were the same. Mr. Woodward stated that item # I deletes a portion of the current section and item # II replaces that portion of the current section. Mr. McConaha said that according to the City Solicitor's memo, the Demolition Delay Committee does not function in a judicial capacity. The Commission only functions in a judicial capacity which it acts on applications in the Historic District. Mr. McConaha thought that under the existing rules, the Demolition Delay Committee did function in a judicial capacity. Mr. Woodward said that in the procedural rules, the Committee does not function in a judicial capacity.

Mr. McConaha made a motion to accept the amendment to the Procedural Rules of the Heritage Commission as written on November 4, 2010. Mr. Johnson seconded the motion. Chairperson Donovan asked if there was any further discussion on the motion. The motion passed unanimously.

c. *Upcoming Certified Local Government Grant Opportunities – Letters of Intent.*

Chairperson Donovan stated that he received an announcement of the upcoming 2011 Certified Local Government grants, for which letters of intent are due to the NH Division of Historical Resources by March 31, 2011, and completed applications are due May 15, 2011.

Vice-Chair Richards said that the Commission would need to have a discussion on what project the Commission would like to submit for the grant. Mr. Woodward reminded the Commission that they would have to seek authorization from the City Council to apply for the grant. Vice-Chair Richards asked whether there were any limits regarding the amount that could be applied for. Mr. Woodward said that the first step would be to discuss project priorities for the letter of intent.

He also said that he had been in contact with Joia Hughes, who is has been a consultant for the City, regarding grants for cemeteries that General Services has applied for with her assistance. These grants were applied for without the knowledge of the Heritage Commission. He told Ms. Hughes that the Heritage Commission would need to know when she would be applying for any other Certified Local Government grants on behalf of the City. Mr. Woodward suggested that Ms. Hughes be invited before the Commission to present any proposed application to the Commission prior to submission to the Division of Historical Resources.

Vice-Chair Richards volunteered to write the grant and Mr. McConaha agreed to assist. Chairperson Donovan asked that a caucus be scheduled to discuss the grant priorities and application.

[Vice-Chair Richards left the meeting at 6:00 p.m.]

Mr. Woodward asked whether the caucus would lead to the letter of intent for the grant being produced. Chairperson Donovan stated that it would. Mr. Woodward stated that normally, the monetary limits for the grants have been in the \$25,000 range.

- d. *Consideration of the upcoming revision of the Planning Board's Site Plan Review Regulations as they relate to demolition and preservation of historic structures.*

Chairperson Donovan stated that he had nothing new to add from last month's discussion. Mr. Woodward said that the Planning Board had a meeting on the proposed regulations on February 23, 2011, and will meet again on March 30, 2011. The Planning Board had discussed the matter of historic properties proposed for demolition and how to identify those properties so that applicant's will be aware of the concerns related to a proposed demolition of these properties. It will be necessary to have an identification system, such as eligibility for inclusion on the National Registry, included on the National Registry, or location within a historic district. Mr. Woodward stated that at last month's Heritage Commission meeting, Ms. Hengen suggested that the Division of Historical Resources has eligibility information on more properties in Concord than the City of Concord, and that if the City is going to institute requirements, it will be important to have all existing historic survey information available to the public. Mr. Woodward said that if the survey information was available up front, it may preclude what happened at Green Street from happening again, where an investment was made prior to knowing about the historic value of a building.

Mr. Woodward also stated that he believed that the Planning Board cannot prohibit a demolition simply for historic preservation purposes. Chairperson Donovan said that he struggles with the Planning Board's statement that they are unable to say what someone can do with their property regarding historic preservation, as the Planning Board does say no all the time. Mr. Woodward said that having an identification system for historic importance could act as a deterrent to demolition, if developers knew in advance of the historical significance of a property prior to having invested in the property with the intent to demolish.

Mr. McConaha said that there were ordinances in place in the South End at the time of the Richmond case, and felt that the City could pass an ordinance regarding demolition of historic properties. Mr. Woodward stated that the ordinance to which he alluded was a special ordinance that covered what is now referred to as the Opportunity Corridor. Mr. McConaha suggested that the City Council could adopt a special ordinance for historic preservation. Mr. Woodward said that the City Council has adopted impact fees that have special credits if you preserve historic properties, as well as the 79E tax incentives for historic properties.

Mr. McConaha feels that a big part of the problem is that the community hasn't weighed in on how they feel. Chairperson Donovan stated that the City has been losing buildings here and there, but the impact is cumulative. He believes the challenge is to identify the properties in the City that should be saved. Mr. Woodward said that Main Street Concord is part of the preservation community and they have been helpful in some instances. He said that there have been conversations about where the edge of downtown is, and what could be included in the "downtown" designation.

Mr. McConaha said that public awareness and education could be used to focus on some of the more historic buildings. He thinks that using Certified Local Government grant funds for education and community awareness would be very beneficial. Dr. Tolles thought that having an illustrated guide book to Concord's architecture would be helpful to the community as well. Mr. Woodward suggested a mapping system would also be beneficial.

Mr. Johnson said that he hasn't yet done anything with Ms. Hengen regarding the neighborhood historic districts and wanted to know the time frame for the Planning Board's review of the Site Plan Regulations. Mr. Woodward stated that probably by May or June 2011, the Planning Board will hold a few more review sessions, and then will host a public session. Depending on the number of comments received, the Board will determine when the Site Plan Regulations will be approved. Mr. McConaha asked if the Planning Board Site Plan review process was the appropriate avenue for the Heritage Commission to provide the Planning Board with a list of properties that should be preserved. Mr. Woodward responded in the affirmative.

Chairperson Donovan stated that Ms. Hengen, Vice Chair Richards, Mr. Johnson, and Ms. Fraser volunteered to be on the Master Plan Regulatory Committee which was created in December 2010. They can look into various ways to provide tools to the Planning Board regarding historic properties. Mr. Johnson said that he would contact the other members of the committee to move forward with this.

e. *Heritage Commission Name Plates.*

Mr. Johnson suggested that the Heritage Commission have name plates created so that applicants would be aware of whom the members of the Heritage Commission are when applicants and the public come before the Commission. The Commission members agreed and tasked Donna Muir, Administrative Specialist, with ordering the name plates.

There being no further business to come before the Commission, a motion was made by Mr. Johnson and seconded by Dr. Tolles to adjourn the meeting. The motion carried. The Chairperson adjourned the meeting at 6:37 p.m.

A TRUE RECORD ATTEST:

Donna Muir
Administrative Specialist