

**APPROVED MINUTES
JANUARY 4, 2024
HDC MEETING**

Members Present: Chair Etoile Holzaepfel, Vice Chair David Myers, Jane Finn, Ruth Zikaras

Absent: Kate Murray and Guy Stearns, Alternate

The meeting was held in the Macomber Room. Chair Etoile Holzaepfel, called the meeting of the New Castle Historic District Commission to order at 7:00 pm. The Chair advised that anyone who wished to speak should sign in, speak clearly, and to please address the Board.

1. Continuation of Public Hearing for Applicants Christopher and Kulli Barrett of 40 Riverview Road, Tax Map 16 Lot 17 for Activities Subject to Approval by Historic District Commission to construct a new shed of the same size and location of a previously existing shed. The new shed will have a different roof line and the door faces north rather than west, as in the old shed. Per Zoning Ordinance 9.3.5.1.

Guests: James Jennison, Builder, Christopher and Kulli Barrett, Applicants

The Chair stated the board was short one member this evening but there was a quorum present adding that if the applicants were to receive approval, they will need approval by at least three members. The Commission had a site walk at the applicants' property at 3 pm.

Holzaepfel asked the Barretts for an update on the project. James Jennison stated after last month's meeting, the applicants submitted a demolition permit to the town. A new drawing of the shed was provided to the board at the site walk today, with proper measurements of the shed. The shed rooflines are actually straight and not sloped. There was confusion at last month's meeting from the photos and original sketch provided. The sides have overhangs of 16", not 12" as stated at the December meeting. The roof overhangs are consistent with the home. The height of the shed is 12' 3" not 13'. Per the Building Inspector, the height does meet code. Jennison stated that they hoped these facts and the site walk help clarify and mitigate any HDC concerns. The submittal process was not intentional and Jennison hoped the design is in keeping with HDC standards.

The Chair asked about materials they were proposing to use; Mrs. Barrett pointed out they were in the original submission. The Chair read the materials to everyone from the application. Roof is conventionally framed with a 9 pitch. Finn asked about the door, as the application does not state the material but the builder stated it is a Therma-Tru door. Zikaras stated the site walk helped clarify the roof line and was beneficial.

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2 The Chair opened the hearing to the public at 7:08 pm. No one spoke and the
3 public hearing was closed.
4

5 Myers was happy to see the amended plan; Finn was in agreement as was Zikaras.
6

7 M/S/P Zikaras motioned to approve the application of Christopher and Kulli Barrett of
8 40 Riverview Road, Tax Map 16 Lot 17 for construction of a new shed of
9 relatively the same size and in the location of the previously existing shed, as the
10 exterior design, architectural components, texture and materials being used for
11 construction of the structure is in relationship to existing structures, and the
12 materials are compatible and in keeping with other buildings in the historic
13 district.
14

15 Myers seconded; all approved including the Chair.
16

17 Mr. Barrett thanked the board for taking the time to come to the property and also
18 commended the Building Inspector for all his help on the project.
19

20 2. Approve minutes from December 14, 2023.
21

22 M/S/P Myers moved to approve the minutes of December 14, 2023 as amended; Zikaras
23 seconded. All approved, including the Chair.
24

25 3. New business
26

27 Mike Tulley is the new town Administrator, he is also the administrator in North
28 Hampton.
29

30 There was discussion of the Planning Board meeting held on 1/3/24. David
31 Myers read a statement into the record, a copy of which is enclosed with these
32 minutes.
33

34 The Chair asked for a vote to accept the Vice Chair's statement.
35

36 M/S/P Finn motioned to accept Myers' statement into the minutes; Zikaras seconded.
37 All in favor, including the Chair.
38

39 Curt Springer congratulated the Planning Board for running a good meeting and
40 extended the same comments to the HDC, for participation in the Planning Board
41 meeting.
42

43 The Chair stated she got a sense of dissentments, many of which were well
44 founded and some went beyond what the Commission needed to hear. Holzaepfel
45 really appreciated what Rodney Rowland said at the Planning Board meeting as
46 he's had experience with this and he confirmed there were changes that did not

1 come before the HDC that should have been presented. Some of these changes
2 were because they were not visible from the street or not recognizing that the
3 property was in the historic district. The Chair also appreciated the support
4 expressed by Darcy Horgan and Bill Stewart. Myers said Stewart handled the
5 meeting very well and took down the temperature in the room. Stewart asked
6 what are we trying to solve and asked if everything that required a permit in the
7 historic district should come to the HDC first, so the Commission could say yes or
8 no, it's visible from the street, or that the commission wanted to approve building,
9 demolition, etc.

