

HERITAGE COMMISSION

Draft Minutes

March 5, 2009

The Heritage Commission held its regular monthly meeting in the City Council Chambers at 37 Green Street, Concord, New Hampshire, on Thursday, March 5, 2009, at 4:30 p.m.

1. Call to Order and Seating of Alternates:

Chairperson Donovan called the meeting to order at 4:42 p.m.

Present at the meeting were Chairperson Philip Donovan, James McConaha, Dr. Douglas Black, Vice Chair Frederick Richards, Marilyn Fraser, Carol Durgy Brooks, Gerard Blanchette, and Bryant Tolles, who arrived at 4:46 p.m. City Planner Douglas Woodward and Administrative Specialist Donna Muir were also present.

Absent from the meeting were Robert Johnson and Elizabeth Durfee Hengen.

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

Colin Curley, a student from the University of Virginia, was in attendance.

2. New Business:

The Commission considered an application for a discretionary preservation easement for a barn located at 14 Shawmut Street, from Susanne Smith Meyer, who was in attendance at the meeting. Kathryn Temchack, the Director of Real Estate Assessment for the City of Concord was also present.

Ms. Smith Meyer provided an overview of the history and age of the barn and its previous owners. She stated that the original owner and builder of the property, Isaac Eastman, was a blacksmith, and subsequent owners had housed horses in the barn, but that this property had not been part of a large farm. Chairperson Donovan referred the Commission to the *Guide to RSA 79-D/Historic Barn Tax Incentive*, and stated the importance of determining whether the structure meets the definition of the statute. The NH Preservation Alliance's guide provides a list of appropriate agricultural structures which can be considered for preservation easements, under the statute. Vice Chairperson Richards felt that it was important to research the statute further to determine the intent of the legislature when the bill was passed. Commission members discussed the benefits to the public, the preservation of the historic, rural nature of the area, and whether an expanded interpretation of the statute should be applied, conceivably setting a precedent for future applicants. Ms. Temchack asked if the barn had been altered in any way, changing the appearance of the barn. According to Ms. Smith Meyer, there had been no alterations since she had purchased the property. Ms. Fraser felt that structures of this type were used to support the agricultural environment and the heritage of the rural area. Ms. Brooks suggested that the statute was a declaration of the public interest to preserve these structures, and

that the questions that should be asked are “would we miss this barn” if it were to be taken from the streetscape, and “does the structure help to maintain the nature of the landscape”. Commission members discussed the definition of the term “agricultural” and whether this particular barn was part of the overall agricultural enterprise of the area.

[Susanne Smith Meyer left the meeting at 5:30 p.m.]

The Commission continued discussing the implications of using too broad an interpretation of the statute and the adherence to the statute’s main premise of agricultural use.

A motion was made by Mr. McConaha that the Heritage Commission recommends to the City Council to disapprove this preservation easement, and that the Heritage Commission look very closely at the statutory interpretation of the term “agricultural use.” Dr. Black seconded the motion. Chairperson Donovan asked if there was any further discussion regarding the motion. Vice Chairperson Richards asked that a legal opinion be rendered by the City Solicitor regarding the parameters of a local commission in interpreting a state statute and the definitions contained within the statute. The motion to recommend that this preservation easement not be approval by the City Council was passed unanimously.

The Commission asked whether the discretionary preservation easements information from the NH Preservation Alliance is sent to the applicants, and whether the information was available on the City’s website. Ms. Temchack stated that they do not currently provide the NH Preservation Alliances’ guide to applicants, but that the Assessing Department would update the website to include the guide and the application.

[Kathryn Temchack left the meeting at 5:50 p.m.]

4. Old Business:

- a. Historic Agricultural Resources Forum: Roger Hawk, a consultant on the Agricultural Resource Survey Project, provided a brief overview of the agenda for the Public Forum, scheduled for Thursday, March 12, 2009, from 7:00 – 9:00 p.m., in the City Council Chambers. Publicity for the forum has been provided through an advertisement in the Concord Monitor and posters hung at various places throughout the city. The Concord Monitor is also scheduled to run a piece about the Agricultural Survey and the Forum during the week of the forum.

[Roger Hawk left the meeting at 6:00 p.m.]

- b. Budget: Mr. Woodward briefly discussed the proposed Heritage Commission budget for the 2009-2010 fiscal year. Line item breakdowns include salary for the Administrative Assistant, postage, and a small amount for advertising. Ms. Brooks stated that she would like to publicize the sign program on a quarterly basis, and wondered if there would be enough funds to do so.

- c. Certified Local Government Grants: Mr. Woodward reported that the CLG grants would be announced in the beginning of April, and advised the Commission to be ready with a proposal to present to the City Council, prior to the application deadline at the beginning of June. Mr. Richards said that he would review the master plan priorities and put together a draft proposal for review at the April Heritage Commission meeting.

There was no further business or discussion. Dr. Black made a motion to adjourn the meeting. Mr. Richards seconded the motion. The Chairman adjourned the meeting at 6:11 p.m.

A TRUE RECORD ATTEST:

Donna Muir
Administrative Specialist
Planning Division