

Newington History – Minutes

September 20, 2021, 10:30 a.m. – 12:27 pm

Old Parsonage

Historic District Commission Minutes

HDC Members	<div>√ Jo Haskell Alternate (2023)</div> <div>√ John Lamson Member (2024)</div> <div>√ Peggy Lamson Member (2023)</div> <div>√ Mike Marconi Selectmen Representative (2020)</div> <div>√ Katie Moody Alternate (2023)</div> <div>√ Lulu Pickering Member (2023)</div> <div>Kristen Poulin Alternate (2023)</div> <div>Becky St. Germaine Alternate (2023)</div> <div>√ Alan Wilson Member (2022)</div>
Guests	<div>• Bob Blonigen, town selectman</div> <div>• Chris Cross, planning board member</div> <div>• Jean Haskins, resident</div> <div>• Denis Hebert, chair planning board</div> <div>• Greta McEvoy, applicant</div> <div>• Don McEvoy, applicant</div> <div>• Dean Turner, resident</div> <div>• Emily Turner, resident</div> <div>• Anne Whitney, architect</div>
Minutes	<p>This document includes the discussions at the meeting, the decisions made, and the certificate of approval. The text in blue was not a part of the meeting but are follow-up action items.</p> <p>There are 12 attachments that are a part of these minutes:</p> <div>• Notice of Public Hearing</div> <div>• U.S. Secretary of the Interior's Standards for Rehabilitating Historic Buildings</div> <div>• Certified Local Governments Program in New Hampshire</div> <div>• NH Division of Historic Resources' Historic building code compliance</div> <div>• NH RSA 674:46-a Powers and Duties of the Historic District Commission</div> <div>• NH RSA 676:1 Method of Adopting Rules of Procedure</div> <div>• NH RSA 676:8 Issuing Approval for Building Permits</div> <div>• Town Ordinance - Historic District Regulations</div> <div>• July 12, 2021 checklist</div>

	<ul style="list-style-type: none"> • September 22, 2021 Draft HDC Rules of Procedure • 5-page plan entitled, “McEvoy Residence (Anne Whitney) 9-16-21” • 9-page document with a copy of the 2019 survey plan and material specification sheets entitled, “HDC Spec 317 Nimble Hill Rd McEvoy Residence” with a cover sheet
McEvoy comments	<p>The McEvoy's spent the first 20 minutes making statements about their qualifications and challenging the HDC's review of their proposal.</p> <ul style="list-style-type: none"> • They felt that HDC requests were coming out of the blue, they challenged both the HDC's use of a checklist to review their proposal, the requirement of a public hearing, and how the proposal was being reviewed. • They argued that the only authority the HDC has is written in the one-page section on Historic District Regulations in the Town's Ordinance. NB: This section gives broad authority to the HDC to approve or deny all construction, alteration, or demolition of buildings within the Historic District. • They said they know what they are doing and did not appreciate the HDC questioning their proposal, especially the 5-bay garage and asphalt parking area. They said the presence of the library addition and parking lot, the parking by the meetinghouse, and a neighbor having two driveways basically meant they could do the same thing on their property. • They read parts of RSA 676:8 for issuing approval for building permits within an historic district and stated the HDC's authority only extended to interacting with the listed professionals. • They asserted that an August 3/4 email exchange with the HDC Chair was unfair to them because they were not able to present their proposal at the Monday August 8 HDC meeting. They complained that the town website has a different time/date for HDC meetings, and the HDC had changed the date of meetings in the middle of the summer during their proposal. • They said the rules of procedure the HDC was using to review their proposal should not apply because the HDC had not formally adopted the procedure prior to the review of their proposal. The steps in the process had been discussed several times with the McEvoy's at prior HDC meetings but now, for the first time, they were saying the process was illegitimate. NB: These rules outline the steps that a land use board will use in conducting its business – working sessions, formal review, public hearing, what to submit for a review and when, etc. They are approved at a regular HDC meeting and placed on file with the town clerk.
HDC Responses	<p>HDC Chair was astounded by their comments because the committee had an entirely different view on what had been happening with the McEvoy proposal.</p> <ul style="list-style-type: none"> • The HDC has been working in good faith with the McEvoy's to review their project and get a decision before the end of September when the building inspector leaves. If a decision is made today, it will have been just 7 days since the McEvoy's submitted a formal proposal to the HDC for review, which is a turnaround that no other boards in town tries to accommodate. • The HDC has been agreeable to almost everything the McEvoy's have proposed with the exception of doors on the north side of the rebuilt barn and the garage area. • The unadopted rules of procedures basically outline the process for applicants to