10
11 The Chair looked into Exeter's ordinance and it does not say "visible from any
12 street". Exeter's ordinance does have exempt activities and talks about minimal
13 impacts, and it addresses sheds by saying they will be placed behind the principle
14 structure and must be less than 200 SF for minimal impact. Those things that are
15 minimal impact can be approved by the Building Inspector or code enforcement
16 officer and if there is any question, can be reviewed by the Chair of the HDC. So
17 it gives some things that can be delegated to the Building Inspector. Holzaepfel
18 stated she didn't think the Commission will get any other opportunity to propose
19 anything to get on the town warrant article in May as there isn't enough time to be
20 sure it is done correctly. The master plan has a lot of info that supports having the
21 HDC, potentially even expanding the historic district, but now is not the time to
22 do that on the heels of last night's Planning Board meeting.

23
24 The Chair spoke about the funding for the historic district map and there is money
25 available that is controlled by the Planning Board Chair. Any changes to the
26 ordinance have to go through the Planning Board. Holzaepfel confirmed with
27 Horgan that there is \$5,000.00 in the 2024 budget (fiscal year end June 30th).
28 There is money to do a new map showing clear boundaries of the historic district
29 and lot numbers could be added to each lot.

30
31 Zikaras confirmed that the map does not need to get voted on because it is not
32 being changed. The Chair stated the Commission shouldn't do the map if they are
33 going to change the district any time soon but the Commission needs to get
34 support for extending the historic district. David Severance stated the contrasting
35 colors on the map are terrible. The estimated cost to complete the map is \$1400.

36
37 There is a program through the NH Division of Historical Resources, which
38 funded the historic survey. Any town that has a historic district may opt to join
39 this organization; there are 160+ communities in the State of NH with historic
40 districts that belong to the NH Division of Historical Resources. Springer stated
41 there are issues with New Castle's HDC participating in the NH Division of
42 Historical Resources, however, if the HDC were a Heritage Commission,
43 Springer stated there would be no problem. The Chair stated the NH Division of
44 Historical Resources receives funds from the federal government and has the
45 opportunity to provide funds to local community historic districts to do such
46 things as planning and zoning changes.

1
2 According to Springer, the HDC has limited function to administer the ordinance
3 and nothing else. He stated that everything else that the Commission thinks about
4 doing is authorized under a Heritage Commission. The Chair stated the zoning
5 changes originate with the HDC; Springer stated the HDC can suggest changes to
6 the ordinance but the HDC is not authorized to coordinate the town studies that
7 were done.

8
9 Finn asked what would be the reason not to become a Heritage Commission.
10 Springer cannot think of a reason not to, as it authorizes the Commission to do
11 things it is already doing. The town has to vote on whether to become a Heritage
12 Commission and the Chair doesn't believe there is time to get that on the town
13 warrant. Springer thought if he petitioned it and the HDC agreed, it should pass
14 as public hearings are not required. The Chair stated they would need to look at
15 the powers and responsibilities of a Heritage Commission and asked if it was
16 made up of 5 members or is there a specified number. Springer advised the town
17 can make its Heritage Commission the same members as the HDC, it simply adds
18 authority to the Commission. The members can act with the powers of either the
19 HDC or the Heritage Commission. Myers stated considering the opposition at
20 last night's Planning Board meeting, he wondered if it would face opposition.

21
22 A Heritage Commission doesn't have power to say yes or no to anything but it
23 does have the power to do studies and identify areas that the town should consider
24 extending the historic district into or make recommendations about other parts of
25 town that are not in our current district.

26
27 Zikaras asked what happens to our existing ordinance and was advised it stays the
28 same. The HDC would continue to administer the historic district ordinance and
29 be able to do things beyond that ordinance, such as studies and educate the public.
30 The Chair asked Springer to forward all information on Heritage Commission to
31 her and he agreed to do so.

