

**WOLFEBORO PLANNING BOARD
PUBLIC HEARING & WORK SESSION
January 19, 2010
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Kristi Ginter, Selectman's Representative, Chris Franson, Jennifer Haskell, Fae Moore, Members.

Members Absent: Richard O'Donnell, Member, Steve Buck, Dave Alessandroni, Alternates.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:01 PM.

PUBLIC HEARINGS

Petition Warrant Article

Establish a Historic District Commission that oversees the Cotton Mountain portion of the existing Historic District

Kathy Barnard reviewed said Petition Warrant Article.

Kristi Ginter recused herself; noting she owns property in the District.

Rob Houseman reviewed the statutory requirements relative to Petition Warrant Articles.

Chairman Barnard opened the public hearing.

Suzanne Ryan stated she hopes the warrant article would come second on the ballot to the Petition Warrant Article to abolish the HDC; noting said article is a fallback position if the Petition Warrant Article relative to abolishing the Historic District Commission passes. She stated the Cotton Mountain residents do not have an issue with having a Commission; noting there are 16 residents in the Cotton Mountain District and said article would preserve and protect Cotton Mountain.

Pamela McKittrick read her statement, see attached.

Bruce Fichter, 157 North Wolfeboro Road, Chairman of the HDC, stated at the HDC's 1/12/10 meeting the Board, by majority vote, asked him speak on their behalf that if in fact the Historic District Commission is abolished that they would and do support the creation of an oversight for the Historic District of Cotton Mountain.

Kristi Ginter, Forest Road & 579 Stoneham Road, questioned whether the article is legal as the territories of the district are not known and if the Planning Board is aware of the territories that such should be disclosed.

Paul Panaccione, 11 Trask Mountain Road, stated this warrant article and the companion warrant article represent the majority of the current HDC and represents a desperate attempt on their part to salvage an HDC

they see being abolished. He stated the article was hastily put together and feels it is illegal; questioning the legality of creating a Commission when one currently exists.

Kathy Barnard stated the Board received an opinion from Town Counsel stating there is no statutory authority for limiting a commission to one district. She stated Town Counsel has indicated that the petitioners should have submitted an article that amended the district boundaries by eliminating the North Wolfeboro District leaving only the Cotton Mountain District and then vote to establish a new HDC which would supervise only the remaining Cotton Mountain District.

Suzanne Ryan stated the warrant article states "...with the exception of 175-197 A (1-9)" which is North Wolfeboro Historic District exclusively therefore, she believes the territories have been defined. She stated the warrant article excludes the oversight of the North Wolfeboro Historic District. She stated the following language of the article is placed after the signatures; "Current Cotton Mountain Historic boundaries would remain unchanged as established." She stated such should address Town Counsel's statement.

Kristi Ginter stated she believes Town Counsel is saying that there could be potential legal challenges because the North Wolfeboro District is not eliminated by Town vote. She stated the boundaries of such would have to be eliminated.

Rob Houseman stated that Town Counsel provided guidance that the petition warrant article needs to go forward onto the warrant however, discussion should occur. He stated the petition does not affect the boundaries of the current historic district (North Wolfeboro & Cotton Mountain) and creates a commission that applies specifically to the Cotton Mountain portion. He stated the district boundaries remain unchanged as noted in the existing zoning. He stated the Planning Board has to hold a public hearing and vote to either recommend or not recommend the article. He read Town Counsel's opinion.

Linda Murray questioned whether language was left off of the presentation and whether such would be on the ballot.

Stacie Jo Pope stated the complete article was distributed to the public.

Rob Houseman stated Town Counsel has not yet finalized the language for the ballot.

There being no further questions or comments, Chairman Barnard closed the public hearing.

Jennifer Haskell expressed concern for how the article is phrased and potential litigation; noting the article does not address the boundary issue.

It was moved by Chris Franson and seconded by Fae Moore to not recommend the Petition Warrant Article to Establish a Historic District Commission that oversees the Cotton Mountain portion of the existing Historic District. All members voted in favor. The motion passed.

Petition Warrant Article Abolish the Historic District Commission

Kathy Barnard reviewed said article; noting signatures of 100+ voters were needed and 117 names have been submitted with the article.

Chairman Barnard opened the public hearing.

Paul Panaccione stated the warrant article has 204 certified signatures; noting the Town Clerk recounted the signatures.

Bob Klimm, 100 Bickford Road, read his letter, dated 1/19/10, see attached.

Stacie Jo Pope asked Mr. Klimm if he is against the Historic District in the sense of keeping the character of a Historic District or is opposed to the current management of the HDC.

Bob Klimm replied he is opposed to the current implementation.

Stacie Jo Pope verified Mr. Klimm is in favor of rules and regulations in regard to improvements to a home because it maintains the character of the neighborhood.

Virginia Panaccione, 11 Trask Mountain Road, stated she supports the warrant article to abolish the Historic District Commission. She stated one year ago she spoke in public many times to support the retention of the Historic District and innocently believed that if the people were able to save the Historic District the Commission would recognize the need to improve their behavior. She stated when the Historic District was not abolished the Commission then seemed to have a mandate to rule. She stated the HDC will not listen or consider public input or concern with no help to residents and silence Commission members who disagree with them. She stated compromise is impossible with this Board. She stated requests have been made to the BOS to help them with the HDC; noting there has been no resulting change. She stated the warrant article is a citizen's request to end the mistreatment. She stated Attorney Bernie Waugh was hired by the BOS to research the irregularities on the Commission; noting a report was produced with a conclusion that there is a lack of courtesy and respect on the HDC. She noted expenses to the Town for having two attorneys review the issues (Attorney Sager). She stated the Commission made a motion on 1/12/10; "If the Historic District Commission survives the March vote then the Commission will ask the Selectmen to pay for a mediation session for themselves with a lawyer." She stated the motion passed, thus the Commission admitted that they have personality problems and animosity. She questioned the cost relative to hiring the lawyers and questioned why the citizens and taxpayers should pay for their admittance of personality problems. She questioned the reputation of the Town as a result of the HDC.

Stacie Jo Pope questioned whether Mrs. Panaccione likes the idea of keeping the character of her neighborhood.

Virginia Panaccione replied yes, stating she spoke for the retention of the Historic District last year. She stated the resignation of the entire Commission was requested of the BOS however, such was not done.

Paul Panaccione, 11 Trask Mountain Road, read his statement, see attached.

Chuck Farrell, 288 Haines Hill Road, stated that the Ginter's and he have had legal expenses as well and have had to deal with harassment from the HDC. He stated there is more of a cost than just the dollar cost; to include time and harassment. He stated he would like to see the whole Board gone.

Lawrence Clapp, 88 North Wolfeboro Road, reviewed the history of the denial of his application for a deck and stated that he was told by a certain member of the Commission that he was being punished because he had the audacity not to come hat in hand and scrape before these people and ask their permission. He stated he

thinks it's sad that the Commission is run with a sandbox mentality and the members of this Town should vote to get rid of them post haste.

Beverly Woods, 401 Haines Hill Road, stated last year she put together the website "topreservewolfeboro.org" to convince voters to keep the Historic District in tact. However, like her neighbors she has come to repent her support of the Historic District for all the aforementioned reasons. She stated the HDC actively prevents saving of historic buildings in the District. She stated she is for historic preservation however, unfortunately this Commission is preventing people from maintaining and that, she finds unconscionable and tragic.

Fran Cline, Trask Mountain Road, stated she is in support of the petition and read the following statement from Susan Whitesman, North Wolfeboro Road; "I am unable to attend this meeting but would like to express my support for the petition to abolish the HDC pursuant to RSA 673:18."

Kristi Ginter, Forest Road & 579 Stoneham Road, stated she supports the petition. In regard to the expenses related to the her case, she requested the Town Manager to provide an accounting of such; noting as of 6/1/09 the total was \$10,738.53 and since that time there has been an additional \$4,000+ expended. She stated such is not reflected in the HDC budget because much of the cost came out of the BOS' budget. She clarified that the settlement between the Town and herself was a mutually agreed upon stipulation; noting such was not ordered by the court.

Jim Ladd, North Wolfeboro, stated he is in agreement with the petition; noting he was appointed as an Alternate in April 2009 and appointed as a full member in December 2009. He stated he is embarrassed at what the Commission has been doing and how they have treated his neighbors. He stated he has never seen the political game playing that goes on at the meetings rather than being interested in what can be done for the community and Wolfeboro area. He stated there is no willingness to hear what is going on outside the meetings. He stated he likes the idea of a Historic District however, is in favor of abolishing the current HDC.

