

**APPROVED MINUTES
DECEMBER 14, 2023
HDC MEETING**

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

Absent: 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. 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: Christopher Barrett, Kulli Barrett, Applicants; Kathy Casperson, Brian Nickell, Peter Rice, and Curt Springer

Chris Barrett went through the package stating they are seeking approval for a shed 96" long x 92" wide. The proposed shed replaces an old shed of the same footprint. The existing shed was black painted particle board and has been removed as it was a safety hazard. He went through the building sketch in the package as well as the dimensions and materials.

The new shed has a different roofline, it is 9 pitch and the door faces north. Barrett stated they weren't aware they needed HDC approval because it was replacement of the same size in the same location, but because the roof pitch is different, they were told they had to apply to the HDC. The one window on the west side was removed, and there is one white Therma True double door, which is 5' x 6'8". The door faces the river and the roof has an overhang on the west side and the north side to provide space for hanging plants; the east and south sides are flush, with no overhang. Construction materials are traditional framing placed on cement blocks, pressure treated flooring covered with plywood, and asphalt shingles to match the house. All construction materials are detailed in the application.

Chair Holzaepfel invited board members to ask questions.

Ruth Zikaras confirmed that the window on the shed is being removed and the door is a double door which faces the river. David Myers asked what the purpose

1 of the shed is and was advised it is for gardening. There is no electricity or water
2 to the shed.

3
4 The Chair asked if the original shed was two stories and taller than the new one.
5 The old shed was sort of a gambrel. The new shed is on the same as the old shed
6 but the new one is 13' high, about 5 feet higher than the old shed. The Chair
7 asked how deep the overhang extends and Mrs. Barrett advised approximately
8 12".

9
10 The Barretts were asked if they needed a building permit and they were initially
11 advised they did not, even though their builder was working with the Building
12 Inspector. Someone complained and the Building Inspector then told them that
13 they had to go before the HDC. The package has a picture of the shed in its
14 current state of build, as the bottom of the old shed was completely rotted and it
15 fell down. The applicants began building without a permit or HDC approval.

16
17 The Chair asked about the builder who was working with the Building Inspector
18 on their addition that had been approved two years ago. Jane Finn stated she
19 spoke to Russ Bookholz, the Building Inspector, and advised the Barretts that they
20 need a demolition permit also but the owners were not aware of this.

21
22 Knowing the shed is on the footprint of the previous building and essentially the
23 same horizontal dimensions, although several feet taller, and architecturally is
24 more in keeping with the period of the house, the Barretts did not know they had
25 to come before the HDC. Kate Murray asked if the shed matched the house,
26 particularly the curved slope of the roof and the owner said yes. Murray
27 commented that the "swoopy" roof looks strange but unfortunately the applicants
28 have already moved ahead. Finn stated that the house roof is not sloped like this.
29 David Myers stated that it can barely be seen from the street, however, the abutter
30 on the right side can see it over the fence.

31
32 The Chair asked what the height of the previous shed was and Mr. Barrett thought
33 it was about 8'; the new shed is 5' higher. The Chair asked about the existing
34 fence on the property line and was informed that it's the fence of the abutter. The
35 shed is behind the garage. The Barretts also have a new fence which was
36 approved with the original application for an addition to the house.

37
38 Looking at a photo of the old shed, the Chair asked about the north face and the
39 longer side which had a door and faced west. The door was moved from the west
40 side to the north side of the new shed.

41
42 Myers stated there is a comment in the application that said the applicant had an
43 addition approved, and the building permit included the cedar fence.
44 Holzaepfel asked when the original application was approved and the Applicant
45 thought late 2022; Ann Whitney was the architect. Whitney revised the addition
46 to a one story addition, backed it off the property line and shrunk the footprint of

1 the existing garage. (further research indicates the application was approved in
2 December 2021).

3
4 The Chair opened the hearing to the public at 7:22 pm asking that anyone to, for,
5 or against speak.
6

7 Kathy Casperson spoke on behalf of her mom whose property abuts the Barretts
8 and stated that this has been a project from hell and that her elderly mom has been
9 sworn at. From her mom's property, the shed looks like a tall skinny outhouse.
10 The town required her mother to taper her fence from 6' to 4' and now there's a
11 6' fence that goes right by her mom's tapered fence.
12