32
33 The Chair will be moving ahead for a new map of the historic district and request
34 more changes to zoning amendments in the budget in 2025. Holzaepfel would
35 like to put in a line item that could fund any one of the land use boards. The
36 Chair sent an email to Jen Rowan and received notice that we couldn't use the
37 funds until they were approved at town meeting, but we can use funds in the 2024
38 budget.

39
40 Zikaras looked at the ordinance for anywhere demolition was mentioned and
41 demolition is referenced a lot. It is pretty clear when demolishing a building, a
42 certificate of approval by HDC is required prior to demolition. Zikaras found one
43 area where the language could be strengthened but otherwise it is quite clear. The
44 Board will review and have discussion at next month's meeting. The Chair will
45 have a conversation with Horgan and Stewart, and all sit down with the Building
46 Inspector as to how we can make this work seamlessly, with less conflict. The

1 Building Inspector should be contacting the Chair about demolitions. The Chair
2 asked Myers to join her as he is Vice Chair and it would be better to go with two.
3

4 Peter Rice stated he appreciates Myers' comments about self-serving individuals
5 because it was apparent at the Planning Board meeting that there were a number
6 of self-serving individuals. An example was the letter from Sharon Weston,
7 when you go down the long driveway to their house, there's a huge white house
8 on the right side that is fairly close to the road. Rice believes one of the Weston's
9 children lives there and the property has much land that rolls down to the
10 waterfront. Rice stated you can use your imagination as to why they will object to
11 anything that will restrict their usage of that land. Rice drove around town today
12 and one thing he was focusing on was the definition of visibility "from the street
13 and public view". There are always going to be a few individuals in town devious
14 enough to try and circumvent the HDC. When people start talking about lawsuits,
15 what's the sense of having the HDC, if they are going to be threatened and the
16 town doesn't back the HDC. The town needs to support the HDC, we cannot just
17 knuckle in the face of a lawsuit when we are doing our best.
18

19 Springer stated he was accused of contesting the HDC and people have the right
20 to disagree with the HDC decision and to go to the Zoning Board. If it goes to
21 lawsuit, then the town has to check with its own lawyers and get a legal opinion
22 of whether they should back the HDC. In Springer's case, once the ZBA found
23 in Springer's favor, only the Selectmen can decide to appeal and they were
24 advised they would not win. Springer advised to be careful of saying you will
25 back up the HDC no matter what.
26

27 Myers stated that any time you're talking about getting involved in a lawsuit you
28 have to consult an attorney. But to Peter Rice's point, any time someone
29 threatens to sue, let's not be intimidated. If the Commission is right, then the
30 town needs to defend the HDC. Lots of people last night were disingenuous and
31 self-serving and their arguments were not well thought out, they were more
32 emotional than logical. If we're right and someone threatens to sue, let's go
33 forward. If we're wrong and going to lose that lawsuit, we need to back off.
34

35 The Chair stated she really appreciated Mary Pat Gibson's comments, for her to
36 come and make the point that the boards need to come together. Springer stated
37 that comment was directed at him because he appealed to the ZBA and they found
38 in his favor. The Chair said there's a number of instances where the HDC worked
39 with applicants advising that Springer's appeal to the ZBA could have been
40 remanded back to the HDC. Springer stated that on advice of town counsel, they
41 remanded to the HDC to come up with findings of fact, and the New Castle HDC
42 used the Portsmouth ordinance to come up with findings of fact and it sent back to
43 the ZBA.
44

45 The Chair added that one thing that was not advised properly by the town attorney
46 was advising the Chair of the HDC to not attend the ZBA meeting to speak on

1 behalf of HDC and advise why they reached the decision they did. Because the
2 town attorney advised the Chair not to go, that's wrong – the Chair of the decision
3 that is being appealed, needs to be there. Holzaepfel stated she would have felt
4 completely remiss if she had not gone to the meeting last night and been prepared
5 as to why the HDC needs this ordinance and know that she had the backing of the
6 members. The Chair knew there would be a lot of people in opposition but we
7 needed a forum to talk about it.

8
9 David Severance stated he believes the spirit of what the HDC was trying to do
10 was understood.

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12 M/S/P Finn motioned to adjourn; Zikaras seconded; all approved, including the Chair

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14 Adjourned 8:02 pm

15
16 Respectfully submitted,
17 Diane L. Cooley, Recording Secretary

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