Bruce Fichter, 157 North Wolfeboro Road, Chairman of the HDC, read the following statement (also attached); At the HDC meeting of January 12, 2010 the Commission members voted to have me speak to the Planning Board on the Commission's behalf. At that meeting there was also a motion passed by majority that the commission take a position "to not support the petitioned warrant to abolish the HDC." This was a unique and interesting vote. Unique in that the seven voting members present, four voted in favor of that position, with none opposed. Interesting in that there were three abstentions, two of which came from past chairmen and one from a newly appointed member at his first meeting. Interesting also that they are all members of the North Wolfeboro Area Association with one being the current president and one the current secretary. These facts are interesting because at its annual meeting in August 2009, the NWAA, these members, along with the others present took the position "If the current HDC continues on its existing path for adopted Rules of Procedure and Architectural Regulations, they would be forced to present a petition warrant article to abolish the HDC" and, the HDC "Had better be ready for the backlash." Isn't it amazing that none of the three had the courage of their convictions to vote no, rather than cast a non-vote for the unfortunate set of events that must now take place to either support the current HDC in its quest for documentation and fair regulations or see it abolished. Interesting too, that with further discussion at the meeting of the 19th, that the HDC member and president of the NWAA stated that "This petition warrant is at least better than the warrant article of last year to abolish the Historic Districts, because if this passes everything will go to the building department for oversight." This is an uninformed mistake as I know it. The Wolfeboro Building Department has prevue over structural integrity by code and zoning enforcement but, does not have prevue over the "Protection and Preservation of the Historical Character of the Historic Districts. That is the job of the HDC. Without the oversight and diligence of the Historic District Commission, residents new and old could easily dilute or "water down" the

character and style of the districts and abutters will be powerless to agree or disagree, as long as they follow the residential building codes and satisfy the Code Enforcement Officer and possibly without concern for the surrounding neighborhood. As a NH Land Use Board, the HDC of 1987 saw the need for documented rules and regulations, as they drafted them, but failed to adopt and certify them, leaving those rules and regulations in "LIMBO", so to speak. The current HDC adopted Rules of Procedure on November 19, 2009 as well on the way to completing its Architectural Regulations. So in closing, on behalf of the Historic District Commission and the two Historic Districts, I ask you, the Planning Board of Wolfeboro, to support the HDC in this endeavor by voting to "Not Recommend the Petition Warrant Article to Abolish the Historic District Commission of Wolfeboro." Without oversight by the HDC the Historic Districts of Wolfeboro will exist on paper and in name only.

Suzanne Ryan submitted two letters in opposition to the warrant article; Shaun Smith, 227 Stoneham Road and Kevin & Polly Green, 603 Stoneham Road.

Chris Franson read the Green letter, dated 1/15/10 and the Smith letter, dated 1/18/10, see attached.

Suzanne Ryan stated the Commission was formed by Town Meeting in 1976 and in April 1977 the Commission started work on the Statement of Objectives and Guidelines and adopted such in May with the Application for Certificate of Approval forms. She reviewed the history of the HDC (1976 through 1996). She stated in 2006 she presented the Commission with examples of Statement of Objective / Preservation Guidelines, new applications forms, RSA's and processes to better carry out responsibilities. She stated it was decided and all agreed to move forward; noting the Commission did so through September 2007. She stated the core reason she joined the Commission was to bring about what she saw as a lack of rules when she attended a 2005 meeting and decisions were made without a quorum. She stated work was set aside in 2007 & 2008 when a resident in the District took the Town / Commission to court under the Right to Know Law and following such work began again on the regulations / Rules of Procedure and on the Design Guidelines / regulations. She stated the Town has a Building Inspector who knows that under RSA 676:9 no building permit can be issued without an HDC Certificate of Approval within the District. She stated the Commission worked on and sent to the BOS for adoption an HDC Flow Chart in 2008, revised the formal application plan in 2008/2009, adopted two streamlined forms to assist applicants with roof repair and minor maintenance application in 2009 and adopted and recorded the Rules of Procedure and Regulations that were to go to public hearing and with the intent to proceed with Design Guidelines in 2009. However, the Commission has not been able to make great strides on the regulations as at the August 15, 2009 North Wolfeboro Area Association (NWAA) began with a proposal by Mr. Panaccione in opposition to the Commission, it was decided to create an ad hoc committee and formally notify the BOS regarding the noted concerns; noting Mr. Panaccione, the initiator of this action, has an approval that has conditions attached that have not been met to date. She stated after that action, the NWAA has been quite vocal in the dissatisfaction with the Commission and has advised the Commission should they proceed they would have no recourse but to put in a warrant article to abolish the Commission. She requested the Planning Board not recommend the warrant article to abolish the Commission. She stated one of the most effective and comprehensive mechanisms to manage change in a historic area is to have a Historic District; noting its purpose is to preserve the character of an area, manage change and new construction within the regulations. Therefore, to abolish the Commission does not serve that goal rather, it leaves the District open for no historic oversight. Relative to the Master Plan, she stated that if a District is to remain in sync with the components of the ordinance and its purpose, it must be compatible with the Master Plan per 674:46 a, IV and Zoning Ordinance or run the risk of being declared invalid in a court challenge. She referenced HCS 7 (to maintain the integrity of existing historic districts) and HCS 13 & 14 (protection of properties of historic importance and protected from deterioration and/or major incompatible alterations. Therefore, if there is no Commission these goals cannot be met and

there is no legal Town oversight and effectiveness of any Historic District depends upon the ability of its Commission members to carry out its purpose. She referenced Attorney Sager's email dated 11/5/09 and Bernie Waugh's report (for complete text of Ms. Ryan's statement, see attached).

Chris Franson stated that most of the people in the audience are in favor of keeping a Historic District Commission however, it comes down to personality and how things are done. She questioned whether the Commission members have considered resigning to have a new Board come into place.

Suzanne Ryan stated it doesn't matter who the Commission members are because the members are going to have to write the regulations and abide by the standards. She stated two members are up for reappointment this year and there are 3 alternate positions; noting such could be a pivotal change.

Jennifer Haskell stated a lot of people are commenting on the treatment received by the HDC however, she has not heard from any of the existing Board members that they are attempting to change their conduct during meetings to treat the residents with more respect.

Suzanne Ryan stated that if she has personally been blatantly rude to a public member, she now apologizes however, she has had much dissatisfaction with some of the Board members and if that flows over, such is human nature. She stated things have been said off camera that haven't been nice as well.

Jennifer Haskell expressed concern that given the current Board, that people may not want to put themselves in a position of stepping onto that Board.

Suzanne Ryan stated the role of the Selectmen is to make appointments and it's up to them to figure out who to appoint; noting the Selectmen have said that they choose not to get into personalities. She chooses not to resign however, chooses to apologize publicly.

Virginia Panaccione stated we (clarifying "we" are concerned neighbors and not the NWAA) have asked repeatedly the BOS and the Commission to resign as a group or resign individually. She stated Attorney Sager states the Commission has personality problems and animosity on the Commission which spill out to the public.

Todd Fichter, 4 North Wakefield Road, stated the following (also see attached statement): "What the North Wolfeboro Area Association, it's Ad-Hoc Committee's, and some current HDC members fail to realize is that the HDC is a STATUTORY LAND USE BOARD, GOVERNED BY STATE RSA'S, no different than the Planning Board or Zoning Board of Adjustment. NWAA President, and HDC Member, Ken Perry has stated that the HDC doesn't preside over matters of such permanence, such as the Planning Board or ZBA, so they shouldn't be as stringent. This sentiment echoes the cries from the NWAA and its members to have things go back to the way they were before, where residents could use a light touch and neighborly approach to resolve their differences. I agree that residents should be neighborly and resolve differences. But we aren't just talking about a neighborhood association and it doesn't always play out like that. What NWAA members need to realize is that they are not isolated or separate from the Town of Wolfeboro. Sure in North and East Wolfeboro we may have 19 miles of open roads with clusters of historic homes, but those open roads and historic homes fall under the purview of the Historic District Commission and within the Town of Wolfeboro, which means that the Town is liable for another lawsuit similar to one filed in 2004 if the Commission does an about face from the direction that it is currently heading.

With that sentiment in mind, I would like to read an excerpt from the December 16, 2009 Board of Selectmen meeting minutes made by Selectman Linda Murray when discussing the HDC. "The HDC, in the past was run as more of a neighborly feel-good group. What happened was in 2004 there was a lawsuit against this Town

because of the right to know act for not having the kind of material that we needed. That lawsuit made it very clear to us that this Commission could not keep functioning as they were functioning before. Mr. Waugh is saying in one sense it is the way the HDC Ordinance is written and it looks like we have autonomy and discretion and personal judgment and on the other hand the regulations and what that case (meaning the 2004 lawsuit filed against the town) said is that you don't. So what the Town really needs to do is have this HDC function within the rules and regulations. They need to have these procedures in order to not leave the Town liable again for another lawsuit. We can't haul records out of a Chairman's garage. We cannot have hand written notes, we cannot have it the way it was. That is the conflict that is there and that is what I hoped the mediator would be able to take care of. Make everyone realize that it can't be the way it was before; it has to be more structured. I couldn't have said it any better.

At our most recent HDC meeting, an Application History compiled from the meeting minutes of the HDC was passed out to Commission members in an attempt to enlighten and bring direction to our ongoing process of creating and adopting a set of Regulations for this Commission to follow in the future.

The most glaring revelations ranged from the 29 applications heard by a Commission without the necessary quorum present to the seven (7) illegal verbal approvals of applications given by previous Chairman's of the HDC. It bears pointing out that these numbers may very well be higher due to the information found within the file folders of applicants, which has provided further insight into approvals and the types of meetings held. Since the HDC has come under the guidance and direction of Chairman Bruce Fichter and Vice-Chairman Suzanne Ryan in 2007, a definitive paper trail has been created detailing the applications presented and approval process. HDC Recording Secretary, Amy Capone-Muccio and Administrative Assistant to the Planning Department, Terry Tavares are to be commended for this as well."

