

**Town of Grantham
Planning Board Meeting Minutes
April 5, 2018**

APPROVED

Chair Carl Hanson called the meeting to order at 7:00 p.m. The meeting was held in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Chair Carl Hanson, Vice Chair Peter Guillette, C. Peter James, Mary Hutchins, Selectmen's Representative Warren Kimball

Meeting minutes: Eryn Bagley

Applicants and Members of the Public: Nancy King, Cindy Towle, Constance Howard, John Bisson, Mary Bryant, Cynthia Covell, Sheridan Brown, Ken Story, Ernest Collier

Chairman Hanson appointed C. Peter James as voting member for this meeting.

Approval of Minutes

Chair Hanson asked the Board if there were any corrections or changes to the March 1, 2018 meeting minutes. Hutchins asked for minor amendments that were updated real time during meeting. Hanson asked if there was a motion to accept the minutes as corrected during the meeting.

There was a motion to accept the minutes as written by Vice Chair Guillette; seconded by James.

Unanimously Approved and Accepted

I. New Business

a. Sign Permit:

Application #04-2018-001: Wood & Wood Signs/Lake Sunapee Group, Inc.; Map 233 – Lot 074 –

Discussion: Applicants were not present at the meeting. Chairman Hanson reviewed the application which is to change the current signage from Lake Sunapee Bank to Bar Harbor Bank & Trust. No questions regarding the signage update. Chairman Hanson asks for a motion to approve sign permit application. Hutchins made the motion to accept and James seconded.

Unanimously Approved and Accepted

II. Old Business

a. Site Plan Review "Rescind" - **Application #03-2018-003:** For proposed demolition of old brick building; Gray Ledges Condo Association; Map 232 – Lot 001

Peter recused himself from the Board and seated himself in the public seating. Chairman Hanson and the Board had found the application incomplete last month, with the Board having asked Grey Ledges Association to gather information on cost of restoration work.

John Bisson, Manchester NH attorney, spoke to the Board on behalf of Grey Ledges Condo Association. He asked for Selectman Kimball to recuse himself from a vote on this topic, as Kimball's wife wrote a letter to the editor in February in support of keeping the building, and, the couple had made a visit to the site yesterday. With outspoken spouse Mr. Bisson does not feel like Selectman Kimball would be able to keep an unbiased opinion on this vote. Selectman Kimball would like to remain sitting on the Board for this topic as he does not feel there is a conflict of interest. He feels that he can offer an unbiased opinion.

A letter was presented to the Board, just prior to the meeting start, from Peter Czepiel, engineer with Noblin & Associates. The engineer noted deterioration of the structure with severe concern about structural integrity, and, engineer does not advise restoration as it would be costly. There is concern that raising structure to restore could cause imminent destruction. There is also the concern that the building cannot be insured because of the condition. Czepiel's report estimated that to restore the building would cost, at a minimum, of \$450,000 to \$500,000 (USD).

Mr. Bisson noted that the building is not on any historical register, and, for lack of better description is nothing other than old building that is on the Ledges common area. He emphasized that the current condition of past Board motion to restore and retain the building that was placed on the Association is doing nothing more than leaving a health hazard/structural issue which is causing an issue to the Association owners. He noted that the Association would love to keep the building, if it makes sense financially. He then pointed to the fact that at this time there are currently approximately twenty-six (26) owners, with the majority not being owners in the Association in 1989 when the original stipulation was agreed upon with the developer, Thompson, at the time. Bisson argued that by requiring the Association to uphold the previous conditions that the owners are, in essence, being taxed to support a decaying structure that is something that is for the benefit of the town, not the Association itself.

If this is the case, then Bisson suggested that the town should tax the entire community who wants the building, not place the burden of restoration solely on the current Association owners. He noted that no one has done anything to preserve the building and this includes the town, and, Board, with none of these entities making any attempt to enforce the original conditions (i.e. initiate a cease and desist orders), and because of this the current condition of the building is what it is. Bisson felt that there were two plans of action that could be taken, first is to make the town pay to fix the building as the town seems to have an interest in the history and restoration, or, let the group tear it down. Bisson noted that the Association should not be made to bear the sins of developer from 1989. Bisson suggested that the Board has the information that they need to make a decision (Czepiel report) and that based on this report is not practical to repair the building and thus is requesting that the Board vote to the current conditions on the Association and allow for the building destruction. At this time, Bisson introduced Association members Nancy King, and Max Bryant (treasurer).