follow when presenting a proposal to the HDC, including a checklist of information that needs to be provided to the committee, deadlines for submitting documents before a meeting occurs, opportunities for working sessions and site walks, formal reviews, and public hearings. Public hearings are important because the historic district belongs to everyone and the public has a right to come express their views if they want to.

(1) HDC authority:

Note to file re: HDC rules of procedure under RSA 676:1 – The HDC will have the following seven documents that outline its authority **attached** to the 9-20-21 HDC minutes and posted on the HDC section of the town website. Applicants need to understand the significance of each of these levels of authority.

- **Federal level:** *U.S. Secretary of the Interior's Standards for Rehabilitating Historic Buildings* – the 1886 parsonage is a contributing building in a historic district that is listed on the National Register of Historic Places.
- **Federal/State level:** *Certified Local Governments Program in New Hampshire* – Newington is one of only 25 of the 259 towns/cities/unincorporated places that are certified under this program. The program extends historic preservation activities across the entire community, not just to those located in an historic district.
- **State level:** NH Division of Historic Resources's *Historic building code compliance* – Access, building, and safety codes generally include special provisions for historic properties that take into consideration the particular circumstances, historic materials and construction methods.
- **State level RSAs:**
 - RSA 674:46-a Powers and Duties of the Historic District Commission
 - RSA 676:1 Method of Adopting Rules of Procedure
 - RSA 676:8 Issuing Approval for Building Permits
- **Local level:** Town Ordinance: Historic District Regulations – gives the HDC very broad authority to review proposals (A, B, C, D) with no details on how that is to be done.

(2) HDC rules of procedure

The HDC is in the process of formalizing its first rules of procedure under RSA 676:1. Our July 12, 2021 checklist (**attached**) is being used as a means of letting applicants know what they need to submit to the HDC for it to be able to review a proposal. The last review of a proposal was 30 years ago, and there has been no need for rules of procedure to be considered until now.

Note to file re: HDC rules of procedure under RSA 676:1 – The checklist the HDC is using for this review comes directly from the federal, state, and local standards for review. It would be a two- to three-month process to draft rules of procedure, review them at an HDC meeting, solicit public input, approve them, give copies to the town clerk, and post them on the town website. Adding more detail to the town ordinance would require additional months, a public hearing, and approval by voters at town meeting. The McEvoy's had expressed an interest in quickly getting

	<p>their HDC approval and building permit, and the HDC had acted in good faith to accommodate them.</p> <p>As the beginning of this process, it seemed a good idea to develop the rules of procedure as the HDC and applicants went through this review to see what works and what doesn't work. However, today's meeting created a cloud of confusion over what the rules of procedure actually are. So:</p> <p>Prepare a written draft of the rules of procedure (attached) that the HDC has been using for this proposal, attach them to these minutes, post them on the town website, and invite public comment before the HDC officially approves them.</p> <p>(3) Email traps</p> <p>HDC Chair said she had a copy of every email with the McEvoy's in her folder. She had not received any contact from the McEvoy's until three days before the August HDC meeting, and she had not received an updated proposal from them following the working session in July or a request to be added to an HDC agenda. She is not their secretary.</p> <p>Note to file re: HDC rules of procedure under RSA 676:1 – All contacts with an applicant should go through the town office and not directly to the HDC Chair. A town employee needs to be the go-between for official HDC contacts and reviews. The contact should not be a member of the HDC who is involved in the actual decisions.</p> <p>Late in May/early June HDC Chair emailed the town office that contacts with the McEvoy's should come through the town office and not directly to her. A few days later (June 2nd) Don McEvoy had obtained her phone number and left a message on her home phone asking to discuss his proposal. She asked the town office to let him know that all conversations need to take place at an HDC meeting. On June 4th, Don had obtained her home email address and sent an email. She replied to him that she could not discuss anything outside of an HDC meeting with a posted agenda and minutes.</p> <p>(4) Confusion over missed August meeting</p> <p>The town office maintains the part of the website that briefly discusses each board and committee. But, the calendar of meetings, the HDC agendas, and HDC minutes all give the time of HDC meetings as the second Monday of the month, which has been in place since last Spring when the selectmen reappointed people to the board and the HDC met to set a time convenient for the new board to meet.</p> <p>Note to file re: HDC rules of procedure under RSA 676:1 – A deadline needs to be set for asking to be on an HDC agenda and submitting the required materials.</p>
How to Proceed with today's review and public hearing	<p>HDC Chair asked if the McEvoy's main concern was that the rules of procedure had not been officially adopted by the HDC, did the McEvoy's want to suspend today's review so the steps the HDC has been using can be written down and approved by the board. The McEvoy's said, "No." They also did not want the checklist for reviewing the proposal to be used.</p> <p>HDC Chair polled the board members to see how they wanted to proceed.</p>