Linda Murray stated the court reviewed what the ZBA could do in regard to overturning a decision of the HDC; noting such set the precedent that they could throw the whole thing out but it had to be based on standards and not on personal points of view. She stated that as a Selectmen she has struggled with this, have watched tapes and seems there are two sides. She had hoped for mediation however, such has not occurred. She stated she doesn't know if all the residents will lose by not having a Historic District.

Kristi Ginter stated the only members of the Historic District that are here are the very ones we want to get rid of, the ones that we have asked for their resignations. She stated the people need to decide and currently there are 204 people that think they should go.

Ken Perry, resident of North Wolfeboro, President of the North Wolfeboro Area Association, member of the Historic District Commission, clarified the role of the NWAA in this process by stating at the NWAA Annual Meeting in August 2009 by the vote of 50-0 with 3 abstentions, the membership voted to petition the BOS to address some of these issues. He stated the letter was submitted to the BOS in September and since that time the NWAA has not taken any public position on this entire controversy. He stated some of the members of the NWAA have signed the petition and some have spoken this evening however, it is not the position of the NWAA to either support or actively work against this petition warrant article.

Jerry Cline, North Wolfeboro, stated he is in favor of the petition. He stated he is in favor of a Historic District and the preservation of culture and history and prior to the current Commission it was managed lightly and neighborly. He questioned why the past had to be changed by the new administration. He expressed concern regarding the value system of the Commission.

There being no further questions or comments, Chairman Barnard closed the public hearing.

Kathy Barnard expressed concern regarding abolishing the HDC as it would leave the Historic District Ordinance unenforceable. She stated the purpose of the ordinance would not be carried out.

Jennifer Haskell verified the BOS could reappoint a Board.

Rob Houseman stated the Commission could be re-established.

Chris Franson expressed concern that if the HDC is abolished it would be hard to get it back again; feels it is unrealistic to think it would be re-established. She stated she is not in favor of recommending the article.

Jennifer Haskell stated the Commission has not learned to respect one another or the people who live within the District and expressed concerned for the treatment of the people in the District. She stated the Commission is not hearing the necessity to reorganize and revise their approach and it is disturbing to hear the mistreatment of the people.

Kathy Barnard stated rules and procedures are needed and being addressed and feels there are positive things happening within the Commission.

Fae Moore stated there are 204 people who live in the area who are not happy and feels they are being treated unfairly and their points are valid.

Stacie Jo Pope agreed with Ms. Moore however, noted that having a zoning district without oversight to it is not a good idea from a planning perspective.

Jennifer Haskell stated the Board's responsibility is to planning and questioned what the people should do.

Stacie Jo Pope stated the people should step up and get appointed to the Commission.

Chris Franson recommended the implementation of the procedures regardless of the outcome.

Kathy Barnard stated the Historic District Ordinance is important to the Town.

Kristi Ginter questioned whether the Board could make no recommendation.

Kathy Barnard replied no.

It was moved by Stacie Jo Pope and seconded by Chris Franson to not recommend the Petition Warrant Article to Abolish the Historic District Commission. Chris Franson, Kathy Barnard, Stacie Jo Pope voted in favor. Fae Moore opposed. Jennifer Haskell abstained. The motion passed.

Linda Murray stated the BOS and Budget Committee are placing the vote tally on the ballot and questioned whether the Board has considered such.

WORK SESSION

➤ Wolfeboro Clocktower, LLC

Rob Houseman stated the Board has been advised by Wolfeboro Clocktower, LLC that the project will not be constructed and is seeking a reimbursement of their financial security. He stated the applicant has submitted a pre and post drainage construction analysis and such has been reviewed by HE

Bergeron and the Public Works Director; noting Dave Ford concurs with the findings that the post development impact upon completion of the loaming and seeding of the site in total does not increase the predevelopment drainage impact and recommends the release of the financial security. He stated Dave Ford noted the redevelopment of the parcel at a future date will need to address the drainage of the site including possible offsite improvements. He stated he questioned Town Counsel whether the Board could call the bond and Town Counsel replied no, noting the approval cannot stay in place without the bond. He questioned Town Counsel as to whether the Board could impose conditions on the revocation that any subsequent development would need to comply with the offsite improvements; noting Town Counsel opined the Board does not have the authority to do so. He stated the site is constrained and any future development must comply with the Town's regulations. He recommended the release of the financial security in the amount of \$358,857 and consider imposing a fixed time frame in which the fence would be removed and the site would be regraded and restored.

Kristi Ginter questioned whether the applicant intends to disclose there is a foundation on the property.

Peter Alden replied yes.

It was moved by Stacie Jo Pope and seconded by Chris Franson to rescind the Site Plan approval for Wolfeboro Clocktower, LLC, Case #200814, and based on the guidance of legal counsel and recommendations of the Town's consulting engineer, grant the partial release of financial security in the amount of \$358,857, amount to be retained being \$17,770 for loaming and seeding of the site and removal of the fence by June 15, 2010. All members voted in favor. The motion passed.

Linda Murray verified there is no condition on the property and the property can be sold; noting the drainage would be addressed at the time of new development.

It was moved by Stacie Jo Pope and seconded by Chris Franson to adjourn the January 19, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

***Next Board meeting scheduled for 2/9/10.*

***The Board cancelled their 2/16/10 meeting.*

There being no further business, the meeting adjourned at 9:34 PM.

Respectfully Submitted,

Lee Ann Keathley

Lee Ann Keathley

To The Wolfeboro Planning Board:

In 2008, we bought a home - built in 1800 - in the Cotton Mountain Historic District. The home was advertised as part of the Historic District, and the listing realtor was very forthcoming as to the requirement of going through a Historic District Commission should we wish to make any changes to the exterior of the home.

The fact that our home was in a Historic District was one of the main selling points of the house for us. The existence of the Historic District in itself told us that Wolfeboro is proud of its history. It told us that Wolfeboro cares about preserving the buildings that owners two hundred years ago used primitive tools to erect.

The existence of the Historic District also meant to us that we did not have to be concerned about the character of our neighborhood changing from what we saw in 2008 to something else. The Historic District designation told us that the town to which we were moving held in high regard its architectural and historic neighborhood integrity.

We would like to add that we did indeed need to go before the Historic District Commission within the first few months of our move. The house needed to be painted, and it needed a new roof. Though we were a bit apprehensive about coming before the Commission as new residents, we were greeted with a kind letter from an abutter and an easy acceptance of our completed application.

In closing, we believe that the ^{HDC or} Cotton Mountain Historic District ^{Commission} must be maintained. It must be maintained for the good of the Town of Wolfeboro, the heritage of New Hampshire and the residents of the Cotton Mountain District. To do otherwise would do a grave injustice to all concerned.

Pamela J. McKittrick and Eric D. Keim
515 Stoneham Road
January 19, 2010

January 19, 2010

To: Wolfeboro Planning Board

Before the meeting started I submitted a letter from a group of concerned property owners within the Historic District. This letter was originally presented to the Historic District Commission (HDC) at their December 1st meeting and provides a summary of the issues that led to the warrant article calling for elimination of the HDC.

That letter outlines HDC actions and the impact they have had on the community. Tonight, I'd like to frame the argument from a different perspective. It's become apparent that several HDC members have a very different view of their charter than the majority of residents. In this regard, it's useful to focus on three specific areas where the Commission and most of the residents disagree:

1. The objectives of our Historic District.

The district was created in 1977 by local residents in order to help preserve the historic and agricultural character of North Wolfeboro. For about 30 years, the HDC provided guidance to the residents and limited control of building improvements or new construction. As of today, the district has a highly varied character with many miles of roadways and a mix of about 50/50 historic versus newer homes. In contrast, other historic districts are typically in downtown areas with a high density of historically significant buildings. In these towns, commissions have adopted fairly strict guidelines for what building alterations are allowed and the level of review required for approval.

Recent members of the Wolfeboro HDC have modeled their approach around cities like Exeter when defining and enforcing what constitutes acceptable historic appearance. This has increased the paperwork, number of meetings and time required for approval of even simple changes. While this approach may be suitable for downtown Exeter, most residents feel that the process has become overly bureaucratic for a rural district with such varying architecture.

2. The level of control exercised by the Commission.

Any HDC will impose some additional level of control over how we can use and enjoy our property. The trade-off for residents is dealing with potential restrictions versus maintaining the overall character of the neighborhood. Here again, most residents feel that current commission members are imposing their definition of what should be regulated rather than listening to what level of control residents are willing to live with. The commission has imposed their standards even on relatively minor issues such as screen doors and small wood sheds. While this may be appropriate near a national historic site, we don't believe it's appropriate for North Wolfeboro. The level of control being exercised by the current HDC is an intrusion on our rights as property owners.

3. The leadership style of Commission members.

Most of us are good people and good neighbors but not all of us are comfortable being in the public spotlight. When anyone takes an official position to review and potentially limit another person's property rights, there is naturally some tension and potential for disagreement. One approach is to exercise tight control and become very impersonal and authoritative. While this may be appropriate in a court of law, it doesn't support good relationships between a commission and residents who are all neighbors. Unfortunately, several of the current HDC members have taken just such an approach – effectively treating residents like second class citizens. You need only review a portion of the video tape meeting records to get a flavor for this problem.

We all recognize that meetings require some discipline – but this can be done while treating everyone with respect. Meetings can be kept efficient yet still allow residents to present their case and commission members to have an honest debate.