Board Member Hutchins asked if the Association contacted the Preservation Alliance. Bisson responded that it is his feeling that this is a state bureaucracy. Mr. Bryant noted that he has been in contact with Allen Cushing. Original request was made to the Alliance approximately 1 month ago for a mini-grant for assessment.

James reported that he feels that Czepiel's report is a two edged sword. While the report noted that the repairs would be very expensive, it does note that things are repairable. He noted that this type of issue

represents a hazard of belonging to an association. James spoke of a similar situation that happened at Weare's Channel in Laconia. He recalled that there was a building that was falling in to the channel, which was owned by an association, and, the association members were given a bill when this was fixed, which in the end they were found liable to pay.

James has reservations about fixing the building due to the deteriorated condition of the building. He cannot see trying to stabilize without great hazard to health/death. He suggested possible alternatives to review such as, reusing as many original bricks as possible in a safe and sturdy manner. Greatest concern is workmen in the building. What is the cost (life/safety – not money) of those trying to repair a building? He asked if there should be review of using original materials in a new structure, rather than restoring entire original structure.

Chairman Hanson spoke that he feels the Board is hearing the same argument represented in the past when the Association was looking to restore the building. He noted that the permission to destroy was rescinded in that 80s because the Association was going to restore, which they did. Roof redone, dormers removed, el taken out, and other work done to restore at that time. Since then, there has been some apparent neglect and failure to maintain. Hanson asked what steps the developer/association made for provision over the time to restore. Hanson noted that though the building is not on a historic registry, it does not change the fact the building is historic. Bisson noted that regardless of this, the town never followed through to compel prior owner to do what they said to do in restoring the building. By passage of time, estopple against the town, we have obligation to enforce our rules.

Selectman Kimball argued that when a person, or, association purchases a property they need to ensure that they know what is in the deed, and, he voiced that he is under the belief that there was a condition in the actual deed for the retention of certain structure on the property. Bisson argued that this is not in the unit deed, or in deed at all.

Bisson conceded that it is evident that building has not been maintained and that no one is suggesting otherwise. What Bisson wanted the Board to understand was that the deterioration of the building had been a known fact over the years and that no one (including the Board) did anything to enforce the previous conditions.

Bisson asked the Board for the allowance that they do not burden people today (Association), who might have done something different back then, when they were not present to do as such.

Bisson questioned why were these conditions not enforced on the developer who did nothing for 30 years. Chairman Hanson noted the Association released Thompson during litigation regarding Thompson's liability. Board Member Hutchins asks why the current Association should not be responsible for their neighborhood as they had taken the burden taken from Thompson. Bisson said that for the Association it no longer makes practical sense to rehab building.

Board Member James asked how the town was supposed to know how bad the building condition had gotten. Was someone in town supposed to go up to the Grey Ledges to check? He thus noted that this is private property, town has not authority to do this. Bisson acknowledged that this is exactly right point, that this is private property and town has no ability to enforce the condition.

James stated that the final decision most likely will not be made in by the Board and, that most likely we will end up in court. His opinion is that win, loose, or draw entire process is now moot. Either side there will be a court decision. James would like to vote on the issue and move forward.

Chairman Hanson questioned again if anyone had spoken with Historical Perseveration Commission, for their input on this issue, based on the communication presented at past meeting. Clerk Bagley made copies at this time for the letter for Bisson. And after the assessment offers quantification of historic value and monitory to fix. Based on Bisson understanding, when they see report that not previously recognized as having registration that they will not offer a lot of money. Max expecting a response from Historical Perseveration Commission in approximately one week.

Sheridan Brown 500 Dunbar Hill Road, Abutter, spoke and asked the Board to stick with the facts; Report received and checking if anything new, it was made clear at the meeting there should be a professional historical assessment. Brown mentioned that he reached out the Historical Perseveration Commission and spoke with Jennifer, who noted that small grant would most likely be approved in about a week. He further suggested that as the developer agreed to condition, which acts as an affirmative ablation to our ability to enforce the denial of the demolition. For those there now, Brown suggested that they might want to look if there is some past recompense against past association members that they can take.

