



**DRAFT**

TOWN OF GRANTHAM NEW HAMPSHIRE  
PLANNING BOARD PUBLIC MEETING MINUTES

OCTOBER 1, 2020

Teleconference/Lower Level of the Town Offices

## I. CALL TO ORDER

Chair Carl Hanson called the meeting to order at 7:00 p.m. on Thursday, October 1, 2020. The Board met in the Lower Level of the Town Offices and provided electronic access to those individuals who did not feel comfortable physically attending. A telephone number and pin were provided on the notices for the meeting.

**Present:** Chair Carl Hanson, Board Member C. Peter James, Vice-Chair Peter Guillette, Selectmen's Representative Warren Kimball, Board Member Mary Hutchins, Alternate Board Member Ralph Beasley, and Board Clerk Emily Owens.

**Public:** Attorney Sheridan Brown, President Grantham Historical Society Ken Story, Attorney Barry Schuster, Nancy King, Mark Hill, Carol Shepherd, and Lori Avery. Public members were attending by telephone, Connie Carey and Richard Kaszeta but they did not speak during the meeting. Others joined the call during the meeting, but discussions were not stopped for them to identify themselves. A list of telephone numbers have been recorded and saved with the meeting sign-in sheet.

Chair Hanson appointed Alternate Board Member Beasley to a full voting board member during the Gray Ledges Condo Association Site Plan Review because Board Member Guillette recused himself since he will be the Owners Representative for Gray Ledges Condo Association.

## II. APPROVAL OF MINUTES

Board Member Peter Guillette made a motion to accept the minutes from September 3, 2020 as printed, seconded by Board Member C. Peter James. ***Unanimously Approved by Roll Call.***

## III. NEW BUSINESS

**#10-2020-01; Annexation Application; Mark and Joan Hill Rev. Trust; 32 Highwood Way Map 222 Lot 208 and 33 Highwood Way Map 222 Lot 207**

Chair Hanson asked if there was any discussion on the Annexation Application before the Board. There being none, C. Peter James made a motion to accept the application as complete and approve it, seconded by Mary Hutchins. ***Unanimously approved.***

C. Peter James clarified that the tax bill for this year will remain the same but next year's 2021 tax bill will have the two lots together as one, Applicant Mark Hill understood.

#### **IV. OLD BUSINESS**

##### **Continuation of #09-2020-02; Site Plan Review; Gray Ledges Condo Association (GLCA); 36 Gray Ledges Road; Tax Map 232 Lot 001**

Board Member Guillette recused himself from the Board. Chair Hanson reviewed the material provided to the Board before the meeting; a letter from a resident to the Selectmen, a letter from Attorney Barry Schuster, and a letter from Attorney Sheridan Brown with an attachment. The attachment was a history of Gray Ledges from 1987 until the present. Chair Hanson reviewed the Board's request to GLCA for what the new building would cost. Peter Guillette answered that GLCA had approved an amount of \$144,000 for a building of a similar size. Chair Hanson asked about the drawings provided to the Board that clearly shows 1200 square feet with 2 bathrooms, a meeting room, and various undesignated spaces. He wondered if the building can be built for \$144,000. Peter Guillette responded, "that the building will be a shell it will not be fit, okay, the purpose is only for a pool house." The building would be on a slab with no adjacent parking. If needed, residents and their guests will park on the grass.

Chair Hanson asked the Board if there were any questions. C. Peter James started by saying he regretted that the issue was causing hostility. He went on to discuss the attachment from Sheridan Brown about the history of the pool house. C. Peter James quoted GLCA minutes from December 13, 2006, detailing the lack of maintenance to the building and a list of what needed to be done. He was disturbed that this problem has existed for over 40 years and nothing was done to fix it. C. Peter James discussed Attorney Barry Schuster's letter about no one from the Town being concerned about the state of the brick house. He disagreed that no one was concerned but stated that the brick house was located on private property, off a privately owned road, and Grantham is a small town with a part-time building inspector. C. Peter James thought financial hardship was not a good reason to change the rules and the result was now demolition by neglect.

Next, Mary Hutchins spoke regarding her impressions of the situation. She agreed that over 40 years of discussions, she specifically could reference three separate occasions when someone proposed repairs to the building but failed to follow through. Mary Hutchins apologized that the situation had turned contentious but felt the same as C. Peter James that the result was now demolition by neglect.