The issues I just outlined have been in the spotlight in one form or another for many months. They have been discussed and pleas for change have been made to the commission and the selectmen – all without results. Given the circumstances, residents have informally banded together to create the warrant article eliminating the HDC – preferring to live without historic oversight rather than live with the inappropriate objectives, control and management of the current HDC.

STATEMENT SUPPORTING ABOLITION OF THE HISTORIC DISTRICT COMMISSION

My wife and I have owned a 200 year old cape in the historic district since 1983. We have extensive experience with the HDC - both old and new boards - having appeared 5 or 6 times. Most recently, we have been building a new home from a historic barn which we moved from Vermont, so our experience is fresh and relevant. We have long supported the historic district, including actively fighting last year's warrant article to abolish it. We liked the "protection" offered by the district and were willing to accept a degree of inconvenience to gain it. Now that protection has evaporated and realtors tell us that all the bad press has made buyers wary of purchasing in the district.

Our problem is not with the district, but with the commission. It is out of control; it is a rogue board; it has been hijacked and is irreparably broken, to use the language of chairman Fichter's questions to the BOS last week. But our efforts to bring about any change have failed. The HDC is deaf to public input, the BOS is too timid to act and the HDC leadership won't resign. And since the terms of the problem HDC members will continue beyond this year we have prepared this warrant article which was supported by 204 documented voters. I might add, it was very easy collecting these signatures because the public, too, is fed up.

Our historic district is unlike any other, Most districts are small and concentrated. Think of Exeter, or Amherst or Salem, Mass. The purpose of those district is to protect their old, often historic, buildings. Ours is huge, running along 12.2 miles of roads. Of the 86 houses, only 44 are old and none is culturally significant. This would seem to dictate a less strict level of oversight by the HDC and common sense in applying standards. This brings me to the heart of the problem: lack of standards.

In fact, there are no written requirements for what we residents can or cannot do with our property. Nothing on what type of windows are acceptable; nothing on what pitch of roof; nothing on doors; and certainly nothing on fences or landscaping (an area the HDC plans to enter). Nowhere are there regulations stipulating that vinyl siding or shutters cannot be used, yet members of the HDC have expressed frequent disapproval of the use of man made materials. The HDC chairman once told me he is "offended" whenever he drives by the new home of one of my neighbors because it has vinyl siding. He said he "can tell" it's vinyl, even from 200 feet. And HDC minutes quote another board member as saying last month that metal roofs have "no place in the historic district." This is a ridiculous and arrogant statement and is historically wrong.

The HDC sees itself as a law enforcement entity, more intent on making rules than developing workable standards we can all live with. They are most interested in the process of compelling applicants to appear at public hearings than in working with them for the betterment of the district and the town. At its last meeting the HDC discussed the Waugh report with its attorney, although it was not on the agenda. Even the two minority HDC members I asked on the day of the hearing could not confirm this. I believe this violates the public's right to know. So you can answer yes to another of Fichter's questions to the BOS on whether the HDC meets in semi-secrecy. It does. At that same meeting the vice chair asked Sager how the HDC could get around NH law, which requires that any new regulations must be approved at a hearing "within the district" and Sager offered as one solution that the HDC could go the court and ask a judge to waive the requirement. To the HDC, public input is an annoyance.

The HDC has wasted thousands of taxpayer dollars on legal expenses. Thousands have been spent taking the Ginters to court. The town admits to spending \$4,514.80, but I have heard figures upwards of \$20,000. Outcome: they have been ordered by the judge to build a fake chimney. The Waugh report has cost the town \$2,337 and counting. And the HDC has exceeded its 2009 budget of \$500 by a whopping 1,200%, having spent \$6,089.65 to date. Two residents on North Wolfeboro Road appeared before the HDC a couple of months ago. One wanted to replace windows on their 30 year old house and the other, a new resident, had repaired and enlarged a small deck without a permit. The HDC voted to refer both matters to their lawyer. They approved the windows at a second meeting (the lawyer said they had no choice), but when the applicants for the deck returned for a second hearing their application was rejected and they were asked to submit a new plan. These new residents received the most disrespectful treatment at a public hearing I have ever witnessed, prompting the applicant to state at a later HDC public meeting that it was like appearing before a Mexican parole board. The deck was never approved and the matter lingers on to this day. Oh, did I say the deck is on the back of the house, barely visible and less than 12" high?

Some other recent actions of the HDC: declined to approve installation of a simple egress door on the long side of a historic house which has none; ordered the removal of a tasteful and artistic wrought iron driveway gate on a house which is outside the district; issued a cease and desist order to owners of a 200 year old house who were restoring a granite foundation which had shifted due to frost; required applicants for a woodshed to come to two hearings, delaying the project so that it could not be constructed this year; required public hearings for roof replacements for two elderly owners, inconveniencing contractors and pushing projects into rainy weather. And just last week the HDC approved applications from a new resident for replacement in kind of cedar shingles on the back of a barn and repair/replacement in kind of shutters. The HDC also requested that the applicant submit photos of the completed work "for the files." This is completely unnecessary and borders on harassment.

Certain members of the HDC hide behind state statutes and local ordinances. They tell us they are simply following the law. This is not true. They want us to think they are just the same as any other land use board. This might be true if there were regulations, but there aren't any. Imagine if a policeman or codes officer started enforcing non-existent laws. State RSA's only address HDC's in terms of organization and procedures, not content. No state law requires anything of residents of historic districts except due process. Likewise, our own zoning ordinance is only a framework. In para 175-201.F. it states "routine repairs to existing structures not involving any other exterior changes shall be deemed to be of no interest....," so it should have no business in such matters. But the HDC has authority to pass its own regulations and this is what it plans to do next. We need to make certain that they are stopped in their tracks before they can do so.

We have tried everything else, without success. We now ask the voters of Wolfeboro to vote to abolish the Historic District Commission. And I hope that the Planning Board will take what I admit would be a very unusual step in recommending the abolition of another land use board.

Thank you.

Paul D. Panaccione
11 Trask Mountain Rd

PLANNING BOARD OF WOLFEBORO

Wolfeforo, NH

Jan. 19, 2010

Good evening. My name is Bruce Fichter, 157 N. Wolfeforo Rd. Wolfeforo. I am also the Chairman of the Historic District Commission of Wolfeforo. At the HDC meeting of Jan 12, 2009 the Commission members voted to have me speak to the planning board on the Commission's behalf. At that meeting there was also motion passed by majority that the commission to take a position, "To not support the petitioned warrant to abolish the HDC." This was a unique and interesting vote. Unique in that with seven voting members present, four voted in favor of that position, with none opposed. Interesting in that there were three abstentions, two of which came from past chairmen and one from a newly appointed member at his first meeting. Interesting also that they are all, also members of North Wolfeforo Area Association with one being the current President and one the current secretary. These facts are interesting because at its annual meeting in Aug. 2009, the NWAA, these members, along with the others present took the position, "If the current HDC continues on its existing path for adopted rules of Procedure and architectural regulations, they would be forced to present a petitioned warrant article to abolish the HDC." and ,the HDC, "Had better be ready for the backlash". Isn't it amazing that none of the three had the courage of their convictions to vote NO, rather than cast a non-vote, for the unfortunate set of events that must now take place to either support the current HDC in its quest for documentation and fair regulations or see it abolished. Interesting too, that with further discussion at the meeting of the 19th., that the HDC. member and president of the NWAA.stated that "This petition warrant is at least better than the warrant article of last year to abolish the Historic Districts, because if this passes, everything will go the building dept. for over site." This is an uninformed mistake as I know it. The Wolfeforo building dept. has prevue over structural integrity by code and zoning enforcement, but does not have prevue over the "Protection and Preservation of the Historical Character" of the Historic Districts. That is the job of the HDC. Without the over site and diligence of the Historic District Commission, residents new and old could easily dilute or "Water Down" the character and style of the districts, and abutters will be powerless to agree or disagree, as long as they follow the residential building codes and satisfy the Code enforcement officer, and possibly without concern for the surrounding neighborhood. As a NH. Land use board, the HDC. of 1987 saw the need for documented rules and regulations, as they drafted them, but failed to adopt and certify them, leaving those rules and regulations in "LIMBO", so to speak. The current HDC adopted Rules of Procedure on Nov. 19 2009, and is well on the way to completing its Architectural Regulations. So in closing, on behalf of the Historic District Commission and the two Historic Districts, I ask you, the Planning Board of Wolfeforo to support the HDC in this endeavor by voting to "Not Recommend the Petition Warrant Article to Abolish the Historic District Commission of Wolfeforo." Without over site by the HDC the Historic Districts of Wolfeforo will exist on paper and in name only" Thank you

Bruce B. Fichter, Chairman
Wolfeforo Historic District Commission

**Historic District Commission**

Friday, January 15, 2010 3:32 PM

From: "Polly Green" <poekke26@yahoo.com>
To: katbarnard@metrocast.net

Dear Ms. Barnard: We have lived in the Cottonboro Historic District since it's inception and have lived on Cotton Mountain for 26 years. We have seen the actions of many Historic District Commissions and laud the present Board for trying to set procedures in type.

In the past, Boards have blatantly given permission by phone, without proper Minutes and certainly by cronyism. Past Boards have been unbelievably tough on some applicants and let their friends slip by without comment. The present Board is trying to resolve these past errors and omissions.

