



TOWN OF GRANTHAM NEW HAMPSHIRE

OFFICE OF THE SELECTMEN

300 Route 10 South, Grantham, NH 03753

Phone: 603-863-6021

www.granthamnh.net

September 3, 2020

Mr. Carl Hanson, Chairman
Grantham Planning Board
300 Route 10 South
Grantham, NH 03753

RE: PROPOSED DEMOLITION OF GREY LEDGES HISTORIC BRICK CAPE

Dear Chairman Hanson and Members of the Planning Board:

The Board of Selectmen is deeply concerned about the Grey Ledges Condominium Association's ("GLCA's") latest proposal to demolish the small historic brick cape on Grey Ledges Road. We oppose this application in its current form and encourage you to reject it as incomplete.

The brick cape that is all that remains of a once impressive property with tremendous Grantham and New Hampshire history, including as the birthplace and summer home of former New Hampshire Attorney General Edwin Gamage Eastman.

There are few historic properties remaining in Grantham, and the Board believes that the loss of one of these properties should be an absolute last resort. Moreover, the intent and spirit of the original condition of subdivision approval—that the building would be preserved—was to protect a public trust resource for the community.

We believe that removing such a condition of approval—on the basis of financial hardship that is largely self-created by GLCA's years of neglecting the cape—should not be a step taken other than as an absolute last resort after GLCA has demonstrated a diligent and good faith effort to identify and secure historic preservation resources that might reduce its own financial burden.

Moreover, relieving a party of a condition approval without clear and convincing evidence that they have invested good faith effort into fulfilling the spirit and intent of the condition, risks encouraging demolition by neglect and non-adherence to conditions by developers and their successors in interest in homeowners'

associations.

Aside from the appearance of the building now proposed to replace the historic cape, we see nothing materially different in the application submitted by GLCA for consideration at your Sept. 3 meeting. There is no discussion of what effort GLCA has made since 2018 to identify historic preservation resources (grants, private funding, etc.), collaborate with community partners, or make demolition of the cape anything other than a first step.

We believe a proposal to demolish the brick cape must provide transparency and detail regarding GLCA's full efforts to explore historic preservation options. If preservation of the building is truly not possible, a proposal should find ways to preserve as much of its history as possible. Lastly, we believe a proposal should include at least some acknowledgement by GLCA that it is not blameless for the brick cape's deterioration. Due to GLCA's continued insistence on characterizing its problems as purely "inherited," we believe it is important to review the recent historical timeline.

I. BACKGROUND:

1. Preservation of the Grey Ledges Homestead – including the ell that was once attached – was a condition of subdivision approval for the Grey Ledges community in 1987. The building is shown on the approved plans recorded in the Sullivan County Registry of Deeds on Aug. 8, 1997 (Plan file 4, Pocket 5, Folder 1, #46), and the condition was subsequently acknowledged by developer E.F. Thompson's later attempts to have the condition relaxed.

2. In Aug. 1988, developer Earl Thompson told the Planning Board that the Homestead was structurally unsound and needed to be demolished. Shortly thereafter, the Planning Board learned that the building was in fact salvageable. Therefore, at the Planning Board meeting of Sept. 1, 1988, the condition to preserve the homestead was restored.

3. Private parties—including former State Senator Peter Burling, a restorer of old homes—offered to help complete the historic preservation of the building at that time, but they were unable to meet Mr. Thompson's asking price for the structure.

4. On Apr. 6, 1989, Mr. Thompson returned to the Planning Board with a proposal to demolish the ell and "refurbish" just the old brick house. "He told the

Board that restoring the house would mean salvaging a major portion of it and that he would not be able to do. The old brick house, to be used as an amenities building, will be replaced as close to the original structure as possible. Mr. Thompson will save as much of the brick work on the old cape as possible and will have to put on a new roof. The Board agreed to let Mr. Thompson rebuild the original cape without the dormer and the ell.” Grantham Planning Board, Minutes, Apr. 6, 1989. (emphasis added.)

5. November 7, 1996 is the next time the topic appears in Planning Board minutes—in the context of a Conceptual Site Plan Review for Grey Ledges Phase II. Planning Board Member Bob Weiss brings up the fact that the Board was previously misled over whether the homestead was restorable, says it “was eventually restored,” and asks, “isn’t the onus of maintenance on the condo association?” (emphasis added.) Mr. Thompson agrees it is. Flora Thompson states that “the building will be restored, and they hope to make a small library out of it.” (emphasis added.)