Brown was also concerned about the penetration of water and its effects on the building based on how the area was backfilled for the pool. He research the for permit of pool, and, while there was a site plan for the pool, he could find not permit for pool at all.

Brown further asked about the Association and the existence of past minutes from their meetings that would support discussion and knowledge of this issue.

In his research, Brown also made a suggestion that based on a tax deed that the building in question actually shown as a common area owned by town. This could neither be denied nor proven during the current Board Meeting.

Brown next moved to the issue of safety while working in the building, but noted a contractor will carry insurance as a professional. He noted that there should be a concern about safety, but a contractor with historical preservation experience. He felt that the idea that town dropped ball was offensive, offensive as the Association not taking care of the building in the first place. Feeling that the Association has not acted in if making good faith effort with the town as there may have been options explored.

Brown voiced his belief that it was a benefit for the Association that the town permitted the development in the first place, reiterating again that the original condition was that the Association would restore the entire structure. Brown discussed that the developer represented that they restored the building, and fault lies there, and that subsequent to bad management practices on the part of the Association that the town should not lose a historic structure. This condition, Brown felts, was important to the town and was in the master plan that guides this board.

Ernie Collier, who owns the sister house to the Grey Ledges House spoke about the difficulty maintaining the bricks, as the brick cannot get wet/freeze. He is currently dealing with these issues now, but found that the cost was low for maintenance. Collier shared that he a woman from historical preservation society reviewed his house and outbuildings, noting that they can be considered for

possible approval to be on the national historical register, but inevitably it is up to the property owner to apply and drive the process. Noted that he was told that if the house was placed on the national register, that this would be put would put him at the highest bracket for grants available.

Cindy Towle, of 77 Cote Road spoke next. She thanked Peter Guillette who recently showed her around the building. Towle noted that she was struck by the historical importance of this building as an example of how people lived in the 1800. She was impressed with the structure and brickworks. Bricks, that she reminded the Board were from the land in Grantham. She felt that there is value to these brick, both historic and intrinsically, as they are usually sold to builders who use these materials for upscale homes. Of note, Towle felt that the Beehive oven which was another illustration how early residents lives. While some bricks, to Towles' eyes seem to already have been removed, she hopes that past promises are upheld by the Association. While she acknowledged there may be a hardship to residents of Grey Ledges, and, she did not feel that all avenues have covered for restoration. For example she does not believe that there has been any contact with Grantham Historical Society. Towle voiced her opinion that Earl Thompson was granted permission to build the Grey Ledges housing site on a promise to preserve the building that is there, and that we must have pride in our town, while preserving and respecting our town history.

Ken Story, President of the Grantham Historical Society, of – 387 Route 10 South, noted that as he understands it, that this (the Grey Ledges brick building) is one of 2 standing building within the town that were made from clay found in Grantham and were subsequently produced in Grantham. He feels that this is a significant local building. He shared that he has been involved in national register nominations, with NH being strict on their eligibility. As an example when he tried to nominate the school building this was rejected, based on a number of changes made to the building over time. Whether this building is on the register or not, he recommended being careful as this was clearly significant to town of Grantham.

Cindy Covell, 95 Jericho Road, noted that she has lived here 30 years, and, her ex-husband dug wells that supplied the original condominiums with water. She feels the building is very important, and the Association should make a better effort in restoration before asking for demolition.

Chairman Hanson asked if the Association had any other studies/assessment at this point besides the one presented by Czepiel. He also questioned if Czepiel has any historical preservation experience, licenses, etc. The Association members or Attorney Bisson were unable to report if Czepiel had such credentials.

Bisson, recounted that if, suggested by Brown, that the common area is owned by town as a tax deed, that the town owns the building and this falls on the town to fix. It was again reiterated that this cannot be proven/denied during the meeting.

Brown presented that there was a tax deed because Thompson was not paying. That this was issued for land only (90 acres), and that Brown found no record that this was ever redeemed. Tax deed in 2009.

