



SOMERSWORTH HISTORIC DISTRICT COMMISSION

Date: 24 June 2015
Place: City Hall, Somersworth, NH

Minutes of Regular Meeting: Adopted as Submitted

Present:

George Poulin, Chair
Albert Marotta, Vice-Chair
Martin Dumont, City Councilor
Laura Barry, Alternate
Madeline DeSantis, Commissioner
Arthur Hendrickson, Commissioner
Beth Poulin, Commissioner
Tim Metiver, Building Inspector
Pius Charles Murray, Commissioner/Secretary

Members Absent:

Julie Rowe, Alternate

Petitioners Present:

Richard Brooks (for his appeal of HDC #10-2015)
Dan Brown (on behalf of HDC #10-2015)
Karleen Shibbal (on behalf of HDC #10-2015)

Others Present:

Jennifer Bernier
David E. Sharples, Director of Planning and Community Development
Don Vincent

Agenda

- I. Call to Order by the Chair at 7:00 P.M.

The Chair reminded both the Commissioners and the members of the public

attending the meeting that parliamentary procedure using Robert's Rules of Order would be used; anyone wishing to speak must be first recognized by the Chair.

II. Motion to approve the minutes. Motion to table the minutes was made by Mr. Murray and seconded by Mr. Hendrickson. Motion passed unanimously.

III. Report of Minimal Impact Projects

Mr. Metivier reported that there was one project of minimal impact (HDC #12-2015, a re-roofing).

IV. Old Business

A. There were no additional items of Old Business.

V. New Business

A. Election of Officers. The Chair moved the Election of Officers until after all New Business had been conducted.

B. Richard Brooks is appealing the Historic District Commission's approval of a Certificate of Appropriateness for a new house to be built on property located at 18 Emery Street, in the Residential Single Family-A, with a Historic Overlay (R1AH) District, Assessor's Map 11, Lot 165, HDC #10-2015.

Mr. Sharples explained the criteria for considering whether or not an appellant had standing to make an appeal. Mr. Sharples underscored that before the appeal could be considered the Commission had to determine first whether or not the appellant had standing to make the appeal. In making his descriptions of the criteria for standing, Mr. Sharples stated that he had spoken at length with Steven Buckley, Esq., an attorney with the NH Municipal Association, with whom the city oftentimes consults on legal matters. According to Mr. Sharples, there are four criteria to determine to determine an appellant's standing: (a) proximity of the challenger's and the subject's properties; (b) type of change proposed, whether they fit in with the surrounding areas, or whether as in this case, the structure is determined to be a non-contributing one; (c) the immediacy of the injury claimed in which the appellant would describe the type and extent of injury to the appellant's own property; and (d) the challenging party's participation in the administrative hearings in which it would be determined if the challenger actively participated in any administrative hearings letting his/her feelings be known publicly.

Mr. Brooks addressed his appeal of the HDC's decision in HDC #10-2015. His presentation went into detail comparing the proposed house with the HDC's guidelines. While some guidelines were followed, Mr. Brooks concluded that not all of them were including submission of an incomplete application, and lack of description and measurements for the grade leading to the underground

garage. Mr. Brooks emphasized that two previous decisions whose structures did not fit into the neighborhood had been allowed previously, and he asked the Commission not to allow it a third time, given that there are only five lots left in the historic district.

The Chair reminded the Commissioners that Mr. Brooks did not describe how his property would be injured by the HDC decision.

Motion to determine that Mr. Brooks did not have standing to make an appeal was made by Mr. Hendrickson and seconded by Mr. Murray. Motion passed unanimously.

- C. Dan Brown & Karleen Shibbal are seeking a Certificate of Appropriateness to amend approved house plans to add a garage on property at 18 Emery Street, in the Residential Single Family-A, with a Historic Overlay (R1AH) District, Assessor's Map 11, Lot 165, HDC #10-2015.

Mr. Brown and Ms. Shibbal were present to address the amendment to their project in HDC #10-2015. Mr. Brown explained that they wanted to add an underground garage on the left side of their new house. Mr. Metivier said that while the contractor had given him the left side elevations, the contractor had not yet presented the front to the right side elevations which are required.

There was extensive discussion on the lack of any plans with measurements for elevation, and any details for a required retaining wall. Councilor Dumont remarked that requiring measurements is a guideline requirement that the HDC needs to be able to move forward on this application. Councilor Dumont, while deeply sympathetic for their situation as their previous house was completely destroyed, stated still that an entire application is to be submitted. Councilor Dumont was surprised that the appellant's had not used a professional provided by the insurance company to prepare all these documents and make presentations before commissions like the HDC; Councilor Dumont has a background in real-estate working with insurance companies so he has an idea of what services they provide above and beyond reimbursing monies. Ms. Shibbal replied that this was the first (and hopefully only) time they had to go through this.

