

**TOWN OF KINGSTON, NEW HAMPSHIRE
HISTORIC DISTRICT COMMISSION
Wednesday, December 2, 2022
Public Meeting**

Members Present:

Susan Prescott, Chair
Virginia Morse, Vice Chair
Glenn Coppelman, Planning Board representative
Kevin St. James, Board of Selectmen representative
Madelynn Ouellette

Absent Member: Stanley Shalett

Other Attendees: Maureen Gillespie, The 1686 House Restaurant
Scott Ouellette
Nicole Ryan, Gillyflower Salon
Linda Sanborn

Susan called the public meeting to order at 7:02 p.m

TOWN BOARD UPDATES

HDC: Acceptance of Minutes: Susan asked for omissions, additions, and/or corrections to the transcribed minutes of the meeting held on 11/2/22. **MM&S: Glenn moved to accept the minutes as written. Seconded by Madelynn. All in favor.**

Critical Correspondence: Susan received a letter from Jeff and Julie Robie dated 11/16/22 regarding the public hearing held on 11/2/22 for the proposed renovations of 186 Main Street. They noted Housing Support Inc. did not include a change of use in the application. They explained that the tax map states this is a 2-family residence, but the proposal is to house 7 residents. Various references were made: (1) Town Ordinances, Rules, and Regulations Preamble, article P-II.B.13, definition of family; (2) Article 102.7, HDC Certificate of Approval; (3) Article 102.8, procedure to obtain HDC Certificate of Approval; Article 1201.4, responsibilities of the HDC; Article 1204.5, jurisdiction and criteria of the HDC. The letter also referenced NH RSA 674:46, powers and duties of the HDC; and NH RSA 675, enactment and adoption procedures for the HDC. They noted that the renovations to the former storage area have already begun to create a workshop and office for residents, and the building permit has already been issued prior to approval by the HDC.

Planning Board and CIP: Glenn advised there is nothing pertaining to HDC. He explained there was a meeting last night to discuss possible changes to ordinances/rules/regulations. He noted there will be an upcoming hearing for a site plan review of the property at 186 Main Street, date TBA.

There was a general discussion about the deadline for submission of warrant articles and the procedure for citizen petitions versus town-initiated warrant articles.

Board of Selectmen: Kevin stated the BOS had a discussion with town counsel regarding the jurisdiction of the HDC extending to the usage of a building, and the legal opinion should be available in the next week or so. He added that the BOS approved the requested change of date for Kingston Days to the 2nd weekend in September.

Scott Ouellette approached the Commission and stated he is not attorney but was involved in similar discussions regarding Rite Aid and Hannaford's. In those discussions, the HDC was found to have jurisdiction over usage, not just the exterior of a building. He added that the Planning Board defers to the HDC, and once the HDC provides its approval, the plan is taken up by the PB. He suggested that the HDC may need an independent review of the relevant RSA(s). He noted that if the HDC denies the application, the applicant can appear before the ZBA to appeal the decision.

Virginia added that she spoke with Brandee Loughlin of the NH Department of Historical Resources. She is not an attorney, but she does have oversight of certified local governments. She believes the HDC does indeed have jurisdiction over usage, but she noted the Commission should wait to read the advice of town counsel.

In further discussion, Susan shared that in her research with the NH Municipal Association, there are cases where the HDC disagrees with legal counsel and acts accordingly.

Heritage Commission: Virginia noted the major donors have been established for the stained-glass window renovation project, and fundraising from the public is being discussed.

NICOLE RYAN, GILLYFLOWER SALON, 127 MAIN STREET
SIGN APPLICATION

It was explained that Nicole is the applicant, but Maureen is the owner of the property and is assisting her with the application. Maureen explained that the existing sign on Scotland Road will remain in place, but Nicole is requesting new lettering on the existing sign on Main Street. It was confirmed that the only change will be to the lettering.

Susan explained that this sign is a pre-existing, nonconforming sign. Currently, businesses in the District cannot have more than one sign. There was a discussion about the issuance of the occupancy permit by the Planning Board, but it was agreed that since the business is already in place and functioning, the usage of the building is not at issue. The applicant was not aware that the sign was nonconforming and that a potential issue exists. Maureen confirmed that the salon is new to the property, but the signage is old.

Susan noted if only the lettering is changing, this proposal should not be an issue. Marlene noted the same contractor is being used as in the past. Virginia noted she likes the design.

There was no public comment.

MM&S: Kevin moved to approve the sign as presented for Gillyflower Salon. Seconded by Glenn. All in favor.

>>Kevin St. James left the meeting at 7:35 p.m.<<

There was a discussion about the collection of the application fee for this project. Susan noted that an application was received in December 2021 to change the sign on Scotland Road, but that application was never reviewed by the Commission. She questioned if the additional application fee is necessary. It was decided that the original check from December 2021 is considered payment for this application. Susan gave Nicole the new check back.

Virginia confirmed the contact information for the applicant in order to prepare and send the Certificate of Approval. The process of sign approval by the town was explained to the applicant.

Scott Ouellette approached the Commission and stated for this application, he expressed approval of the sequence of appearance before the HDC and their approval with subsequent involvement of the Planning Board.

LINDA SANBORN, 154A MAIN STREET

NEW PORCH STAIRS

Linda explained that her insurance company refused to cover her property unless repairs were made. One of these repairs was to add stairs on the side of her unit near the driveway. As she was required to make this change, this is an as-built application. She confirmed her unit is in the front of the property. She provided pictures of the new set of stairs. Linda confirmed the design is the same as the front stairs. As pressure-treated wood was utilized, the stairs and railing have not been painted yet, but she plans to paint the railing and stairs white with a brown stain on the top step to match the stairs in front of the house.

Glenn and Madelynn noted it may be better to add a kickboard/riser to avoid slipping on the stairs. Virginia added this is safety issue and would match the other set of stairs in front. Glenn was surprised that the safety aspect of the missing risers did not come up at the time of inspection.

It was explained that the Certificate of Approval lasts for 2 years, so there would be 2 years to complete the painting/stain.

MM&S: Virginia moved to accept this application as submitted with the following conditions:

1. Addition of kickboards/risers
2. Railings and stairs to be painted white with stain for the top step, colors to match the existing front stairs of the property

Seconded by Madelynn. All in favor.

Virginia confirmed the applicant's contact information and explained the Certificate of Approval process to the applicant.

DISCUSSION OF HDC CALENDAR FOR 2023

Susan prepared a draft calendar for 2023. They reviewed the meeting dates. Virginia explained that the Planning Board historically needed this information to ensure adequate time for public hearings related to warrant articles. It was decided that the December 2023 meeting will be held on Wednesday, 12/6/23.

PROPOSED CHANGES TO HDC APPLICATION

Virginia distributed the draft amended first page of the application. She noted that the HDC has no jurisdiction over lead paint but added language requiring compliance with lead paint abatement law and regulations. Susan and Glenn recommended that a website link(s) should be included as a reference for applicants.

PUBLIC COMMENT: QUESTION OF HDC JURISDICTION OVER USAGE

Scott Ouellette now approached the Commission again regarding question of the jurisdiction of the HDC over changes of use of a building. He noted applicants might have been misled over the last few months about the jurisdiction of the HDC, and he is concerned about future confusion for applicants. Susan explained that the HDC relies on code enforcement and the BOS for compliance. She will wait for the opinion of town counsel before making any decisions. She did note that she spoke with the BOS to clarify their understanding of the HDC's purview.

The meeting was adjourned at 8:11 p.m.