

**Town of Fitzwilliam
Historic District Commission
Meeting Minutes
November 12, 2020**

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

Members Absent:

Staff Present: Lori Nolan, Land Use Coordinator

Others Present (Physically): Pat Deyo; Bob McGonagle; and Barbara Brooks.

Others Present (Remotely): Dan Sutton

Call To Order The Chairman opened the meeting at 4:03pm.

Daniel and Maureen Sutton – seeking approval to replace roadside fence at 15 Upper Troy Road [Map 32, Lot 28 – Residential District]

Chairman Fitzwilliam welcomed Dan Sutton to the meeting. Bill Davis felt the proposal looked great.

Mr. Davis motioned to accept the proposal as written. Ken Beckwith seconded. Motion passed unanimously.

Yes: 4 [Fitzwilliam; Davis; Camden; Beckwith]; No: 0; Abstained: 0

Fitzwilliam Community Church – seeking approval to install a temporary sign at 85 NH Route 119 West [Map 37, Lot 57 – Residential District]

Marcia Camden asked if the sign will be attached to the building. Bob McGonagle – Deacon for the Church – stated no. It will be wheeled out as needed. The letters will now be 5 inches tall, compared to the current 4 inches.

Ms. Camden asked if the sign will double in size. Mr. McGonagle stated not quite double. Their current sign limits each line to 10 letters. The new sign would allow 12-15 letters per line.

Mr. Beckwith motioned to accept the application as pictured. Ms. Camden seconded. Motion passed unanimously.

Yes: 4 [Fitzwilliam; Davis; Camden; Beckwith]; No: 0; Abstained: 0

Review of Minutes

Ms. Camden motioned to approve the minutes of September 9, 2020 as written. Chairman Fitzwilliam seconded. Motion passed unanimously.

Yes: 4 [Fitzwilliam; Davis; Camden; Beckwith]; No: 0; Abstained: 0

Chairman Fitzwilliam discussed the ZBA Notice of Decision from the Mattson roof-top solar panel appeal. Mr. Davis had concerns that precedent had been set allowing solar in the Historic District. Chairman Fitzwilliam agreed.

Ms. Camden asked if the installation had been completed yet. Mr. Davis said yes. Chairman Fitzwilliam had only seen from a distance but the group needed to accept the decision and move on. Ms. Camden felt the decision made was that ground installation is more disruptive than roof-top installation.

Ms. Camden asked how deep the lot is. Mr. Davis replied as far back as the Inn's property is. Chairman Fitzwilliam thought they owned at least an acre. He felt to attach the panels to the building would be more involved than on the ground. Ms. Camden saw some solar panels in Jaffrey near the pellet business. The panels were on a single post and she did not feel they were terribly disruptive.

Mr. Davis took issue with how the application was filed After-the-Fact. They had put brackets up and then asked for permission. He felt it is the same situation as the firearms business as that is anything but a part-time business. At first, they were facilitators of transfers; now they are a full retail business. He had concerns of the two examples, and how the HDC was overruled in one. The brackets should not have been installed first.

Chairman Fitzwilliam guessed that the appeal was based on financial hardship. Pat Deyo stated he attended the ZBA site walk. The brackets were installed, but the applicants agreed to change the roof color. The applicants also hung a tarp in the backyard to depict what the panels would look like. It was much more visible than he had originally thought and the neighbors agreed. Deyo felt if solar is allowed in town, then roof-top is the most exclusive. The homeowners are trying to do the best thing. Ms. Camden questioned if the tarp was the best way to depict. She referred to the Jaffrey example stating it was not visually bad. Mr. Davis stated it was a moot point as it was approved by the ZBA. Mr. Deyo commented that slate solar panels are possible but it requires 2-3 times the number of panels.

Dan Baker had concerns about process. The ordinance rules were voted on and approved by the town. He sees the Annual Town Meeting as the legislative body in town. If voted in during the ATM, then the ZBA should interpret that. Baker continued stating that his personal opinion is to allow the roof-top panels, but the ordinance passed by the town stated it is not allowed. He felt the town should decide what the policy is. The ZBA should not decide what looks best as their scope is if something meets code or the ordinance.

Mr. Davis agreed stating that the HDC deals with subjective items – paint color, fencing, and building looks and feel. He has never seen an application before the HDC that is not subjective – for example requesting applicants review historic colors in stores. Everything before the HDC is subjective. Mr. Baker further stated that if talking specifically solar, the restriction came from a voter passed ordinance. The LUC then discussed the HDC's duties within the zoning ordinances versus the subjective guidelines.

Mr. Beckwith asked if the solar panels located on Dan Sutton's house was approved by the HDC. Chairman Fitzwilliam stated yes and that they are installed on a subsidiary area of the house. Mr. Davis agreed commenting they were approved because it is located on the barn on the back side of the lot.

Ms. Camden was thinking about wind and asked about windmills. She is thinking of installing windmills for irrigation and electricity. She felt it was a topic to consider. Chairman Fitzwilliam agreed and felt it was an excellent agenda item.

Mr. Davis asked the LUC for any rules the HDC must follow outside of the guidelines. He was concerned every decision would be overturned as everything is subjective. The LUC then read the HDC missions #1-5 in the zoning ordinance Chapter 127. Mr. Davis still felt all of those items are subjective. Mr. Baker then showed Chapter 148-9 of the zoning ordinance.

Mr. Deyo commented that he has reviewed all of the HDC documents. They contain many details, but some items were not outlined. Mr. Davis was concerned when people disagree with the HDC's subjective opinion. Mr. Baker replied stating that the ZBA is a legitimate step. However, if the zoning ordinance states something is not allowed, how the ZBA can overturned it. He felt the ZBA stepped into the HDC shoes, looked at the application, and rendered a decision. He felt the HDC was sound

in regulating solar. The ZBA decision doesn't prohibit the HDC from regulating solar in the future. Mr. Deyo felt the decision was not about aesthetics. He felt because solar panels were allowed on other Historic District houses, then that is why the ZBA allowed it here. Mr. Beckwith felt this created a good opportunity to review the guidelines again.

Mr. Davis was afraid the HDC is losing their ability to render decisions. Some applicants may feel they have money to take the town to court. Mr. Baker disagreed stating the HDC has the right. Mr. Davis felt the HDC should sharpen up the guidelines and to try to anticipate future issues.

With no further business to discuss, Mr. Beckwith motioned to adjourn. Ms. Camden seconded. Motion passed unanimously.

Yes: 4 [Fitzwilliam; Davis; Camden; Beckwith]; No: 0; Abstained: 0

The meeting was adjourned at 4:50pm.

Respectfully submitted,

Lori Nolan
Land Use Coordinator

Minutes approved as written on January 14, 2021.