Our personal experience with the present Board, requesting to do general maintenance on the exterior of our carriage house, went smoothly. However, when our paperwork reached the Building and Code Department problems ensued. A building permit had to be purchased due to the fact that the Building Department did not take the time to visit the site and see that it is not a living space but an unheated building used in summer as a porch and in winter for storage and sporting equipment. Our problems were totally unrelated to the Historic District Commission.

We hope the Town of Wolfeboro will ignore the unfortunate press given to the present Historic District Commission and see the value of its work instead.

Thank you
Sincerely,
Kevin and Polly Green
603 Stoneham Road
Wolfeboro, New Hampshire
569-5183

<http://us.mc448.mail.yahoo.com/mc/showMessage?sMid=0&fid=Sent&filterBy=&.rand=5...> 1/15/2010

Shaun Smith
227 Stoneham Road
Wolfeboro, New Hampshire
03894

January 18, 2010

To Whom It May Concern,

I am a resident of the Cottonboro Historic District; my husband and I have lived in this house built in 1850 for nine years. More importantly, I grew up in the town of Wolfeboro. My father, Peter Brewitt, who was very active in the politics and stewardship of this town for many years holding such positions as Selectman and Director of Parks and Recreation, chose to raise his family here. He did this because of the beauty, the small-town-feel one gets in such a tight-knit community (at least that's the way it used to be), and the high priority that its residents put into keeping Wolfeboro an attractive New Hampshire community, representative of all the values and standards of a clean, wholesome life.

After living in many other places in this country and abroad (I am an international flight attendant), I chose to come back to my hometown with my husband who is from a neighboring town and raise a family just like my father did. We pointedly chose to live in the Historic District. I grew up on Bay Street downtown and after seeing the growth and expansion of business that has beset that area, I knew that I wanted to live in a part of the town that would regulate its development and whose residents shared my desire to keep a part of the old New Hampshire values alive in the form of pride in one's home and surroundings. The Historic District is the answer to those concerns.

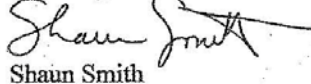
It deeply troubles me that the Historic District Commission is in danger of being abolished. I have watched the fighting that has gone on between certain townfolk who do not understand the purpose of the HDC and who do not share the pride in its goal to keep this area culturally intact and those who really believe that there is a real reason to watch what goes on up here in terms of new construction and remodeling of old. We must have a governing body to oversee what the town has actually made legal in its creation of a Historic District. Without a commission to govern, run by people who care, this area would eventually look and feel like many other parts of this town, haphazardly developed with no plan to keep any adhesion to its history and aesthetic standards. There are people here who enjoy the natural and architectural beauty of this neighborhood. By abolishing the Historic District Commission, the townspeople would be letting this area fall into the pattern of so many southern New Hampshire and now even central New Hampshire towns. No one would be able to stop any unsightliness of unregulated development and maintenance of existing structures.

There are people who actually live in the Historic District who are not worried about this. They know that they will always take care of their homes. They shortsightedly think that this area will not become overpopulated and those who do move here will automatically share the same pride in keeping with the building principles of the former settlers. Without a Historic District Commission, any new people and they will come, believe me, will have no guidance on how their homes and surroundings must be kept to keep the appearance of the neighborhood to which they were attracted in the first place. Over time, this appearance WILL change. There are too many individual ideas coming

from too many different geographical places; the look and feel will eventually NOT be New Hampshire. It is happening all over the southern part of this state. Just because the people who live here now know how to keep their residences in accordance with the guidelines set forth by the HDC, does not guarantee that future generations will automatically know. Things will change and most of the people who choose to live up here do not want that haphazard change of which I wrote above. Please keep the governing body that has done a fine job to this point regulating those changes.

In closing, I ask you to consider the effort and devotion that the HDC has already shown. Many people only see the ugliness that is unfairly portrayed in the newspaper. These people should take a drive up here and actually take a look around. These homes are beautiful and there is a reason for this. I believe that the commission is doing their best under difficult circumstances created by the press and disillusioned individuals. If the members of the HDC were left to do their elected and appointed jobs, one would see that they have succeeded in maintaining the cultural values and structural standards that make this neighborhood so appealing to me in the first place. The regulations are in place for this to be done; please let the commission continue to make this a pleasant and historically important place to live.

Sincerely,

A handwritten signature in cursive script that reads "Shaun Smith". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Shaun Smith

Wolfeboro Historic District Commission Actions/business Past Present and Current
Submitted by Suzanne Ryan 1/19/10 as One dues paying member of NWAA,
Vice Chairman of the HDC (but Not representing the Commission) and as a
A Resident of Cotton Mountain Historic District

Past:

The Commission was formed by town meeting vote in 1976 and in 1977 town meeting voted in the North Wolfeboro District and zoning ordinance, April of that year the Commission started work on the Statement of Objectives and Guidelines and adopted such in May with Application for Certificate of Approval forms:

1982 Chairman Ray reported several instances of residents within the District proceeding with alterations prior to submitting applications, and a letter was forwarded to their Attorney. Mr Tarr reported to NWAA July 13, 1982 "Hasty approvals are not in the best interest of the District. Sketchy plans or none are a sure way to undesirable finished product" ATTACHMENT #1

February of 1983 a letter was sent to All North Wolfeboro (See attached) regarding 3 key points. #2

1986 November Mr Lang letter regarding process (attached) #3

January 29, 1987 the BOS adopted the Commissions "Revised and Expanded Policy for Issuing Certificates of Approval" (for Major construction see attached) and so voted by the Commission 1/13/87. (See attached) #4

1987 with the assistance of member Mr Horsken material were supplied as to what was needed for application forms,, plot plans, scale drawings, elevations and set of requirements. Also, proposed check list by Lang placed on file. Accordingly revised forms were made.

1989 March Town Meeting voted Cotton Mountain as a Historic District

1990 February letter to Cotton Mountain Protection and responsibilities (see attached) #5

1996 Cottonboro District letter (attached) #6

And so there were bumps along the way as to procedure and enforcement, and one would hope in a perfect world this would never happen, but it does for what ever reasons the Commission somehow got "off track" in and about 2000 (as the records show), and the processing of some applications thru the COLLEGIAL approach took place.

Present

2006 April 25th Ryan newly appointed member present the Commission with Examples of Statement of Objective/Preservation guidelines, new application forms, RSA's and Processes to better carry out responsibilities. It was decided and ALL agreed to move forward, and we did thru Sept 2007..until .

(Personal note: The very core reason I joined the Commission was to bring about what I saw as a lack of rules when I attended a 2005 meeting and decisions were made with out a quorum, little did I know at the time how badly needed were rules and regulations)

Until work was set aside

2007 thru 2008 When a resident with in the District took the Town/Commission to Court under the Right to Know law ,(although the town prevailed) it became evident to the new sitting Commission, that with what was brought to lite as to the procedural function or lack thereof, of the commission to operate as a land use board as it had could no long be. This action underscored that the Commission could no longer operate as the Good neighbor Sam Club.

Thus work began again on Regulation/rules of procedure and on Design Guidelines/regulation.

Currently "New Board"

The Town has a building inspector who know that under RSA 676:9 No building permit can be issued with out a HDC Certificate of approval with in the District.

2008 The Commission worked on and sent to the BOS for adoption a HDC Flow Chart
2008/09 Revised the formal application form

2009 The Commission worked on and adopted two streamlined forms to assist the applicant with roof repair and minor maintenance application.

2009 The Commission worked on , adopted and recorded Rules of Procedure and Regulations that were to go to Public Hearing and with the intent to proceed with Design Guidelines

However, has not been able to make great strides on Regulations (although it is a goal to continue the work) as at the August 15, 2009 NWAA began with a Proposal by Mr #8 Panacione in opposition to the Commission it was decided to create an ad hoc committee and formally notify the BOS regarding the noted concerns. Ryan, Harding and Franson abstained from the vote. (Also noted that Mr Panacione, the initiator of this action has an approval that has conditions attached that have not been met to date)

Thus after that action, the NWAA has been quite vocal in the dissatisfaction with the Commission, and has advised the Commission should they proceed they would have no recourse but to put in a WA to abolish the Commission. So we are here this evening.

Page 2 of 4

In closing

I respectfully request the Planning Board NOT recommend the WA to Abolish the Commission....

Not because I will be out of a job...and not because if the NWAA gets "rid" of those they have disregard for, and think in future years they can ask voters to reinstate "another" more preferable membership to there liking...but because even they will not be able to "go back" to business as it was, they must operated under the land use laws, we now all know that, no matter who the members are ,,they simply legally can not go back.

There are approximately 60 homes in North Wolfeboro and 16 in Cotton Mountain Districts. Some of which have gone thru a period of historically lax regulation/enforcement and as noted in the Waugh report it is a natural tendency on the part of (some) citizens to resist more strict enforcement, yet I find also many who recognize that having a Commission's over site within a district " protection "(as stated inFeb1990 letter from Roessiger) and as I see it only strengthens the equity invested in ones property.

The History show that it would have been helpful if the Rules of Procedure and Regulations were amended and updated as the years passed. This did not happen, so the "new" commission was left with and recognized the need AND the new task of developing Design Guidelines . (for which is only in Draft form, with yet a Public Hearing to be held)

While the ordinance and regulations provide the Standards by which the commission evaluates an application, they lack Specificity....Guidelines interpret the Standards.