13 Brian Nickell, Casperson's brother, stated there is an existing fence 16' x 16',
14 which has been there for 25 years. The shed the Barretts took down was a
15 gambrel and there were vines on his mother's fence, so you couldn't see the shed.
16 He stated the Barretts didn't get a permit and now are trying to get HDC approval
17 after the build is in progress. Nickell stated the shed doesn't fit the back yard at
18 all. Nickell claims the fence installed by the Barretts is not where the HDC
19 approved the fence to be. It is 1 ½ feet from the property and their fence runs 6'
20 or 7' past mom's fence. The Chair asked if the Applicant's fence is not on their
21 property line and Nickell advised that it is, the fence is 1 ½ feet in and mom's
22 fence is to the right of the shed. Jane Finn stated there is a fence not in the picture
23 that attaches to this side of the shed and then attaches to the garage; it is behind
24 the Barretts' fence. Nickell stated there is an elevation change, so the fence runs
25 downhill. There was much confusion as to the location of the two parties' fences
26 as there were not pictures of both.
27

28 The Chair stated the fence is not an issue that the HDC is addressing although it
29 may be causing friction between neighbors and advised Nickell to take it up with
30 the Building Inspector.
31

32 The Chair stated she did not quite understand why there wasn't a requirement to
33 get a demolition permit and a building permit before the shed got built. However,
34 the Commission needs to address the application as new construction, in the
35 footprint of the previous shed, and also address the design elements.
36

37 Kathy Casperson stated it looks like an outhouse and the Chair stated there are
38 outhouses in New Castle. Peter Rice stated that he went and looked at the shed
39 and couldn't find anything offensive about it or how it is in violation of any HDC
40 restrictions or ordinance. Rice said it cannot be seen from the street.
41

42 Curt Springer stated he didn't see anything walking down the street as affecting
43 the character of the historic district. David Myers also couldn't see much from
44 the street but he didn't go on the property of the abutter, adding that this is the
45 second time a building is being built without a permit and he is displeased about
46 how the board is expected to address this.

1
2 Jane Finn stated she did not like the slope of the roof. Mr. Barrett asked if Finn
3 would approve the shed if the slope was changed to a straight slope and Finn
4 stated yes. Ruth Zikaras asked Barrett why they went up 5' in height and he stated
5 that snow was an issue and also so that equipment, such as tree cutters and rakes,
6 had more room for storage. He provided a picture of the property across the street
7 with a larger shed. Kathy Casperson pointed out that the house across the street is
8 a large property and they had a hearing before the shed was built. She stated the
9 house across the street also doesn't have a garage so that's their garage, and it is
10 not on the property line either.

11
12 The Chair asked if the shed is sitting on cinder blocks. There was an old cement
13 wall lying flat on the ground, so there is some stability for the shed without
14 putting in a foundation.

15
16 Zikaras confirmed the portion that is visible from the street is 92". She also
17 thought the slope of the roof is unusual but you see so little of it from the street.

18
19 The Chair closed the public hearing at 7:35 pm.
20

21 Holzaepfel asked the board if there were any more questions of the applicant.
22 Kate Murray said if the Barretts had come before the HDC before building, she
23 would not approve the roof. Myers asked Murray if she would have approved a
24 shed 13' high and Murray responded probably not but she would have asked for a
25 site visit to see how it looks and to have a sense of the height. Myers pointed out
26 that the Commission is being asked to approve these matters after the fact and he
27 is not sure a shed 13' high would have been approved. The Chair did think the
28 original shed was an awkward building and that this is an improvement as it has a
29 gable roof, although she agreed the slope does not fit. Finn pointed out that the
30 Commission recently denied a slope on the Salamander Lane house and the Chair
31 stated the shed should keep with the architecture of the district and that the
32 applicant could have accomplished an extension of the roof with wider eaves and
33 less pitch. Holzaepfel stated she's sorry that this has come backwards through the
34 approval process but unfortunately the HDC has had a couple of issues like this.

35
36 Mrs. Barrett asked the Commission if they made the roofline straight, would it be
37 approved. Murray pointed out that there's the slope as well as the height and as
38 such, recommended the hearing be continued with a site visit of the property.
39 Murray stated she could not approve the sloped roof and is uncomfortable
40 approving items after the fact. She did not want to deny the application but
41 thought it best to continue for new plans to be submitted and a chance to view the
42 property.

43
44 The Chair advised the applicant that although they've been in limbo with this
45 shed for awhile, they were not going to be moving forward right now. Barrett
46 stated they would like to get it weather tight and Murray replied that the

Commission doesn't want to be forced into a corner. The Chair stated the Commission does allow sheds that are 13' high. Murray added that if 13' fits within regulations and the building code, the pitched roof is fine, however, it's the "swoop" of the sloped roof that is the issue.

M/S/P Murray moved to continue the hearing for Applicants Christopher and Kulli Barrett of 40 Riverview Road, Tax Map 16 Lot 17 to the next regular meeting of the HDC, after a scheduled site visit. The Commission's concerns are the height of the building and the "swoop" of the roof. Myers seconded; all in favor including the Chair.

Site visit will be held at 3 pm on the date of the next meeting, January 4th.