6. Between 2002 and 2006, GLCA chose to hold down its assessments in the interest of protecting additional sales, leading to continued underfunding of capital reserves. At an earlier meeting on GLCA’s last demolition proposal, the Planning Board were presented with minutes of these meetings obtained by the NH Attorney General’s Office by a Grantham resident opposing the demolition.

7. “A committee was formed to look into the short and long-range financial responsibilities of the owners and developer... Amenities should be in at the end of Phase 2 or after 17 units are sold. Pool is planned to be near the barn.” Grey Ledges Condominium Owner’s Association Annual Meeting Minutes, July 26, 2002. (emphasis added.)

8. On June 18, 2004, Mr. Thompson, “mentioned the fact that the swimming pool is presently being built. There should be water in it by this time next week and it should be all tied in by two weeks. The steel panels are up, and the concrete is being poured tomorrow. The liner will be ordered next week. We hope to open the pool on schedule by July 1, 2004. GLCA Annual Meeting Minutes, June 18, 2004.

9. At the July 1, 2004 Planning Board meeting—after he had already started construction on the pool in its current location next to the homestead, rather than its approved location on plans near the barn/chapel—Mr. Thompson first proposed the use of the brick cape as a “pool house and multi-purpose building...

Chair Hanson informed him the conversion of the building to a multi-purposes/pool building will need formal site plan review. The next meeting will be August 5th.” Grantham Planning Board, Minutes, July 1, 2004. (emphasis added.) **There are no subsequent minutes, building permit, or recorded plans showing approval of a pool or pool house/amenities building at the location of the brick cape.**

10. On Dec. 13, 2006, as part of a complaint to the NH Attorney General, GLCA sent results of a first “Reserve Study” conducted by Bob Burns of Burns and Associates Engineers. It listed \$85,860 as required to restore the brick cottage with the following work: “... lift building; remove old and build a new foundation and replace building on new foundation; correct water entry; replace building sills; replace/reinforce existing first floor structure; re-point exterior brick walls; re-shingle roof; plumbing; finish ceilings, walls, floors; thermal insulation; heating system; electrical – entire system; painting – exterior and interior.” This document was shared with the Planning Board during its March 2018 meeting.

11. Photos taken as part of the 2006 complaint, leading up to legal action against Mr. Thompson by GLCA, show interior features of the building (plaster walls, etc.) largely in place, even if in disrepair. Substantial parts of the building appear to have been removed under GLCA ownership since that time. These photos were also shared with the Planning Board during its March 2018 meeting.

12. GLCA filed a multi-count suit against Earl and Flora Thompson in Sullivan County Superior Court in 2008 that included “leaving the community structure serving the pool as a gutted shell that is uninhabitable, vermin infested, open to the elements and unsafe.” Sullivan County Court Docket # 08-E-0046.

13. In January 2011, GLCA entered a settlement with the defendants that all parties agreed to keep confidential. Under that settlement that resolved expired development rights, GLCA fully accepted responsibility for the cost of restoring the homestead when it agreed to “... remise, release, and forever discharge the E & F and their heirs, executors, administrators, agents, successors, and assigns, from any and all manner of action and actions, cause and causes of action, suits, damages, judgments, executions, claims for property damage and demands whatsoever, in law or equity, which Grey Ledges ever had, now has or their heirs, executors or administrators hereafter can, shall or may have against E&F for, upon, or by reason of any matter, cause or thing whatsoever, from the beginning of the world, and particularly, but without in any manner limiting the foregoing, on account of construction and development of any condominium units, amenities, utilities, appurtenant structures of any kind...” Settlement Agreement, Sullivan County

Court Docket # 08-E-0046. (emphasis added.)

14. In Jan. 3, 2013, under the terms of an agreement to resolve tax issues related to the unbuilt units that were the subject of the litigation, GLCA and the Town agreed to eliminate all the unbuilt “Paper Units.” The parties further agreed: **“The Town of Grantham and the Grey Ledges Condominium Association must jointly approve in writing any future development of the property.”** (emphasis added.)

15. On February 7, 2018, the GLCA submitted its first request to demolish the homestead. As detailed in the minutes of the March, April, and May 2018, it was met with substantial opposition from Grantham residents.