However, Courts have repeatedly upheld actions taken by Commission in New Hampshire, there has never been a successful challenge to the ruling of an historic district commission when it was based on the criteria and standards expressed in the ordinance...Thus the importance of the Commissions current work,,yet this seems to be a bone of contention that we have set about this work.

I respectfully request the Planning Board Not recommend this WA effecting TWO Districts:

In the Planning World.: One of the most effective and comprehensive mechanisms to manage change in a Historic Area is to have a Historic District...Its purpose is to preserve the character of an area, manage change and new construction with in the regulations.

-Therefor to abolish the Commission does not serve that goal, what it does is leave the District open for no historic over site.

Master Plan .If a District is to remain in sink with the components of the ordinance and its purpose, it must be compatible with the Master Plan per 674:46aIV and zoning ordinance or run the risk of being declared invalid in a court challenge.

3 of 4

The Master Plan while not specific to our two Districts does state in HCS 7 to Maintain the integrity of existing historic Districts. As HCS 13 and 14 speak to **Protection of Properties of Historic Importance and protected from deterioration and or major incompatible alterations.**

-Therefore if there is no Commission this Goal can not be met, there is no other legal town over site.

-Therefore effectiveness of any Historic District depends to a great extent upon the ability of its Commission members to carry out its Purpose.

-No Commission No Purpose No Preservation

Thus No District except the sign at the entrance

Of note is Atty Sager e-mail and cover letter Nov 5, 2009 *AS*

- "I think the Commission did a fine job of putting together what was presented to me for my initial review. It is obvious that a lot of work went into the Rules"

-Changes in Rules of Procedure "But given the objections voiced by members of the voting public, we commend you in your **willingness** to separate out what is clearly a rule of procedure versus what is arguably on the fence between being a rule of procedure versus a regulation"

Waugh report notes there is a natural tendency to resist, and there is SOME degree validity to the claim of NWAA,,, "I do not see the HD Commission as fundamentally "broken"" All of these are problems the HDC is working on"

I would ask if the Planning Board feels it can substantially give justification to recommend this warrant article be passed in lite of

-the master plan goal noted above

-No management of TWO Districts leaves no Purpose for a District and no preservation

And the simple Fact is that if NWAA does not "Like" the performance of the Members that all they have to do is Step Up and become a member in March and bring about change from within...why throw out the baby with the bath water, this is far to important to bring about change in this manor.

We can have 5 Act - we have 2

4 of 4

*Suzanne Ryan
Wolfeboro*

WOLFEBORO HISTORIC
DISTRICT COMMISSION
WOLFEBORO, NH 03894

Notes for report to the North Wolfeboro Area Association on the activities of the Wolfeboro Historic District Commission for the period July 13, 1982 to August 13, 1982.

The Wolfeboro Historic District Commission has approved 13 applications as follows;

- 2 additions to existing homes *
- 1 new barn
- 1 demolition of a barn *
- 6 various changes to outside appearance (colors, painting, new roof, etc.)
- 2 signs
- 1 new house

1 application for a barn was rejected for lack of plot plan and insufficient details of construction.

Sought legal counsel from town lawyer regarding action to take when changes are made without approval. Based on his reply a letter was drafted, reviewed, revised and sent to all residents and property owners in the district in February.

Approvals are easy to get, cost nothing, are good for one year, and can easily be extended if necessary.

The commission meets in the Town Offices at 8 P.M. on the second Tuesday of the odd numbered months. Anyone is welcome to attend.

Special meetings can be arranged if necessary, but lacking some uncontrollable disaster it should not be necessary.

Hasty approvals are not in the best interest of the district. Sufficient time is not available to consider problems which may arise a few years hence and recommend better solutions. Sketchy plans or none are a sure way to an undesirable finished product.

Charles S. Tarr
Charles S. Tarr, Chairman
Wolfeboro Historic District Commission

* At the July 13, 1982 meeting of the W.H.D.C. two applications were approved, one for an addition to a house and one to demolish a barn. If the report made to this association a year ago included the action of the W.H.D.C. on July 13, 1982 the above totals should be reduced by the July 13 action to reflect the correct number of approvals for a one year period.

(1)

WOLFEBORO HISTORIC DISTRICT COMMISSION
WOLFEBORO, NEW HAMPSHIRE

February , 1983

To Residents and Property Owners
Within the North Wolfeboro Historic District

Ladies and Gentlemen:

Since September 1976, activities of the Wolfeboro Historic District Commission have primarily been aimed at assuring the protection and preservation of the unique quality of North Wolfeboro as represented by the charm of the old farm homesteads and its unspoiled rural character. Thus, proposals for new construction or external alterations of existing structures are reviewed by the Commission with an eye to their conformance to the historic heritage of the area and harmony with neighbors' homes. Such actions of the Commission have the incidental effect of assuring the preservation of property value.

Most of the residents and property owners of North Wolfeboro have cooperated fully in observing the terms of the ordinance passed at Town Meeting in 1977 which created the North Wolfeboro Historic District. Some individuals, however, instinctively resist creation of historic districts on the grounds that any rules circumscribe their freedom to make their own decisions on changes, additions, etc. Our Historic District Commission is sensitive to this feeling, and its record over six years testifies to its sympathy for personal desires, consistent with the overall purpose. In the 44 applications now on file (some of them with multiple proposals), the Commission has not yet rejected one outright. A very few were postponed or modified before approval. Thus, we believe the record bears us out as being an influence for good in the Historic District, not a deterrent to progress.

This letter is sent to you for three purposes: 1) to acquaint new property owners with the fact of the Commission's existence, its reasons for being, and the procedures to follow in obtaining approval of changes when they are desired; 2) to make a report to all other property owners in the Historic District to remind them we are here and working to advance our mutual interest in keeping North Wolfeboro's charm intact for generations to come; and 3) for both groups our assurance that the Commission's intent and record reflect a positive approach to changes not contrary to the town ordinance and the interests of us all.

Documents assisting the Commission in carrying out its function include the Historic District Ordinance, the Statement of Objectives and Guidelines prepared by the Commission, and the form application for a Certificate of Approval to construct, alter or demolish. The last of these is the one to be completed and submitted for the Commission's approval before any action is instituted. If any of you are not familiar with these documents, copies will be furnished gladly on request.

Sincerely,

WOLFEBORO HISTORIC DISTRICT COMMISSION

Marshall K. Ray, Chairman
Charles S. Tarr, Vice Chairman
Theodore H. Brigden, Secy.-Treas.

THE OLDEST SUMMER RESORT IN AMERICA

Edward Zulauf, Selectman Representative
Lillian G. Brookes, Robert F. Hopewell,
Harrison D. Moore

②

③

11-11-86

Paul Lang Letter

Charles Tarr
No Wolfeboro Historic District Comm.

Charlie:

Recent developments in the No. W. area have tested the criteria the Commission works by. Future real estate development assures more testing.

I feel strongly that we have a unique situation here — aesthetically and financially — and that it will take pro active work to retain it. Some people may not appreciate it, but, at least, they ought to be aware of its financial asset to them.

Attached is one man's draft of a checklist of items that any renovation or new house should go through. When the checklist is refined and complete, then I would presume that the Commission would have to talk through what criteria they would want to, if any, on each item on ^{such} list. Such criteria would

WOLFEBORO HISTORIC DISTRICT COMMISSION
WOLFEBORO, NEW HAMPSHIRE

PRELIMINARY
SUGGESTIONS

#4
VOTED 1-13-87
BY WHDC
FINAL

A REVISED POLICY FOR CERTIFICATES OF APPROVAL

1. Any request for approval involving major new construction or renovation must be accompanied by scale drawings of sufficient size to delineate all aspects of outward appearance. "Major" is defined as costing at least \$1000.
2. A site plan will be required showing the location of the project in relation to topographical features of the plot. It shall be to scale and also show sufficient elevation views to determine the relation of the proposed construction to the surrounding topography.
3. If "major" construction or renovation is proposed "Right-To-Know" laws should be closely observed to include:
 - A. Notification to abutters and property owners within 200 feet by certified mail giving date and place of hearing.
 - B. Post notices in the Town Hall and both Post Offices.
 - C. Give at least 10 days notice- posting day and day of hearing included in the 10 days.
 - D. Classified ad in the Granite State News optional.
4. Members of the W.H.D.C. should not enter upon such property to ascertain compliance with the approved plan. If non-compliance is suspected as determined from visual inspection made from the public road, the matter should be referred to the Codes Enforcement Officer for evaluation.
5. RSA 34: 89-1 "Remedies for violations" is quite specific in granting Historic District Commissions authority to correct such violations.
6. Applicants or their agent should attend the hearing on their request for a Certificate of Approval.

Precedents

Items 1 and 2	Poisson Construction Co.	Sept 9, 1986	<i>Denied</i> Ranch style Log House Peter and Elaine Eckhoff New house skylights - App But window App - NOT BUILT TO PLAN Comm v. 2000 Change amendments Plan AS NOT SUFF President
		May 13, 1986	
3	W.H.D.C. Ordinance 8 a (1)		
4	Town Counsel	Oct. 16, 1986	
6	Robert and Sheila Brown	Sept. 9, 1986	

THE OLDEST SUMMER RESORT IN AMERICA

File

WOLFEBORO HISTORIC DISTRICT COMMISSION
WOLFEBORO, NEW HAMPSHIRE

Meeting May 12, 1987

Meeting Place: Wolfeboro Public L

page 2 "M"

Office

*James
Horse*

Present from the Board: Charles Tarr, Chairman
Eleanor Perkins, Sec'y/Treas.
Charles Horsken
Lillian Brookes
* Barbara McGloin
* Peter Roessiger

Absent: Edward Zulauf

Meeting called to order at 8:10 P.M.