Bisson spoke that in regards to the current estimation of building restoration, the Association members would pay, taxes, taxes pay for this burden, and issue of preservation on current owners would be close to 20k per person. Bisson felt that if the Board mandated the restoration of the building, they were in turn, putting a tax on the Association, which is not legal.

Brown responded that the Board needed to review and stay with the facts that there was a condition previously set forth to restore the building and non-adherence to this condition is clear. He further asked the Board to consider the application incomplete because the Association has yet to provide valid restoration estimates from a certified/validated historical restoration professional.

James at last meeting, noted that we cannot make a decision without the input from a qualified expert, someone whose expertise is recognized in field of historic preservation, who would be able to speak to the Board on what it would take to restore the building, and, the historical significance of the building. James does not feel that what has been supplied by the Association to date is sufficient. James felt that decision as important as this, and do right by parties, the Board needs more information from a qualified professional. James sees nothing in report by Czepiel that gives more detailed instruction on what needs to happen (itemized).

Bisson requested that if the Board is going to impose additional conditions that it makes them clear and concise on the additional information they are requiring.

Chairman Hanson would like to take up issue of completeness of application at this time. Hanson supported that in his opinion the application as-is remains incomplete, echoing James' commentary on the need for a clearly specialized historical preservation expert to review the building. Chairman Hanson noted that there was no information in the report on the cost of stabilization directly, and that the amount provided was a global estimate, unsupported by an itemized costing. James voiced that he would like to see supporting documentation regarding experience of him/her as an expert. James feels that there is the need for someone whose expertise is in historical brick building preservation, with evidence of their abilities. He feels that this is fair to both sides, as with more information we can make intelligent decision based on facts.

Chairman Hanson asked for a motion that acknowledges that the application is still incomplete, and, that the Board would information that will be detailed. James initiated the motion, with Hutchins seconding.

Unanimously Approved and Accepted

As a point of clarification, Bisson requested from the Board parameters of what they are requesting so that the Associations application may be considered complete:

- Person with historical preservation of brick buildings expertise
- What other options for perseveration/reservation, what can be stabilized, to preserve historical value, even if not preserved to a historical space (i.e. preserve walls/basement/etc. etc.).
- Impact of drainage at entrance where ground regraded for pool
- As part of preservation analysis, needs to address the issue of pool and stone patio added, backfill over the brick cap on foundation, and, at some point would this need to be lifted, or, ground level taken down, and address how this will happen.
- Cost, need a more considerate opinion, with reasoning for costing based on the expertise and experience (i.e. hours, equipment, etc.). .
- Need to be considerate of financial impact

- Need to know what funds are available through state of NH or New Hampshire Land and Community Heritage Investment Program (LCHIP) etc.
- Estimate of costs that are available
- Need to hear what plan is in case demolish is allowed and what will replace prior to demolition.
- Evaluation and written report by recognized/NH preservation supported professional to encompass:
 - o Reasons/causes of deterioration
 - o Preservation options
 - o Cost- itemized, is preferred
 - o Details of credentials
 - o And based on findings – initial assessments on basis of report what is available out there based on the proposal findings
- At least have idea of plan B in place, and, consideration of what will replace

Bisson asked if the Board would specifically designate the expert that we want. Chairman Hanson denied that the board would, but pointed to Preservation letter (given to Bisson during meeting) and use the preservation group as a resource for finding vetted professionals.

III. Other Business – (At this time Vice Chair Guillette rejoined the Board)

- a. Need to elect officers for the planning board – James nominated that Chairman Hanson for re-election, seconded by Hutchins, and, unanimously approved.
- b. Chairman Hanson nominated Vice Chair Guillette for re-election. James seconded and Selectman Kimball approved, Hutchins was against. Based on majority, Vice Chair re-elected.

Adjournment

Chair Hanson announced that he would entertain a motion to adjourn the meeting. A motion to adjourn was offered by Vice Chair Guillette and seconded by Peter to adjourn the meeting at 8:40 p.m.

Unanimously Approved

The deadline for the next Planning Board meeting is Thursday, April 12, 2018

The next Planning Board meeting will take place on Thursday, May 3, 2018 in the Jerry Whitney Memorial Conference Room at the Grantham Town Hall Building at 7:00pm.

Respectfully Submitted,

Eryn Bagley
Planning Board Clerk