

1 APPROVED  
2 NEW CASTLE HISTORIC DISTRICT COMMISSION  
3 FEBRUARY 4, 2016  
4

5 **Public Hearing re: Charles & Linda McIntyre, 119 Main Street, Map 17, Lot 1**

6 **Public Hearing re: John McCormack, 41 Piscataqua Street, Map 18, Lot 44**

7 **Work Session re: Thomas & Martha Bates, 36 Piscataqua Street, Map 18, Lot 30**  
8

9 Board Members Present: Rodney Rowland, Chair, Lorn Buxton, Irene Bush, Jeff Hughes, Elaine Nollet,  
10 and Peter Reed.

11 Not Present: Kate Murray  
12

13 Meeting called to order by the Chair at 7 PM who stated that since Kate Murray was not present that  
14 Peter Reed would be voting.  
15

16 **Public Hearing re: Charles & Linda McIntyre, 119 Main Street, Map 17, Lot 1**

17 Guests: Brendan McNamara, Project Designer  
18

19 Chair Rowland read a letter from abutter Edward Bouchard. Mr. Bouchard has no objection to  
20 petitioners' application.  
21

22 Brendan McNamara spoke on behalf of the McIntyres, presenting a little more detail than at the work  
23 session in January. The existing shed roof addition is to be demolished and essentially replaced.  
24 McNamara went through the plans accompanying the application page by page, explaining what each  
25 were. He presented an existing condition survey and a survey showing where the addition will be,  
26 highlighted in orange. (Attachment A). After the work sessions at last month's meeting, applicants  
27 decided to further define the chimney.  
28

29 Rowland asked if all the windows are to be Marvin and whether the rear door is the existing door?  
30 McNamara advised that yes all the windows are Marvin and No, the door is not the existing door and  
31 they have not specified the door manufacturer as it has not been selected. It will be the company that  
32 makes entrance doors that conform to the molding shape of the Marvin windows (couldn't remember  
33 the name of the company). Rowland stated he will put that this is the look you are going to achieve.  
34

35 The Chair asked if anyone had any questions. Reed asked if they would maintain the color of the  
36 house? McNamara answered Yes, except the addition isn't painted clapboards, it will have a natural  
37 wood shingle. The trim will be consistent with the creamy color it is now. The reason for the different  
38 shingles is to define the addition from the original structure.  
39

40 Rowland asked if anyone from the public wanted to speak to, for or against? There was no one and the  
41 public hearing was closed.  
42

43 Rowland stated that he forgot to mention that in relation to this application all fees were paid, abutters  
44 were notified and the legal notice was published in the newspaper.  
45

46 Nollet stated she thinks everything looks good. Buxton said it was an excellent presentation.

47 Rowland stated he really likes this proposal as the house has nice architectural features and this dresses  
48 it up nicely.

1 Reed motioned to approve the petition as submitted, Bush seconded the motion. Unanimously  
2 approved.

3

4 **Public Hearing re: John McCormack, 41 Piscataqua Street, Map 18, Lot 44**

5

6 Hughes motioned to continue the public hearing on McCormack until next month's meeting, Buxton  
7 seconded the motion. Unanimously approved.

8

9 **Work Session re: Thomas & Martha Bates, 36 Piscataqua Street, Map 18, Lot 30**

10 Guests: Thomas and Martha Bates, Applicants

11 Ann McAndrew, Holly Biddle

12

13 Thomas Bates stated he was here to discuss renovations to the existing structure and to review the  
14 application for windows and siding. The Bates bought the property three months ago and had no idea  
15 what was underneath the siding. Fortunately this is their 3<sup>rd</sup> historic home renovation and this will be  
16 their 2<sup>nd</sup> siding job. The paint is peeling, some of the wood is rotten, and sills are gone around the back  
17 of the house. They are trying to replace everything exactly as it previously was; the house has had some  
18 water damage coming through the chimney.

19

20 First renovation they would like to do is the 3<sup>rd</sup> floor shed roof. There is 6'3" of head room in the attic on  
21 the 3<sup>rd</sup> floor but the attic stairs are like a ladder. The third floor is finished and they would like to install  
22 a half bath and will have to raise the roof and create a shed roof on the third floor with a couple of  
23 casement windows. This will be in the middle of the building on the third floor and will add 35 SF to the  
24 living space which was formerly a closet and they are turning it into a half bath. The Bates have gone  
25 before the Zoning Board and they have approved the additional space. Now they need HDC approval.