	<ul style="list-style-type: none"> • Katie Moody said she was shaking from the tone and nature of the McEvoy's assertions and felt the HDC had been blindsided but did not want to postpone today's decision. • Alan Wilson said he disagreed with what the McEvoy's were saying and why did they wait until today to raise complaints and not at previous meetings. • John Lamson said that it appeared that the McEvoy's did not feel that the HDC should review their proposal, but just rubber stamp it. He felt that the meeting decision should be postponed if the procedure was an issue. • Jo Haskell said the HDC Chair had been working with the committee to review what they should be looking at in the review of the proposal and that Jo had wondered whether it was appropriate to bring a bottle of champagne to today's meeting to mark the occasion. She was upset and confused about the McEvoy's comments but didn't feel the meeting had to be postponed. • Mike Marconi said the town website might have some mistakes and the town ordinance could likely include some more information to help many of the different boards in town but the HDC did have the authority to review this proposal and today's decision did not need to be postponed. • Peggy Lamson felt today's meeting should be postponed to officially adopt the steps of procedure, if that was what the problem was. She noted that the 1886 parsonage is in a historic district that is listed on the National Register. Did the McEvoy's understand what that means? • HDC chair said that the HDC had already spent a working session, a review/sitewalk, and today's meeting and that was enough of our time spent on this proposal. She did not want to postpone today's meeting. <p>HDC Chair asked again if the McEvoy's wanted to go ahead with today's meeting using the rules of procedure we have been using. The answer was "No" to the procedure, but they also did not want to suspend the review of the proposal for the HDC to formally adopt the procedure.</p> <p>Not sure how that could work and thinking that the reason behind this impasse was likely that the McEvoy's were lining up things that they could use to challenge an HDC decision if they did not get what they wanted, HDC Chair decided that today's meeting will continue and the HDC will use the procedure it has been following, four votes will be taken today on the different parts of the proposal, the McEvoy's can take any further grievances to the board of adjustment or the court system, but the HDC will have done what it was required to do.</p>
Approve previous minutes	<p>On a motion by Peggy Lamson, seconded by Katie Moody, unanimously approved, the minutes of the September 13th HDC meeting were approved with two changes requested by Anne Whitney:</p> <p style="padding-left: 40px;">On page 3, the HardiePlank Lap Siding (Clapboards) will have a smooth finish, not wood grain like the Board & Batten.</p> <p style="padding-left: 40px;">No 45-degree angles over the door openings of the garage bays.</p>
Voting Members	<ul style="list-style-type: none"> • A quorum of 5 HDC members was present, including 5 members and two alternates. • Since member Mike Marconi had not been at any of the prior meetings for this