Mr. Barrett asked if the height is within code and the slope of the brow is corrected, is it possible the shed would be accepted favorably. It was advised that new plans be presented prior to the next meeting. Finn stated the shed does affect the abutter's view, but that's not the HDC's purview. Abutters are upset because the shed is higher, but it does not affect a scenic view of the water. Myers believes if 13' is permissible and the applicant submits plans without a slope of the roof, the shed would be permitted.

Peter Rice stated he is hearing that the order is that the Commission didn't receive the material in the correct order. The board advised that there should have been a demolition permit and the plans should have been submitted for approval prior to being built.

2. Approve minutes from November 2, 2023.

M/S/P Myers moved to approve the minutes of November 2, 2023 as amended; Zikaras seconded. All approved, including the Chair.

3. New business

Peter Rice is interested in being on the HDC.

Curt suggested removal of three items from the HDC ordinance that are not backed up by State law. The section of Powers and Duties, Section 9.3.4.4, of the ordinance states what the Commission can do. The ordinance recites what is in State law but it then also conveys three powers that go beyond what State law says HDC can do in paragraphs F, G and H. Springer stated that statutory powers of HDC are very limited; acting in an advisory or educational role is excluded from powers of a historic district commission and are powers given to a heritage commission. However, he stated that an HDC can serve as both. Springer suggested the HDC become a heritage commission so it has all these powers and would not have to worry about which is which. Heritage commission cannot approve anything but an HDC can only hear cases and cannot act in advisory

1 manner. Springer advised that if it's not listed as a power under State law, HDC
2 cannot do it.

3
4 Springer believes this needs to be acted on as there are three things in the local
5 ordinance that should not be there because they are not valid powers of the
6 historic district commission. Either need to be removed or become a Heritage
7 Commission and it would have these powers. Murray stated she would like to
8 consult with Kerri Ann, the town attorney, on whether the HDC has these powers.

9
10 Murray stated someone at Rockingham County Planning said there were
11 procedures we could delete and change without going to town meeting and this
12 was conveyed via an email from Darcy Horgan, the Planning Board Chair, stating
13 that changes to the zoning ordinance for a minor administrative item can be done
14 without town approval. Finn asked if the HDC needs financing to get
15 Rockingham Planning to review changes. Zikaras stated the Commission did not
16 want to tackle everything this year. The Chair spoke with Horgan and they will
17 be submitting to remove Section 9.3.5 preamble "and is visible from any street"
18 as it should not be criteria for approval by the HDC.

19
20 The Chair stated there is money in Hogan's budget to hire Rockingham County
21 Planning to redo the historic district map; she will contact Jen at Rockingham
22 Planning and ask them to go ahead with that as notices no longer have to be
23 published. Horgan has \$5,000.00 in her budget and will ask to re-allocate it.

24
25 The Chair would like to do a model demolition ordinance. Horgan researches
26 what other communities use, and finds something she feels addresses New
27 Castle's issue and then asks Jen at Rockingham Planning to review.

28
29 Portsmouth has a good model demolition ordinance. Springer stated that
30 demolition review ordinances are not authorized in the State of NH, the
31 legislature never bothered to pass authorizing legislation. So if you review the
32 RSAs and search what justifies demolition, you won't find anything. The Chair
33 stated New Castle already has wording in the ordinance that says demolition
34 needs to be presented to the HDC but the demolition ordinance in general needs
35 review. Russ Bookholz has said the Building Inspector is the only person who
36 can issue a demolition permit; however, the HDC needs some review of what is
37 being requested and weigh in on demolition. With regard to the Barretts' shed,
38 Bookholz stated it was a health & safety issue. However, the shed had been
39 sitting there with the owner himself looking to remedy the shed, and all of a
40 sudden it had to be torn down.

41
42 Springer said he will look at Portsmouth, Rye and Exeter as they have HDCs and
43 review what they say about demolition in the historic district. The ordinance
44 needs to state that before a demolition permit is issued for any building, in whole
45 or in part, within the historic district, the applicant has to first come before the
46 HDC. Zikaras went through the ordinance and there are a couple places where

1 demolition is addressed but not strongly enough. The board also wants to put
2 demolition in one section. Finn said the Building Inspector says he can override
3 that and Myers stated that if it is truly health and safety, he should override.

4
5 Zikaras will go back to the ordinance and find every place that addresses
6 demolition as the language needs to be consistent everywhere it is addressed.

7
8 The Chair will look into getting the map of the historic district done.

9
10 M/S/P Myers moved to adjourn; Murray seconded. All approved.

11
12 Meeting adjourned at 8:20 pm

13
14 Respectfully submitted,
15 Diane L. Cooley, Recording Secretary
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