26

27 The second renovation is to correct a curious installation of a shed roof over the 2<sup>nd</sup> floor bedroom. The  
28 ceiling height is low leaving only 3' of head room in one corner of the bedroom and therefore need a  
29 shed roof to create proper head room. They took their inspiration from a sister house across the street,  
30 the shed roof is almost an identical reproduction of that one which has windows across the back. It is  
31 pictured on the plans above the porch or portico. Their plan is to use Noah Merrill windows, which is  
32 the oldest window manufacturer in the US; they are from Maine. They have already used one of these  
33 windows for a rotten window they had to replace. Bates finds them to be an excellent reproduction.  
34 The windows have color matched moldings. The house will remain basically the same as you see now,  
35 they are planning to use black sashes with the current cream colored siding and clapboard. All windows  
36 will match the existing windows which are being replaced because they are all rotten at the sills and  
37 there is also some rot to the studs supporting them. They have discovered there are no sills on some  
38 windows and they are literally hanging on the clapboard.

39

40 Nollet asked if the windows are going to be black? Bates answered that the sashes themselves will be.

41

42 Reed said you mentioned considerable damage and asked if they had looked to see how much damage  
43 has already been done? Bates replied that they are hoping not to have to replace clapboards in the front  
44 of the house. They do know some of the studs are non-existent on the right hand side, on the second  
45 floor because he was painting and hit the clapboard with his hand and he could move it 2". Other than  
46 the windows rotting,(which is 70% due to the product and not the house itself, because of first  
47 generation finger joining of white wood and they didn't have the correct materials and tools at the

1 time), we believe we will not have to replace more than 20-30% of the clapboard on the whole house  
2 when we are done.  
3  
4 Rowland asked Bates if he wanted to go through what's involved in the application? To confirm, all the  
5 windows are being replaced and asked if the roof was going from wood roof to architectural shingle?  
6 Bates said the roof will be architectural shingle.  
7  
8 Rowland asked if the application will be for two shed dormers, one for the 3<sup>rd</sup> floor & the other for the  
9 2<sup>nd</sup> floor?" Bates answered Yes, that's it.  
10  
11 Buxton advised that if he goes to wood shingle, it will have to satisfy current code. Bates answered yes,  
12 precisely, would be very challenging but you can find the right material to make it worthwhile. Currently  
13 there is no cedar breather so it would be very challenging to go wood, so chances are minimal that they  
14 will use wood shingles as that would be asking for trouble.  
15  
16 Buxton asked if he had talked to the building inspector regarding the 3<sup>rd</sup> floor stairway and the smaller  
17 windows and Bates replied Yes, and he is fully on board.  
18  
19 Nollet stated that she had been in that house years ago and could understand the need to do these  
20 renovations as you can't walk up there.  
21  
22 Buxton asked if the bedroom dormer was to be three separate windows? Bates responded Yes, three  
23 single windows.  
24  
25 The Chair asked if there were any other questions? There were no more questions and Rowland stated  
26 we'll see you next month for the application. We will need window specifications so the building  
27 inspector knows the specific window you will use. The shingles will be GAF and provide a window specs  
28 sheet including the make and model.  
29  
30 Ann McAndrew from 27 Steamboat Lane spoke and said we see everything they do in their back yard  
31 and we support their plans. Holly Biddle, a selling agent dittoed Ann's approval.  
32  
33 Martha Bates asked if they had to complete another identical application? Rowland replied she should  
34 speak with Pam and that they would have to fill something out and also bring in additional information  
35 as to the windows they plan on using.  
36  
37 Minutes were not reviewed as the members had not received them.  
38  
39 **New Business:**  
40 Guests: Ann McAndrew, Holly Biddle  
41  
42 25 Piscataqua Street – Rowland stated I don't know how much you all know but many of you exchanged  
43 emails with me when the first half of the house was taken down. The building inspector felt that it was  
44 necessary due to code & safety concerns. The building had prior remodeling which was improperly  
45 done and it also had water and fire damage. However, they began taking the other half of the building  
46 down without a permit and the building inspector filed a cease and desist. The owners sought legal  
47 counsel and sent a letter to the select board asking why they were ordered to stop the project.  
48 Rowland's feeling is that the commission debated the whole demolition process and they did not ask for

1 a demolition permit. The board thought the building was going to be restored and the final product  
2 would look as what was approved.