	<p>proposal, alternate Katie Moody took his place for today's votes because she has been at all prior meetings.</p>
<p>Anne Whitney architect</p>	<ul style="list-style-type: none"> Anne provided printed plans and specification sheets to the HDC members. Anne presented all four parts of the proposal: <ul style="list-style-type: none"> Part I Existing parsonage Part II Existing cultural resources Part III New construction, with revised plans for the doors on the north side of the rebuilt barn Part IV Proposed 5-bay garage, with revised plans with the new design and the size of the parking area The HDC Chair pointed out to the public all the areas where the McEvoy's and HDC were in agreement at our previous meetings and the two areas where agreement had not yet been reached.
<p>HDC review of Part III and Part IV changes</p>	<p>The HDC discussed the 3 elements that had not been in agreement between the HDC and applicant at the prior meeting:</p> <ul style="list-style-type: none"> The general consensus was that Anne Whitney had done an excellent job incorporating the feedback from the HDC into her revised designs. The doors on the north side of the rebuilt barn will be double sliding barn doors that cover the four panel, 9-foot sliding glass doors behind them. A single 8-pane transom window is above the doors. The garage design is more appropriate to an historic district than the previous design. The design incorporates: <ul style="list-style-type: none"> 30-inch overhangs along both the north and south sides of the 5-bay garage together with four closed brackets on both sides. Four 14-inch lights on the south exposure and two 14-inch lights on the north exposure from the barn collection of Northeast Lantern. Garage doors from the American Farmhouse collection of Artisan Custom Doorworks, three doors having a double row of windows and two having a different appearance with no windows. All are sectional lift garage doors. A different style, 12-foot-wide door on the north side of the garage than what was previously suggested. The revised door mirrors the look of the revised doors on the rebuilt barn. A 48-inch cupola with louvered panels midway along the roof. The HDC questioned the extent of asphalt in the driveway and parking area. The garage is 26-feet wide and the proposed parking area in front of the garage and rebuilt barn is 30 feet. The driveway is 10 feet wide. The roll call vote (motion by Alan Wilson, seconded by Katie Moody) to agree that Part III and Part IV of the proposal were ready for a public hearing was unanimous. With no further discussion, the HDC review was ended and the public hearing started at 12:04 p.m.

Public Hearing	<ul style="list-style-type: none"> • Six members of the public spoke in favor of the proposal with few comments. The three people sitting on the planning board and board of selectmen spoke as private citizens or as an abutter, though they did not mention it. • No, the HDC does not have an application form but it could be part of the rules of procedure. • A question was fielded about what was actually in “rules of procedure” – another reason to include the written draft procedure as part of these minutes. • Mike Marconi congratulated the HDC on a job well done. • The public hearing was closed at 12:15 p.m.
Vote	<p>Four roll call votes were held.</p> <p>On a motion by Katie Moody, seconded by John Lamson, the HDC voted unanimously to approve each of the four parts of the McEvoy proposal based on the minutes of today’s meeting, the 5-page design dated/revised 9/16/21, and the 9-page specification sheet.</p> <p>HDC Chair noted that the McEvoy’s received approval for 90% of what they had proposed and the 10% in modifications requested by the HDC made the large garage more appropriate for an historic district – which is the purpose of an HDC review. There is no sense in having an HDC board if members do not take their responsibilities seriously.</p> <p>Copies of the minutes and attachments will be reviewed by the HDC members by email and also sent to Anne Whitney and the McEvoy’s.</p> <p>Once the minutes are approved, a copy of the minutes and attachments will be provided to the Building Inspector as he requested.</p>
Adjourn	<p>On a motion by Katie Moody, seconded by Alan Wilson and Peggy Lamson, the meeting was adjourned at 12:27 p.m.</p>
Post-meeting	<p>Selectmen Blonigen said that the selectmen are in the process of reviewing three applicants for the position of building inspector.</p> <p>The minutes were approved by email with approval votes by Peggy Lamson, John Lamson, Jo Haskell, and Katie Moody. Did not hear back from Alan Wilson or Mike Marconi.</p> <p>Note to file re: HDC rules of procedure under RSA 676:1 – Everyone except the HDC Chair walked out of the meeting with the expectations that all the remaining things to be completed for this review/approval will be done by someone else.</p> <p>HDC Chair appreciates the HDC members agreeing to spend their time to review these minutes outside of an HDC meeting. But HDC Chair has had enough of doing all the other work. Given the McEvoy’s scorched earth approach to the HDC during this meeting, HDC Chair sees no reason why she should be spending more of her free time shepherding this proposal through its various steps. It is the town’s responsibility to provide minutes for meetings and the necessary support structure.</p> <p>After today, the selectmen need to appoint a town employee to take minutes of all future HDC meetings and to provide support to the HDC to do the work that the HDC needs to have done. The HDC budget needs to reflect the hours and cost for that employee.</p>

