



SOMERSWORTH HISTORIC DISTRICT COMMISSION

Date: 12 May 2015

Place: City Hall, Somersworth, NH

Special Meeting Minutes: Adopted as Submitted

Present:

George Poulin, Chair
Albert Marotta, Vice-Chair
Martin Dumont, Somersworth City Councilor
Laura Barry, Alternate
Arthur Hendrickson, Commissioner
Beth Poulin, Commissioner
Tim Metiver, Code Enforcement/City Representative
Pius Charles Murray, Secretary

Members Absent:

Madeline DeSantis, Commissioner
Julie Rowe, Alternate

Petitioners Present:

Dan Brown
Karen Shibbal

Others Present:

Richard Brooks
Martin Pepin, Somersworth City Councilor
Dave Sharples, Somersworth Director of Planning and Community Development

Agenda

I. Call to Order by the Chair at 6:00 P.M.

II. Approval of the Minutes tabled until next regular meeting of the HDC.

III. Report of Projects of Minimal Impact tabled until next regular meeting of the HDC.

IV. New Business

- A. Dan Brown and Karen Shibbal are seeking as Certificate of Appropriateness for complete demolition of property located at 18 Emery Street, in the Residential Single Family-A, with a Historic Overlay (R1AH) District, Assessor's Map 11, Lot 165.

The Chair offered the Commission's sympathy to Mr. Brown and Ms. Shibbal on the loss of their property and apologized for the inconvenience of the necessity of a hearing before the full Commission for permission to demolish their completely destroyed house; the Chair explained that this requirement as written in city ordinance does not allow for any exceptions but that perhaps this event could spur a re-examination of the city ordinance.

Motion to approve the petition of Mr. Brown and Ms. Shibbal to demolish their property at 18 Emery Street was made by Mr. Hendrickson and seconded by Mr. Murray. Motion passed unanimously. Councilor Pepin asked Mr. Brown and Ms. Shibbal, who had contacted the City Councilor for his help in getting this petition approved, if they were satisfied with the outcome of the Special Meeting. Mr. Brown responded that he was satisfied and acknowledged the inconvenience of the Special Meeting not only for himself and Ms. Shibbal but also for the Commission members and he was grateful to the Commission for its quick disposition of his request.

- B. There was no additional New Business.

V. Workshop Business

VI. Communications and Miscellaneous

- A. Mr. Hendrickson responded after the disposition of the Brown-Shibbal petition that in his opinion city ordinances should allow for the human element. In this particular case where the fire had completely burned the property and where nothing was salvageable, Mr. Hendrickson argued that there should be an option allowing the appropriate city officials authority to move forward immediately on approving such a demolition. Mr. Sharples and Mr. Metivier both replied that they had searched for any interpretation that would have allowed for an exception but could not find one in the city ordinance as written. Councilor Dumont said that in his experience in real estate many of the contracts allow for some "Act of God" exceptions.
- B. The discussion then turned to how to fix the issue. Mr. Sharples recommended that the HDC Commission find some wording to recommend in changing the city ordinance so that the city could be more flexible in unexpected extenuating circumstances. Ms. Barry said that while in general she would support such a change it should be done in such a way that property owners could simply skirt the city's usual requirements and allow a property to deteriorate to such a condition that it would have to be completely removed. The Chair responded that such a discussion should be reserved for the HDC Workshop on this issue.

- C. Mr. Sharples then asked if the HDC Commission would move on this issue by recommending a change to the city ordinance language, to which the Commission agreed. In the meantime, Mr. Sharples asked if he could temporarily make “Act of God” exceptions to the city ordinance in circumstances such as the Brown-Shibbal one, to which the Commission was also agreeable.
- D. Councilor Dumont recommended that the next HDC Workshop deal specifically with the change in ordinance to address the Special Meeting’s circumstance. The Chair agreed and scheduled the next workshop for 6:30 PM on Wednesday, 27 May 2015.

VII. Adjournment

Motion to adjourn at 6:17 P.M. was made by Councilor Dumont and seconded by Mr. Marotta. Motion was adopted unanimously.

Respectfully submitted,

Pius Charles Murray

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

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