3  
4 The Building Inspector's job is to work with homeowners and advise as to what is unsafe, what is not to  
5 code, what needs to be removed or not, and how much of the house is to remain. There is nothing in  
6 the historic district code that allows us to do this. The disconnect is that they didn't take a wrecking ball  
7 to the house, they took it apart in pieces. They were able to do that because they showed a need to do  
8 that.

9  
10 Buxton said by the time one inspector made the first decision, a lot of demolition had already taken  
11 place. I think in this type of restoration, it is imperative that the first few steps be properly taken. It  
12 might behoove the HDC to provide some training to building inspectors as to how to deal with this sort  
13 of situation. I think they need to accept that their responsibility for monitoring begins on day one and to  
14 maintain HDC code as well as the agreement or what was approved in the application, in addition to the  
15 building code. While there may or may not be the detail you are looking for in the building code, I think  
16 we did negotiate an agreement with these people as to what they were allowed to do and I think it  
17 would have been binding.

18  
19 Rowland said the flavor of our approval was to maintain much of the exterior but it is gone now.  
20 Hughes said they agreed to leave the house as is, that is what ultimately pushed it through the approval.

21  
22 Rowland said the cease and desist has been lifted and renovations continue under the auspices of the  
23 building inspector because I don't think there is any legal recourse. Hughes asked if they are going to  
24 take down the other half of the front wall? What is the obligation of the building inspector to bring this  
25 back and close the loop with the HDC? Rowland stated that if the building inspector(s) is/are unsure of  
26 what owners are doing, I would welcome them to come talk to us. The HDC is about preserving the  
27 streetscape and the architecture on that streetscape and people have to understand that we don't want  
28 a house demolished for that reason and with proper instruction to homeowners from the building  
29 inspector, this can be done. At 25 Piscataqua Street, they had gutted so much of the house because the  
30 structure was so unsound, that they didn't have much to work with.

31  
32 Going forward we need to talk to the Building Inspector and let them know what we want them to  
33 achieve for us because they are our eyes and they should come back to us if there is any question.

34  
35 Hughes asked what the rationale was for the Building Inspector to approve demolition of the remainder  
36 of the house? Buxton said that one of the Building Inspectors stopped them when they were down to  
37 half of the front wall. So are we willing to fight over ½ of a front wall or do we concede and make sure  
38 this doesn't happen in the future?

39  
40 Nollet asked if a structural engineer could be brought in to assess a situation and for an unbiased  
41 opinion? Rowland stated that was done, there were two distinct professionals with two points of view.  
42 They are trying to say if the floor is not level or a wall is not plumb, it's an issue, but half the houses in  
43 Newcastle are like this.

44  
45 Hughes said this is the 2<sup>nd</sup> month in a row we have an Oops with the Building Inspector not monitoring.  
46 Can we request that they come to our next HDC meeting and establish a process to monitor  
47 renovations/restorations and get their input? Nollet stated that one of them is supposed to come to our  
48 meeting. Buxton stated that one is the Building Inspector and the other is the assistant.