Certificate of Approval – McEvoy Proposal 1886 Parsonage

RSA 676:8 (III)

This approval is a part of the September 20, 2021 minutes and cannot be separate from them. It also includes two attachments:

- a 5-page plan entitled “McEvoy Residence (Anne Whitney)-9-16-21”
- a 9-page document with a cover sheet that includes a copy of the 2019 survey plan and material specification sheets entitled “HDC Spec 317 Nimble Hill Rd McEvoy Residence”

(Part I) Existing parsonage

- The existing parsonage building will largely be preserved. Any repairs needed will be done with inkind materials, e.g., wood clapboards for wood clapboards.
- No changes expected to the roof, chimneys, or siding.
- Windows:
 - No windows will be replaced on the west or south sides.
 - Six windows will be shortened and replaced on the north and east sides. One of the 6 windows will be replaced with a door.
 - The replacement windows will be Marvin Elevate windows that have a fiberglass exterior and wood interior.
 - The replacement windows will appear as 6-over-6 sashes but will actually be casement windows to meet egress codes.
 - The replacement windows will not be true divided lite panes but the “muntin” detail will mimic the look of putty.
- All moldings and trim will be the same as for the existing windows and doors. The trim material will be Lifespan, which is a wood product made from radiata pine that has been treated with a preservative.
- The new bump out for the enlarged kitchen will have wood clapboards and details to match the existing house.
- The color pattern for all buildings, new and old, will be white with black details.

Further HDC stipulations:

- HDC members appreciated the care and thought that has gone into preserving the existing parsonage.
- HDC members discussed the composition and style of the replacement windows. The existing windows in the parsonage are already replacement windows clad in vinyl or a similar material. The project impacts only 6 windows and does not intend to replace all of the windows in the parsonage, so the use of the fiberglass clad wood windows was acceptable. The use of a casement style window for egress purposes may, or may not, have been necessary, but since only six replacements were needed (5 windows and 1 door), it was acceptable.
- Information on any changes to the existing septic system are not known at this time and will have to be a separate HDC review in the future.

(Part II) Existing cultural resources

- Cistern – the existing cistern in the cellar of the parsonage seems to be integral to the building’s support and foundation and will be preserved. The build out of the new addition to the north side of the building is partly for this reason.
- Landscape – the existing driveway is asphalt and will be extended the length of the new construction. Many mature trees will have to be removed for the new addition and garage, but tree removal will be

limited to only what is needed for the building footprints and to prevent trees from overhanging the buildings.

- Stone walls –The McEvoy's expressed an interest in repurposing the stones from the rubble foundation of the existing barn and passageway to restore the perimeter stonewalls (boundary walls).
- Stone well – there may, or may not, be an old stone well off the south side of the house, but it is not in the construction zone and will not be impacted. No indication that a previous cesspool with stone cistern exists anywhere.

Further HDC stipulations:

- Stone walls on the property perimeter, which delineate the property boundaries, cannot be removed. The HDC was pleased that these stonewalls may be improved.
- HDC members briefly discussed that an archaeological study is not necessary. The parsonage, passageway, and barn were built in 1886 and have changed little over the following 135 years. The location of the new addition and rebuilt barn will mostly be in the same footprint as the existing barn and passageway. The area of the proposed garage is now covered by mature trees that will be cut and stumps removed. The garage will have a slab floor. As long as any excavation is confined to the footprints of these areas, the benefits of an archaeological study would be minimal.
- HDC members were concerned about the extent of the parking area to be paved in the front of the 5bay garage and the amount of asphalt to be added for the extended driveway and parking. Permeable asphalt was discussed. The HDC accepted the 30-foot distance in front of the garage doors and rebuilt barn and the extension of the 10-foot-wide driveway as shown in the 9/16/21 designs.

(Part III) New construction

The new construction includes a new addition for more living space, dismantling and rebuilding of the existing barn, new porches, and a bump out of the existing parsonage to enlarge the kitchen area.