New Members introduced * *

Secretary passed out copies of minutes of the last (Jan. 13th.) meeting - they were reviewed and accepted.

The chairman provided all members with "updated" Commission Directories and copies of "Revised and Expanded Policy for Issuing Certificates of Approval", as adopted by the selectmen's meeting of January 29, 1987.

- There followed a discussion of paragraphs 1, 2, 4, and 5.

- In regard to paragraphs 1 and 2, Charles Horsken moved that the Commission request that Applicants for approval of any major construction provide the commission with several copies of the construction drawings and site plan for our pre-app. perusal. Motion seconded and passed.

- It was then decided that a letter of explanation accompany each Application form, advising that we expect such drawings and plan and suggesting a "scale". - Charles Horsken to bring examples of "scale" drawings to the next meeting.

Eleanor Perkins presented for pre-app. perusal a plan for adding a second story, plus gable roof, to the existing sunroom on the west side of their barn/home. This to serve the dual purpose of correcting an awkward, troublesome roof line on the Sun room as it is, and enlarging the Master bedroom. As the projected cost exceeds \$1000.00, it is classified as a Major improvement. A hearing date will be set and abutters notified and notices posted in all specified places.

A former commission member supplied the information that there was an erroneous statement in the description of the parcel of land for sale at the junction of Pork Hill Rd. and Route 28, as listed by Century 21, Docksides, - in Multiple Listing. The Secretary is to write, and the Chairman sign, a letter to the assessor advising that the site DOES NOT have Historic District Commission approval and that anyone desiring to build thereon apply to the Commission as outlined in the "Revised and Expanded Policy".

THE OLDEST SUMMER RESORT IN AMERICA

W H D C Modus Operandi

1. Meetings are held on the second Tuesday in the odd numbered months except March the third Tuesday at 8:00 P.M. generally in the Town office building. The secretary notifies members of the meetings.
2. It takes 5 members for a quorum to act on any official business. I suppose it would take 3 of the 5 to vote for or against any item.
3. Our policy has been to require official notification of all major projects (\$1000 or over). It is the applicants' responsibility to notify by certified mail all tangent abbutors at least 10 days in advance-day of post mark is day one-day of meeting is day ten. I have also notified the President of the North Wolfeboro Area Association, of major projects. Abbutors are persons of record at the Town Tax Collectors Office.
4. Special meetings can be held on 10 days notice by posting notices in both Post Offices and the public library. Day of posting to day of meeting.
5. Key marked THFOZ is to town hall front door and was given to WHDC by Mr. Zulauf. Check with town clerk a day or two before the meeting for the exact room available. Generally it will be the former code officer's office or the planning and engineering office in the old library space. Either place will require additional keys. The employee lounge is another location. If necessary the Community Center or the meeting room at the library are suitable places but require advance reservation to be sure of availability. Key to the community center is picked up and returned to the fire station after making arrangements with the town clerk.
6. WHDC mail box in Lee Lawton's office

WOLFEBORO HISTORIC DISTRICT COMMISSION
Wolfeboro, NH

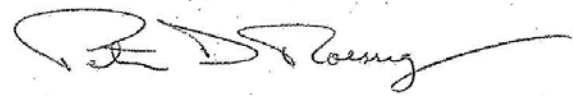
February 1990

~~In 1989, the Cotton Mountain Historic District was created by petition and confirmed at the annual town meeting by a popular vote of the citizenry.~~

~~Along with the protection afforded by the designation of the Cotton Mountain area as a historic district come certain responsibilities. These responsibilities are covered in the enclosed pamphlet which is being provided by the Wolfeboro Historic District Commission (WHDC). Once you have had a chance to read these regulations, you will find the only inconvenience is that you may have to plan ahead if you wish to undertake a major project or change the appearance of your home.~~

The WHDC meets the second Tuesday of every odd numbered month except in March when it is the third Tuesday and there is no regularly scheduled meeting in July. Meetings are conducted in the Town Hall at 8:00 PM. If for some reason an emergency situation arises, the WHDC can always be convened with 10 days notice. Applications are available from the secretary of the WHDC, the town clerk or myself. And commission members are always available to answer your questions.

- L. Brookes
- C. DePree
- T. Kennington
- P. Kepner, Sec.
- R. Walker



Peter D. Roessiger
Wolfeboro Historic District Commission,
Chairman

#15

PETITION

THE RESIDENTS OF THE COTTONBORO HISTORIC DISTRICT AND INTERESTED FRIENDS ARE PROFOUNDLY CONCERNED BY THE FAILURE OF WOLFEBORO'S ADMINISTRATION TO UPHOLD THE LAW. IT DID NOT TAKE THE REQUIRED ACTIONS TO ASSURE THAT CONSTRUCTION ACTIVITY WITHIN THE DISTRICT WOULD MEET WOLFEBORO REGULATIONS GOVERNING HISTORIC DISTRICTS.

WE NOW LOOK TO THE ADMINISTRATION TO TAKE THE FOLLOWING STEPS;

- o ASSIST THE PARTY, WHO IN GOOD FAITH APPLIED FOR AND RECEIVED A BUILDING PERMIT AND ARE BEING FINANCIALLY INJURED BY THE TOWN'S MISTAKE;
- o CROSS REFERENCE ALL FUTURE APPLICATIONS FOR BUILDING PERMITS AGAINST MAPS TO DETERMINE RESTRICTIONS AT THE PROPOSED CONSTRUCTION SITE.

WE ALSO LOOK TO THE HISTORIC DISTRICT COMMISSION TO EVALUATE THIS APPLICATION, AS THEY ARE CHARGED TO DO, WITHIN THE FRAMEWORK OF THEIR REGULATIONS. NO ADDITIONAL CONSTRUCTION IS TO TAKE PLACE UNLESS AND UNTIL IT CONFORMS WITH THESE RULES.

Elmer N Bunker
 Matthew L. Radden
 S. A. Radden
 William T. Stinson
 Deborah Stinson
 Patty Walker

Bungle Walker
 Gould Linnell

Tommie Linsenbender
 John H. Wimper
 Kevin Greer

Pauline K. Green
 M. L. Westbrook
 Paul S. Mayfield
 Elizabeth B. Maxfield
 John H. Carrick

185 Northside Rd
 515 Stoneham
 515 Stoneham
 324 STONEHAM RD
 324 Stoneham Rd
 375 Stoneham Rd

Stoneham Road
 323 Stoneham A
 323 Stoneham Rd
 227 Stoneham Rd
 603 Stoneham Rd.

603 Stoneham Rd
 313 Stoneham Rd
 592 Stoneham Rd
 592 Stoneham Rd
 55 No Walsfield

3. Other Business

A. Statement of Objectives & Guidelines

Each member had received (in their mailed packet) a copy of the original document from 14 June 1977, shortly after the 8 March 1977 Town Meeting vote establishing the Historic District (note date error in Zoning Ordinance, page 17773.)

Suzanne Ryan passed out copies of the "Preservation Guidelines" of the Exeter (NH) HDC (including Exeter's Application) & a 12 page handout re: Powers of NH Historic District Commissions and the relevant NH RSAs.

After some discussion it was DECIDED that the HDC would meet Monthly for several months to thoroughly review/revise/update the Statement of Objectives & Guidelines, Application Form & Processes, etc. in an effort to better carry out our responsibilities.

The **Second Tuesday of each month** (at least May – October) was Agreed, at 7pm. If available, all meetings to be at the Public Library Meeting Room. (However, it has since been discovered that WPL room is already booked for some of our desired dates. Therefore, the Vice-Chairman has taken the liberty of scheduling the Town Hall Meeting Room for Tuesday evenings (7 – 9pm) 9 May, 13 June, 11 July, 8 August, 12 September, and 10 October; also 14 November & 12 December in case they are needed.) These dates will all be properly noticed by Robin Kingston as "work sessions."

B. Revisions/Additions to "HDC Members" list as drafted by Robin Kingston, Secretary

1. Correct spelling of "Wolfeborough" at top of page.
2. Add email addresses as follows:
 - (1.) Claire Donahue: clcd5@aol.com
 - (2.) Bruce Fichter: parsmill@metrocast.net
 - (3.) Ellen Klimm: klimm@metrocast.net
 - (4.) Sarah Silk: sms@metrocast.net
 - (5.) Suzanne Ryan: avery@worldpath.net
 - (6.) Ken Perry: ken@OlderHomesNH.com (notice upper case letters)
3. Add Suzanne Ryan's phone #
4. Change Bruce Fichter's Term Expiration to 2009

NEXT MEETING: Tuesday, 8 May 2006, 7pm; Town Hall Meeting Room. (Copies of the Exeter HDC documents will be included in the next Member-mailing.)