1  
2 Rowland stated there is going to be some gray area. I don't consider financial hardship but if a sill is  
3 gone, it should be replaced. What we're really talking about is the clapboards, the framing, the things  
4 that make the original house. There's a way to keep that without financial hardship.  
5 Hughes stated we don't want to set a precedent where the HDC has given approval and have the  
6 homeowner then circumvent the HDC decision and make a change retroactive.  
7  
8 Nollet asked if there is a way to work with the Building Inspector so that when a homeowner wants to  
9 go ahead with something not in the approval on a historic property, the inspector comes back to the  
10 board? Rowland stated we also must be clearer in our approval and state that exterior walls are to be  
11 maintained and any deviation from what was approved must come back before the HDC or at least to  
12 the Building Inspector. It's time to put a stop to this activity.  
13  
14 Nollet asked if there is an RSA that gives us more clout? Rowland stated that was topic last month when  
15 Craig Strehl said he wished the HDC had more teeth to prevent things like this.  
16  
17 Nollet asked if there is a town ordinance that would do something or does the Building Inspector's  
18 authority come from the State? Rowland asked about imposing a fine.  
19  
20 It was asked by Reed if the board would we be in a position, when major construction is taking place, of  
21 asking the contractor to make an appearance before the committee as we understand old houses and  
22 want to be sure they know what they are getting into. Unfortunately there are historic preservation  
23 contractors and then there are those that think new is best. Also, the architect on the project comes  
24 before the board, not the contractor.  
25  
26 Buxton stated that we can extend the town ordinance to the extent that it doesn't contradict any State  
27 RSA. State statutes are reasonably general so we can tighten up town ordinances.  
28  
29 Rowland stated he feels defeated when someone brings something back to us after it's already been  
30 done. We could make them undo it at great expense, but if owners feel like we won't make them undo  
31 it, they'll continue to just go ahead and do it.  
32  
33 Rowland stated the next step is to meet with the Building Inspector and explain our vision, that when  
34 we debate a demolition or if there is to be no demolition, what we expect. We will plan to meet with  
35 the Building Inspector at our next meeting and I will make it clear that I can be available when they have  
36 any questions.  
37  
38 Buxton stated the job of the Building Inspector is to enforce the building code but he is also the code  
39 enforcement officer of the town and responsible for enforcing decisions of the land use boards.  
40 Rowland stated it may be a good idea to put language in the zoning code about the HDC, that the  
41 Building Inspector is to act as our agent to enforce adherence and specifications of the HDC and to come  
42 back to the commission when he finds them unenforceable.  
43  
44 Buxton stated that they do have the authority to stop work. That encourages them to come to the table  
45 immediately. Nollet stated that townspeople would be pleased if we tighten up.  
46  
47 Ann McAndrew spoke on this issue stating for the past 1 ½ years people have agonized over this  
48 property. We depended on the town to back up what was happening. When the owners came to town

1 they said they would get what they wanted and they did. They are going to go ahead and do things that  
2 decent people wouldn't do. I think we have a lost cause.

3  
4 Hughes stated "I think we don't want to draw conclusions without facts. Whatever has happened is  
5 done, we want to move forward."

6  
7 Holly Biddle stated that she believes there were 3 sides that were taken off. "Without a demolition  
8 permit, to go ahead and do that, why isn't there some way to enforce a fine? They were told before  
9 they bought the property that they couldn't tear it down and two other times they were told they  
10 couldn't tear it down. Their builder doesn't know what he is doing – someone with 40 years experience  
11 said it didn't need to be torn down. I don't see why they can get away with this without some recourse."

12  
13 Buxton stated the Building Inspector can stop the work and we can notify them that they are required to  
14 get a demolition permit. If we notify them they need a demolition permit, then we can only fine them if  
15 they don't get a permit. Rowland stated "I think it has to be the Building Inspector, someone with  
16 authority in the town to say no you don't have to do this, let me show you how to do it."

17  
18 Holly Biddle stated "But they need to be fined as you had this situation on Cranfield Street that there  
19 was just one wall left. It will happen again and again."

20  
21 Buxton stated we need someone on site from day one so the structural integrity of the frame is  
22 maintained. The first time the Building Inspector saw what was going on, there was nothing supporting  
23 that first wall that went down.

24  
25 Reed suggested that perhaps the committee should consider when there is a major rebuild like this, that  
26 they include in the approval that if the owner determines there will be major demolition, that they have  
27 to come back to the committee.

28  
29 Rowland stated that in this case, we had approved the roof being changed, and the windows and doors  
30 being replaced. The only thing being left was the foundation and the walls– we should have put in our  
31 approvals that those two things remain and if they discover something else that needs to be removed,  
32 they have to come before us. We need to come up with some standard language to put in every  
33 approval.

34  
35 Buxton advised that the legislature has passed a law that requires towns and cities to permit accessory  
36 apartments in all residential zoning districts. We will have no choice and will have to rewrite our code to  
37 conform.

38  
39 There was discussion about the loss of the Tarbell house, which is in the historic district. If the Tarbells  
40 sell to someone new and they use that lot for a new building, they will have to come before the HDC.  
41 What can we force them to do when building a new house in the historic district? The Tarbell house is  
42 actually located on two lots.

43  
44 Hughes motioned to adjourn, Reed seconded, Unanimously approved.

45  
46 Adjourned at 8:03 pm.  
47 Respectfully submitted,  
48 Diane Cooley, Recording Secretary