16. At its April 5, 2018 meeting, the Planning Board put forward a list of items that it would require for the Association’s application to be accepted as complete. **The Board does not yet have those items before it as part of GLCA’s current application.**

17. At the insistence of the Planning Board that a historic assessment be conducted by GLCA, Bedard Preservation and Restoration LLC was hired with a grant identified by one of the opponents to the cape’s demolition. Bedard found it may cost over \$500,000 to properly save the structure, but:

a. “[I]t is obvious that the building was originally a very well built and significant example of a northern New Hampshire brick and timber framed cape-style house. Capes made of brick were uncommon for this part of New Hampshire, and the curved second floor ceiling is an unusual feature for a cape-style house.”

b. “With the proper maintenance, care and some restoration this building would be in good, viable condition today. It could have been available for many generations in the future.” (emphasis added).

c. “The deferred maintenance was enhanced, as mentioned earlier, by the installation of the concrete pads to the front and gable end of the building and also to the negative grades to the building in the back. This allowed water to infiltrate the building year after year and is the basis of the poor condition of the building today.”

d. “The building could still be saved... it will just take time and

money.” (emphasis added.)_Bedard Preservation and Restoration LLC, Report on Red Brick House, July 7, 2018, p. 9.

II. GLCA’S HARDSHIP IS LARGELY SELF-CREATED

We do not dispute that GLCA ran into extreme difficulty with Grey Ledges’ developer. However, we strongly disagree that GLCA simply “inherited” the problem from Mr. Thompson and bears no responsibility for its current financial hardship in fulfilling conditions of approval. Based on their Annual Meeting minutes, the GLCA knew as early as 2002 that it had a building in need of repair. In 2006, it was 20% of the current cost to save the homestead. In 2011, GLCA freed the developer of any remaining obligations to restore the structure in its legal settlement. Now the GLCA asks to shift its remaining cost onto the public by removing a historic resource that was intended to be preserved.

Perhaps the Association does not want to pursue grant funding because it fears having to transfer the property to a nonprofit, allow public access to a part of its private community, or to ensure permanent protection of the structure. Perhaps it has not inquired about funding at all. GLCA’s lack of transparency on the topic has left it to speculation.

Regardless, due to the well-documented history at Grey Ledges, the Town believes that its residents are owed a robust effort by GLCA to preserve the structure and transparency regarding GLCA’s efforts before the Planning Board approves the demolition of an important piece of Town history.

III. PLANNING BOARD AND BOARD OF SELECTMEN APPROVAL REQUIRED

As stated above, there has never been Planning Board approval of a pool house or a pool in its current location. It is also worth noting, based on the Bedard assessment, that the placement of the pool behind the homestead was a significant contributing factor in its deterioration.

Whereas it has never undergone site plan review as Chair Hanson informed Mr. Thompson was necessary, the Board of Selectmen views the establishment of a pool house/amenities building within the brick cape as new development. It therefore requires Planning Board approval and our own written approval pursuant to the terms of the January 2013 agreement which halted all additional development at Grey Ledges.

In addition to not yet having shown that demolition of the historic cape is appropriate, the application provides no details about the new facility such as lighting, hours of operation, parking, steps to reduce noise for abutters, etc. Lastly, before ever rescinding the earlier condition of subdivision approval to preserve the cape, we believe the Board must carefully document new conditions and re-affirm prior conditions of approval in writing.

IV. CONCLUSION

We believe that the application before the Planning Board is incomplete and should be rejected, leaving in place for now the original condition of subdivision approval that Grey Ledges will preserve the building. If GLCA chooses to be insular in addressing the building's needs, rather than engaging a community that has shown an interest and willingness to help in preservation efforts, it cannot expect the Town to bear the cost of GLCA's decisions by giving up an important part of its history.

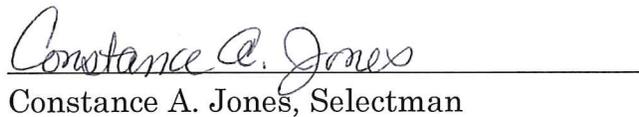
Thank you for your consideration, and please do not hesitate to let us know if there is additional information we may provide.

Sincerely,

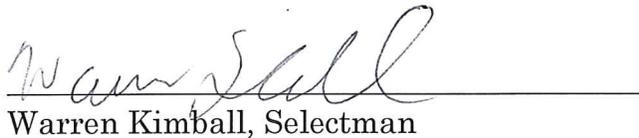
TOWN OF GRANTHAM
BY ITS BOARD OF SELECTMEN



Peter Garland, Chair



Constance A. Jones, Selectman



Warren Kimball, Selectman