C. Peter James spoke about the developer, Earl Thompson, and the limited work he did on the brick building. He referenced the Board minutes and how Earl Thompson's wife wanted to make it a library. C. Peter James had concerns about getting material to

restore the building. He stated his opinion that if the brick building must be torn down, he would like to see something similar to replace it, not what is currently proposed.

Chair Hanson asked Selectmen's Representative Warren Kimball if he had anything to add. Selectman Kimball was disappointed because he felt the restoration of the brick building was agreed upon and now it seems that is not the case. He felt every few years this topic comes back before the Board so GLCA could not have possibly forgotten about the building. Selectman Kimball feels, at some point, people stopped putting resources into the building and now the cost for repairs reflects that.

Chair Hanson has read the letters submitted and he feels there were agreements and understandings reached with the Planning Board that have not been carried out. It is clear, at this point, they never will be, and he questions the good faith of the people who negotiated these years ago. When the GLCA took over ownership from the developer, they expressed their grievances in writing to the NH Attorney General about the shortcoming of his work, including the brick building. Chair Hanson felt the document, detailing the building's issues, clearly showed GLCA knew they were responsible for the building. At this point, he is not sure what enforcement there is for the Board and Town to compel GLCA to follow through with the agreements and if the building can even be restored. Chair Hanson mentioned that just two years ago the upper portion of the chimney was removed and there was a big gaping hole in the roof for months. He felt that these actions and inactions of the GLCA and developer were examples of not being good stewards. Chair Hanson thought there was not enough information to conduct a Site Plan Review.

Chair Hanson asked if the Applicant had anything additional to say. Attorney Barry Schuster spoke about the lack of documentation around the brick building being maintained back in 1987 as a condition of the Site Plan approval. Chair Hanson argued that the drawing in the Sullivan County Registry of Deeds is such poor quality that no one can read the conditions, but he is certain they are listed. Attorney Barry Schuster has never seen anything written regarding the brick building. He feels this is a simple Site Plan Review that the Board is considering. Mary Hutchins expressed her unhappiness with learning from Attorney Barry Schuster's letter that GLCA is willing to allow the building to be relocated. She asked why this was not presented as an option 10-15 years ago. He explained that GLCA only took over in 2011 and the Association is trying to find a way forward.

C. Peter James referenced the minutes from November 7, 1996, where developer Earl Thompson tried to deny that there were any conditions on the brick building and the Planning Board reminded him that there were. The minutes reflect that the Board and Earl Thompson reached an agreement that he could remove the L portion of the brick building, in exchange for restoring the cape to original conditions. The minutes reflect that the Board approved a motion to draft a letter to Earl Thompson clearly stating the

agreement. Attorney Barry Schuster reiterated that GLCA's position is that there is nothing on the original plans that cover the brick building.

Chair Hanson turned the meeting over to the public. Attorney Sheridan Brown, Dunbar Hill Rd, spoke and reiterated his position. He believes there is plenty of documentation showing Earl Thompson and GLCA coming before the Planning Board asking for changes to the original conditions. If there were not original conditions Attorney Sheridan Brown argued that Earl Thompson would have simply torn the building down. He acknowledged that the reason GLCA and the Board is hearing this application is that GLCA has buyer's remorse. Furthermore, Attorney Sheridan Brown stated knowledge of the building and a discussion of repairs appears in GLCA minutes in 2003. He does not feel that GLCA has met the terms asked by the Planning Board in 2018 and the application should be marked incomplete.

Nancy King, Gray Ledges, mentioned in the 90s there was a review of the historical building in Town and the brick building was not placed on the list. Chair Hanson asked if private funding for the building to be restored, could be found, and the cost to GLCA would only be the \$144,000, would GLCA accept that money. Peter Guillette replied that GLCA tried finding funding but because the building is private and not on the historic registry there were no funds available. He went on to explain that the Association wanted to keep the building, but it was a terrible investment, and a different decision needed to be made. Peter Guillette said that Grey Ledge residents are active members of the community and over 50% of the condo owners have been there less than five years. If the community could find a way to restore the building GLCA would gladly accept the help. Chair Hanson agreed with Peter Guillette that funding was limited because the building is on private property but if GLCA was willing to make the building public different funding sources are available. Peter Guillette agreed the land and roads are private so liability would be on GLCA if someone was injured.