Mr. Hendrickson stated that the plans submitted were woefully incomplete in part because they did not indicate the driveway, nor the entrance, nor the elevations, nor the retaining wall. Mr. Brown replied that there were no plans to change the front of the house as the garage was going to be placed on the left side; since nothing in front was being changed, he did not know what else he should present to the HDC. Mr. Metivier explained that with an underground garage there would be a slope gradation moving to the left which should be depicted; and with a slope a retaining wall would be required.

Mr. Hendrickson asked if the lot was going to be built up any height. Mr.

Metivier replied that to the left side of the house the driveway leading to the underground garage would be carved out; this would require a retaining wall. Mr. Brown stated that if a retaining wall was needed he would construct a stone retaining wall; it would be placed all across the front and lead down to the underground garage.

Ms. DeSantis said that the HDC needs to have a complete application; she furthermore reminded the HDC that it had denied an underground garage to another petitioner on Linden Street. Mr. Marotta asked if there would be any exposed concrete above the slope. Mr. Metivier replied that code requirements stipulated a minimum of 8" of concrete; without the retaining wall, the grade would have to change toward the driveway. Mr. Metivier also stated that if any conditions or stipulations included in an HDC decision were not met there could fines and other penalties.

Ms. Barry said that if the contractor was having any difficulty he or his designee must come back to the HDC. Ms. Barry asked if the original standing garage was part of the original structure to which Mr. Brown replied no, it wasn't.

Councilor Dumont asked what the insurance company's stipulations were; in his experience, the resolution of insurance claims usually came with conditions; in addition, in cases of replacing houses, insurance companies usually offered additional amounts above replacement cost for services such as hiring professionals to appear before planning boards, etc.

The Chair invited members of the public who wished to speak to HDC #10-2015 to come forward. Mr. Don Vincent opined that the HDC should deny HDC #10-2015 because without any plans, the HDC could not know any details, measurements, types of structures, and materials. Ms. Jennifer Bernier strongly supported construction of the underground garage with or without plans; she testified that in that neighborhood where there is a crack house it was nice to have good neighbors that she didn't want to drive away. Mr. Richard Brooks emphasized that there were no plans so the petition should be denied.

Mr. Murray moved to table HDC #10-2015; there was no second. Motion to approve HDC #10-2015 with the stipulations that a full set of complete plans for the foundation, garage, garage grade, and retaining wall and be submitted within two weeks was made by Mr. Marotta and seconded by Councilor Dumont. Friendly amendment by Councilor Dumont added further stipulations that the full set of plans be compliant with HDC guidelines and submitted to the Planning Department was seconded by Mr. Murray. Councilor Dumont's amendment was passed unanimously. Mr. Marotta's motion passed 6-1 on a show of hands; Mr. Hendrickson voted in the negative.

D. There was no additional New Business.

E. Election of Officers. The Chair called for the election of officers by office. For each office, the Chair invited nominations then for a vote.

1. For Chair

Mr. Marotta re-nominated the Chair who immediately nominated Mr. Marotta; Mr. Marotta withdrew his nomination of the Chair but Ms. DeSantis re-nominated the Chair. Councilor Dumont asked about Ms. Barry who was ineligible because she is an alternate. The Chair nominated Ms. DeSantis. There being no further nominations, the Chair called for a vote alphabetically. Ms. DeSantis was elected 6-0-1 on a show of hands; Ms. DeSantis abstained.

2. For Vice-Chair

The Chair re-nominated Mr. Marotta. There being no additional nominations, the Chair called for a vote by a show of hands; Mr. Marotta was re-elected 6-0-1; Mr. Marotta abstained.

3. For Secretary

Mr. Hendrickson re-nominated Mr. Murray. There being no additional nominations, the Chair called for a vote by a show of hands; Mr. Murray was re-elected 6-0-1; Mr. Murray abstained.

VI. Workshop Business

- A. Mr. Metivier had applied for and received a grant for Forest Glade Cemetery. A survey would be conducted and a recommendation to place it on the National Historic Register would be made.
- B. The Chair, as Chair of the Cemetery Commission, asked for volunteers to come help clean up Forest Glade Cemetery in anticipation of its survey. Mr. Metivier replied that he thought that Public Works had been there recently. Nevertheless, the Chair said that a date would be set for some volunteers to help clean up Forest Glade Cemetery.
- C. Ms. Barry asked if the Planning Department staff, despite their current workload, could point out or inform petitioners somehow of all the requirements of an HDC application. Mr. Metivier responded that Planning Department staff accept applications according to HDC guidelines; if too many are lacking required information, perhaps the applications should be more detailed (which could be a workshop topic).

VII. Communications and Miscellaneous

There were no communications or miscellaneous items.

VIII. Adjournment

Motion to adjourn at 8:30 P.M. was made by Mr. Murray and seconded by Ms. DeSantis. Motion passed unanimously.

Respectfully submitted,

Pius Charles Murray

(Mr.) Pius Charles Murray, M.L.S., M.P.A.
Commissioner/Secretary

Adopted as Submitted at the HDC Regular Meeting on 22 July 2015

N.B. An audio recording of this HDC Workshop is available. Please note that when microphones are used, voices are much clearer. Please remember to use your microphone for best recording. == PCM