Respectfully Submitted,
Ken Perry, Vice-chair

NWAA
8/15/09 (8)

Need at least five families who can donate items to bring in at least \$500
Suggestion that we have a bake sale/produce sale in conjunction with it
Should we join in with another non-profit organization? Decision - No, BUT perhaps we can ask for people to bring cans of food to the sale and donate these to the food pantry - ?
Guidelines for donors of items:

- Donors may suggest a price
- Tables for \$2, \$5, \$10, \$20 items
- Higher priced items will be individually priced
- Items too big or difficult to move: bring a picture of the item
- All profits to go into the NWAA treasury
- Receipt (with letterhead) will be offered if an item is >\$500 in value

Event planning/coordination by Ken Perry, Irene Domini, Kathy McLaughlin, Warren Clarke, Cheryl Lang, Gert Keenan - other volunteers welcome! Watch emails for updates.

Historic District Commission: Report by Suzanne Ryan

Commission members include Chairman Bruce Fichter, Ken Perry, Peter Roessiger, Suzanne Ryan, Sarah Silk, Chuck Smith, and alternates Todd Fichter, Eric Keim and Jim Ladd
Members are appointed by the Board of Selectmen, who appoint volunteers (voting residents of the town)

A streamlined version of the application for such projects as roof repairs, other minor repairs, routine maintenance has been adopted (see the Town website: www.WolfeboroNH.us)

Bylaws are to be reviewed by September 2009

Other guidelines are being clarified and will be reported in the local newspaper when complete

[A proposal, in opposition to the Historic District Commission itself, was written and read by Paul Panaccione. The decision was made to create an ad hoc committee which will review and re-write this proposal. This will then be circulated to NWAA members. **MOTION:** Form this ad hoc committee and re-word the proposal by 24 August 2009 and formally notify the Board of Selectmen regarding the noted concerns. **VOTE:** unanimously approved - with three abstentions : Alan Harding, Suzanne Ryan, Chris Franson]

Road Maintenance

Letter from Claude Roessiger shared (outlining concerns and needs for the local roads).
After discussion it was decided to table this issue for the time being.

There being no further business to discuss, this meeting was adjourned at 12:25PM.

Respectfully submitted,
Linda J. Brookes
Outgoing Secretary

1/17/2010

SAGE
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Summary of Changes to HDC Rules of Procedure – October 29, 2009

1. **Removed Section V entitled “Application Procedure.”** Explanation: This section is, at least arguably, more appropriately a part of the HDC’s Regulations, as it is substantially similar to the type of regulation one would likely find in, for example, site plan review regulations adopted by the planning board. With that being said, there is no clear line of demarcation between what constitutes a rule of procedure versus a regulation. Many municipalities include in their rules of procedure the same or similar language you have included to date. But given the objections voiced by members of the voting public, we commend you in your willingness to separate out what is clearly a rule of procedure versus what is arguably on the fence between being a rule of procedure versus a regulation. Thus, we moved sections which are arguably both rules of procedure and regulations to a new document geared solely to regulatory issues, which is included with this summary.
2. **Section VI “Meetings,” paragraph 1.** – simplified language to allow additional meetings to be called by the Chairperson, rather than being perhaps overly specific.
3. **Section VI “Meetings,” paragraph 7.** – moved the first sentence to the end of the paragraph.
4. **Section VI “Meetings,” paragraph 8.** – deleted second paragraph. Explanation: This paragraph is state law, is also obvious, and doesn’t add anything substantive to the rules of procedure.
5. **Section VI “Meetings,” paragraph 10. a.** – reworded second sentence so it reads a bit more smoothly.
6. **Removed Section VII entitled “Administration.”** Explanation: Similar to the rationale for moving Section V, this section is arguably more appropriately contained in HDC regulations. Although portions of this section are properly classified as rules of procedure, the section would lose continuity by separating the “procedure” portions from the arguably “regulation” portions. Thus, it makes sense for it to be moved in its entirety to the HDC regulations.
7. **Removed Section V entitled “Definitions.”** Explanation: We have never seen a set of rules of procedure to contain definitions. That’s not to say inclusion of definitions in the rules of procedure is a bad idea; it just isn’t standard. Therefore, and to defray some of the public criticism of this document, we decided to move the definitions section in its entirety to be included in the regulations, where the meaning of words used can be crucial

Suzanne Ryan

From: "Richard Sager" <rick@sagerlawoffice.com>
To: <parsmill@metrocast.net>; <stenmark@metrocast.net>; <edkeim@metrocast.net>; <sunledge@localnet.net>; <leighro@wildblue.net>; <sms@metrocast.net>; <Avery@worldpath.net>; <ffichter@gmail.com>; "Robert Houseman" <wolftwnplnr@metrocast.net>; <wolfbldgoff@metrocast.net> 9A
Sent: Thursday, November 05, 2009, 1:16 PM
Attach: HDC Draft 8 Rules of Procedure - CLEAN.pdf, HDC Draft 8 Rules of Procedure showing text changes.pdf, Regulations v1.pdf, Summary of Changes to Rules of Procedure V1-10-29-09.pdf
Subject: HDC Rules of Procedure, etc.

Dear Chairperson Fichter and members of the HDC -

I attach four documents generated from the 10-29-09 review of the Rules of Procedure by Rob Houseman and me. I suggest looking at the documents in the following order:

1. Summary
2. HDC Draft 8 Rules of Procedure Showing Text Changes
3. HDC Draft 8 Rules of Procedure - CLEAN
4. Regulations

In summary, we moved a lot of what has been included in the Rules of Procedure to the Regulations. I think the Commission did a fine job of putting together what was presented to me for my initial review. It is obvious a lot of work went into the Rules.

There is a lot of disagreement within the planning and legal communities regarding what constitutes a "rule of procedure" versus what constitutes a "regulation." In many instances, the dividing line between them is generally about as clear as mud.

Often, language that is arguably both a rule of procedure and a regulation is included in rules of procedure because it can easily be amended by the commission, and because it helps with the "flow" of an application as it makes its way through the process. However, given what I have observed of the contentiousness existing between the public and the HDC, Rob and I believe it makes sense politically to err on the side of being very conservative, even arguably at the expense of practicality. We therefore have pared down considerably the Rules, as you will see.

I am hopeful with the progress being made on these documents, the public and the HDC will establish a level of trust with one another that will serve to benefit both, as well as the Town at large. Whatever I can do to aid in shrinking the political rift will be my pleasure.

This e-mail is being sent to the following:

Bruce Fichter - parsmill@metrocast.net

What the North Wolfboro Area Association, it's Ad-Hoc Committee's, and some current HDC members fail to realize is that the HDC is a STATUTORY LAND USE BOARD, GOVERNED BY STATE RSA'S, no different than the Planning Board or Zoning Board of Adjustment. NWAA President, and HDC Member, Ken Perry has stated that the HDC doesn't preside over matters of such permanence, such as the Planning Board or ZBA, so they shouldn't be as stringent. This sentiment echoes the cries from the NWAA and its members to have things go back to the way they were before, where residents could use a light touch and neighborly approach to resolve their differences. I agree that residents should be neighborly and resolve differences. But we aren't just talking about a neighborhood association and it doesn't always play out like that. What NWAA members need to realize is that they are not isolated or separate from the Town of Wolfboro. Sure in North and East Wolfboro we may have 19 miles of open roads with clusters of historic homes, but those open roads and historic homes fall under the purview of the Historic District Commission and within the Town of Wolfboro, which means that the Town is liable for another lawsuit similar to one filed in 2004 if the Commission does an about face from the direction that it is currently heading.

With that sentiment in mind, I would like to read an excerpt from the December 16, 2009 Board of Selectmen meeting minutes made by Selectman Linda Murray when discussing the HDC. "The HDC, in the past was run as more of a neighborly feel-good group. What happened was in 2004 there was a lawsuit against this Town because of the right to know act for not having the kind of material that we needed. That lawsuit made it very clear to us that this Commission could not keep functioning as they were functioning before. Mr. Waugh is saying in one sense it is the way the HDC Ordinance is written and it looks like we have autonomy and discretion and personal judgment and on the other hand the regulations and what that case (meaning the 2004 lawsuit filed against the town) said is that you don't. So what the Town really needs to do is have this HDC function within the rules and regulations. They need to have these procedures in order to not leave the Town liable again for another lawsuit. We can't haul records out of a Chairman's garage. We cannot have hand written

notes, we cannot have it the way it was. That is the conflict that is there and that is what I hoped the mediator would be able to take care of. **Make everyone realize that it can't be the way it was before; it has to be more structured.** I couldn't have said it any better.

At our most recent HDC meeting, an Application History compiled from the meeting minutes of the HDC was passed out to Commission members in an attempt to enlighten and bring direction to our ongoing process of creating and adopting a set of Regulations for this Commission to follow in the future.

The most glaring revelations ranged from the 29 applications heard by a Commission without the necessary quorum present to the seven (7) illegal verbal approvals of applications given by previous Chairman's of the HDC. It bears pointing out that these numbers may very well be higher due to the information found within the file folders of applicants, which has provided further insight into approvals and the types of meetings held.

Since the HDC has come under the guidance and direction of Chairman Bruce Fichter and Vice-Chairman Suzanne Ryan in 2007, a definitive paper trail has been created detailing the applications presented and approval process. HDC Recording Secretary, Amy Capone-Muccio and Administrative Assistant to the Planning Department, Terry Tavares are to be commended for this as well.