

**Town of Fitzwilliam
Historic District Commission
Meeting Minutes
August 13, 2020**

Members Present: John Fitzwilliam, Chairman; Bill Davis; Marcia Camden; and Dan Baker, Selectman's Representative.

Members Absent:

Staff Present: Lori Nolan, Land Use Coordinator

Others Present: Tanton and Helen Mattson

Call To Order The Chairman opened the meeting at 4:00.

The commission met with **Tanton and Helen Mattson** [Map 32, Lot 25] regarding the installation of roof top solar panels at 22 Richmond Road. Chairman Fitzwilliam introduced the case to the Commission. The applicant received a cease and desist order from the town until the Historic District Commission reviewed and approved the project. Chairman Fitzwilliam was personally surprised to see solar panels being installed on the front of the house.

Tanton Mattson explained that the solar panels will not be visible if viewing the property from the Inn side and barely visible from the other direction. He further commented that having a red roof with black panels will not make much of a visual difference. Bill Davis commented that he just drove by the house – from Richmond Road heading to Common – and felt just the bracket installation is quite noticeable.

Mr. Mattson commented that he purchased the property two years ago. They have kept the integrity of the house both inside and out. However, installing solar would offset the current \$160/month electric bill. Mr. Davis continued to stress his concern of how noticeable the panels will be and that this is a non-conforming item within the Historic District. This case will set precedent for the future. Mr. Mattson replied stating that the solar will almost eliminate his electric bill, stating that if someone donated money to the town, would the town turn that down?

Marcia Camden asked if the panels can be installed somewhere else on the property. Mr. Mattson explained that they were told that no other location could work. Mr. Davis said that Historic District Commission wanted to be accommodating but this application put them in a difficult position. The property is in the middle of the Historic District and the panels will be installed on the front of the house. He personally understood that is good (and need) is to cut costs. Mr. Mattson responded stating that if they chose new construction, all of these problems would have been solved, but they chose to renovate the historic home. Chairman Fitzwilliam stated his disapproval of the application.

Helen Mattson commented that the Town does support solar. Mr. Davis commented that they are doing a very good job on the house. Chairman Fitzwilliam further added that the solar panels are a quirk working against what they have already done. The panels are like a neon sign on a 19th century home. It is a pity because the HDC supports renewable energy, but that the location is not a good location. He supports a land/ground mounted location in the back of the property.

Mr. Davis motioned to enter into non-public session for legal reasons [RSA 91-A:3ii(c)]. Ms. Camden seconded. Motion passed unanimously.

Yes: 3 [Fitzwilliam, Davis, and Camden]; No: 0; Abstained: 0

The HDC then entered into non-public session at 4:17pm. At this time, the applicant leaves the meeting.

Ms. Camden commented that the Town may not have the right to deny solar due to state law. She remembered a conversation with a Selectman who said state law prevents local municipalities from governing solar installation. Selectman Dan Baker then reviewed the town's solar ordinance and stated roof-top installation is allowed in any non-Historic District. It is allowed in the Historic District with HDC approval only.

Ms. Camden reads the HDC purpose. Chairman Fitzwilliam then commented that this application would be an eye sore. The HDC originally had issues with the red roof. Ms. Camden mentioned the panels will be a contrasting color and would not blend in. Chairman Fitzwilliam felt the commission should take a stand on this or disband the commission. Mr. Baker then read Section 8 of the solar ordinance – stating that the commission just needs to verify who supersedes who (the state or town). Ms. Camden reminded the commission of another case on Route 119, but that application proposed panels on the backside of the roof. Mr. Baker added that the HDC approved that application.

Mr. Davis recommended seeking advice on if they can deny the application. If allowed, the commission is in agreement to deny. Mr. Baker commented that pole mounted solar is allowed in all districts. If a proposal is within the Historic District, the HDC must review and approve. Mr. Davis further added that whatever the decision is, it will set precedent for the future.

Mr. Baker felt the Commission should deny the roof-top mounted solar panel installation but to approve a pole mounted solar panel installation in a less intrusive area, pending clarification on state/local jurisdiction.

Mr. Davis requested to table the decision until a review of state/local ordinance power is determined. The HDC is not opposed to solar, but want an alternative location. He is in favor of denying a front roof installation. He further commented that if the HDC approved this application, they might as well disband the commission, questioning what the point of the commission would be.

Ms. Camden motioned to deny the roof-top mounted solar panel installation but to approve a pole mounted solar panel installation in a less intrusive area. Mr. Davis seconded. Motion passed unanimously.

Yes: 3 [Fitzwilliam, Davis, and Camden]; No: 0; Abstained: 0

Mr. Davis motioned to exit non-public session. Ms. Camden seconded. Motion passed unanimously.

Yes: 3 [Fitzwilliam, Davis, and Camden]; No: 0; Abstained: 0

Mr. Davis asks about the perpetual yard sale at 427 Rt 119 West. Mr. Baker explained that the BoS have sent them a letter. There has been much discussion and debate about junk and debris in yards, but it is a complicated topic. There are about 10 properties in town that are problematic. Mr. Davis then mentioned the property at 345 Rt 119 West and how it has six cars in yard and the house on the corner of Rt 119 and West Lake Road has 10 cars. Mr. Baker then requested that the LUC send the HDC the research report on junk and junky yards. The BoS has since gone to the Planning Board requesting a zoning ordinance be drafted. However, the town must be prepared for litigation, etc.

The commission then reviewed the minutes from July 9, 2020. **Ms. Camden motioned to approve the minutes as written. Mr. Davis seconded. Motion passed unanimously.**

Yes: 3 [Fitzwilliam, Davis, and Camden]; No: 0; Abstained: 0

Old Business

Mr. Davis asked if there is an update about the fence on Schofield's property (Lower Troy Road). The LUC indicated she was not aware of anything. Chairman Fitzwilliam commented that applicants have one year to comply.

Chairman Fitzwilliam brought up how the HDC have low number of members right now as Claire Borowski is resigning from the Commission. Selectman Baker indicated that he will look to find new members.

Selectman Baker updated the commission on the steeple project.

With no further business to discuss, **Chairman Fitzwilliam motioned to adjourn the meeting. Mr. Davis seconded. The motion passed unanimously.**

Yes: 3 [Fitzwilliam, Davis, and Camden]; No: 0; Abstained: 0

The meeting was adjourned at 5:00pm.

Respectfully submitted,

Lori Nolan
Land Use Coordinator

**Non-Public Session Minutes unsealed on September 9, 2020.
Minutes approved as amended on September 9, 2020.**