Chair Hanson recognized Grantham Historical Society President Ken Story. Ken Story did not know why the building does not have a plaque but he explained the history and significance of the building. The building is known as the Dunbar building, named after the Dunbar family, the same family Dunbar Hill is named after. Ken Story volunteered his services to help secure grants for the restoration of the building. He reiterated the significance the building has to the Town of Grantham and the Grantham Historical Society. Attorney Sheridan Brown did not know why the building did not get a plaque but the Town Master Plan from 1985 has the building identified and the marketing material from E & F for Gray Ledges has the historic significance of the building referenced. He feels it was important enough to help sell the property but now GLCA wants to deny they did not know the building should have been maintained and demolish it because of neglect. Attorney Sheridan Brown agreed that the property is private but asked if GLCA is willing to donate the building and property to the Town so that it can be restored, eliminating the liability on GLCA. He asked GLCA to show that they have tried to secure

funding for restoration. Additionally, he knows based on pictures that material and items from the building have been removed since 2006 and even more recently.

Chair Hanson moved the discussion on what should be decided by the Board tonight. He felt that a vote on a Site Plan Review could not happen because the application was incomplete. The Site Plan Application needs to have construction drawings, a site plan, hours of operation, heating plan, parking plan, landscaping plan, and other items.

C. Peter James asked if anyone tried to get the building registered with the national historical database. Peter Guillette stated that the building is not eligible because it has been modified so many times. C. Peter James' understanding of the situation is that a condition has been placed on the property and it remains in effect until the Attorney General removes it.

Ralph Beasley spoke about the clear indication, through a history of documents, that the building should have been preserved. It has not and now the building is in such a state that there are questions about the building being structurally sound. If the building is demolished, he would like to see GLCA bring a plan forward that includes some of the bricks being reused as a fireplace in the new building and a plaque stating the site's history.

Mary Hutchins spoke that her son restores old houses and parts of the brick building are still historically significant. She believes that residents will come together to support a restoration of the brick building. Chair Hanson explained that if the Town/residents do come together and restore the building it would still be on private property without anyone having the right to see it. He has not heard GLCA say they are willing or interested in turning the property over to the Town. Peter Guillette mentioned GLCA plans on removing the brick building piece by piece, salvaging the reusable beams and bricks. Chair Hanson asked that he include that information in his Site Plan Application.

Chair Hanson asked the Board to consider making a motion. The Board discussed their lack of understanding of what the motion should be. They were not interested in the same discussion appearing before the Board in another two years. C. Peter James is not interested in condemning the building to demolition when no one has proven it can't be saved. Attorney Barry Schuster asked that the GLCA application be continued and that GLCA be allowed to provide the Board with the requested material for the Site Plan Application simultaneously as the material supporting the building's inability to be restored.

C. Peter James expressed his interest in seeing a building that is more than a shell. He would like to see a brick building with heat and asked if the building could be used as Mrs. Thompson suggested, like a library or a meeting area. Ralph Beasley agreed with C. Peter James on the building needing to be of a higher quality and Chair Hanson that the application is currently incomplete.

Peter Guillette took exception with the Board telling an owner what they should do with their own private building. He asked that the Board be specific what they are requesting GLCA to provide so that they can appear with the correct requested material. The building will not remain a shell because, over time, GLCA would plan on adding heat and other items, in a fiscally responsible manner.

Chair Hanson thought that there should be a continuation of the application in December, to be held in the Lower Level of the Town Offices. He entertained a motion to continue the meeting in December. The motion was made by Ralph Beasley, seconded by C. Peter James. **Mary Hutchins voted "Aye", C. Peter James voted "Aye", Ralph Beasley voted "Aye", and Selectmen's Representative Warren Kimball voted "Aye", and Chair Carl Hanson voted "Aye". Unanimously Approved by Roll Call.**

#### **V. OTHER**

The Planning Board was given a copy of the excavation permit regulations from 1983. They ordered their Land Use Regulation Handbook for this year. They were asked about contributing to the Hazard Mitigation Plan currently being updated by the Town. The Town is looking at the Board to identify any areas that have the potential for a hazard. Lastly, they provided feedback on recent inquiries from an alarm company and food truck operator, looking to provide services in Grantham but not establish a business in Grantham. The Board decided these types of businesses are not covered in Zoning and should be referred to the Selectmen's Office for further questions.

#### **VI. ADJOURNMENT**

There being no further business, Peter Guillette made a motion to adjourn, seconded by Warren Kimball, **Unanimously approved by roll call** and the meeting adjourned at 8:55 p.m.

The next meeting of the Planning Board is scheduled for November 5, 2020, at 7:00 p.m. in the **Jerry Whitney Memorial Conference Room** of the Grantham Town Offices. Information will be provided for Board Members and the public interested in joining the meeting by telephone.

Respectfully Submitted,

Emily Owens  
Planning Board Clerk