- More living space – The new addition will be located behind (east) and a few feet north of the existing house, and its roofline will be lower.
- Barn – the existing barn will be dismantled, a 4-foot frost wall and slab foundation installed, and the barn rebuilt in place. It will become mostly a workshop housing woodworking equipment and machines. Some material will be salvaged from the barn and reused. This includes wide pine boards that can be used for siding, some floor elements, and perhaps a beam or two.
- Excavation – the full basement for the new addition and new slab for the rebuilt barn will largely take place in the existing footprints of the passageway and existing barn.
- Materials – the siding of the addition and barn will be HardiePlank, which is a cement fiber product designed to mimic wood but having better longevity and less maintenance issues than wood. Clapboards of this material will be used on both sides of the addition and the front side of the barn. Board and batten panels of this material will be used on the north elevation of the barn. The parsonage building, however, will have wood clapboards in the new kitchen bump out area. The trim along windows and eaves will be Lifespan products with a smooth finish. The clapboards will also have a smooth finish, but board/batten products will be textured to look like wood grains.
- Color – white siding all around with black details
- Roof – architectural asphalt shingles throughout the addition and barn.

Further HDC stipulations:

- HDC members discussed the relative size/scale/mass of the addition relative to the existing parsonage. It is a very large addition, almost as large as the parsonage. The parsonage, however, is relatively small at a little less than 1,800 square feet, and the addition will be built “behind (east)” of the parsonage and its roofline will be lower, both minimizing its view from the road.

- At the working session in July, HDC members preferred that the existing barn be rehabilitated, rather than rebuilt. However, the barn can be dismantled, and a new version constructed. HDC members were pleased that at least its historic profile will be preserved in the rebuilt version and some materials salvaged for reuse. The sliding door and new door details on the south elevation, which mimic the look and feel of the existing barn, were appreciated.
- Initially, the design with four sliding glass doors on the north elevation of the rebuilt barn were not consistent with the look of a barn. In the approved design dated 9/16/21, the doors on the north side of the rebuilt barn will be double sliding barn doors that cover four panel, 9-foot sliding glass doors located behind them. A single 8-pane transom window is above the doors.
- HDC members discussed the use of manufactured building products, such as JamesHardie boards and AZEK trim, relative to natural, historic products made from wood. The consensus was that original historic buildings should use wood products (Lifespan is a wood product), but these manufactured materials, due to their improved longevity and maintenance issues, were acceptable in new construction.

(Part IV) Proposed 5-bay garage

- The garage will have 5 bays with five 8-foot lift doors and 10-foot walls. It uses attic trusses, so its shape is symmetrical. The number of bays is important for housing trucks, lawn equipment, etc.
- Materials – the siding of the garage will be HardiPlank cement fiber board and batten panels having a wood grain appearance. The trim will be smooth Lifespan.
- Windows similar in style to the addition.
- Roof – architectural asphalt shingles throughout the addition and barn.
- • Color – white siding all around with black details

Further HDC stipulations:

- HDC members thought the original design of the garage was out of place for an historic district and parsonage. A commercial company cannot build a business in the residential/historic districts, but the town's zoning does allow home businesses. Initially the proposed garage looked industrial/ commercial in appearance, similar to a firehouse or rental storage unit with multiple identical doors. The scale of the garage's parking and entrance/egress requirements is also large. The number of doors and bays was questioned, and the use of at least some sliding doors instead, like those on the barn rebuild, was proposed. The HDC wanted to capture detail elements of a carriage shed to obscure the industrial/ commercial look of a long garage with five doors/units.
- The HDC approved the revised 9/16/21 garage and parking plan as follows:
 - 30-inch overhangs along both the north and south sides of the 5-bay garage together with four closed brackets on both sides.
 - Four 14-inch lights on the south exposure and two 14-inch lights on the north exposure from the barn collection of Northeast Lantern.
 - Garage doors from the American Farmhouse collection of Artisan Custom Doorworks, three doors having a double row of windows and two having a different appearance with no windows. All are sectional lift doors garage doors.
 - A different style 12-foot-wide door on the north side of the garage that mirrors the look of the redesigned doors on the north side of the rebuilt barn.
 - A 48-inch cupola with louvered panels midway along the roof.

- The garage is 26-feet wide and the approved parking area in front of the garage and rebuilt barn is 30 feet. The driveway is 10-feet wide.
- A potential future solar panel array on the garage roof is noted in the design but is not part of the current proposal or HDC review.

Lulu Pickering
September 27, 2021