

Durham Historic District Commission

Thursday, Aug. 20, 2015

Attendance:

Chair Candy Descipkes

Vice Chair Ben Love

Secretary Seth Koenig

Joe Donovanick

Paula Erdmann-Purdy

Alt. Cory Miller

Call to Order and Establishment of Quorum

Pledge of Allegiance

Acceptance of Minutes

Motion: Candy made a motion to accept the minutes from July 16, 2015.

Donovick seconded.

Vote: 5-0.

Continuing business:

New alternate member

Candy: Introduced new alternate member, Cory Miller. Miller said her family's history in the town goes back to the 1700s.

War Memorial Park

Candy: The project is not finished; town is working with CMP to install flagpole lights, and an electrician is lined up to wire the gazebo next week.

Paula: The U.S. and Maine flags seem much taller; our motion called for flag poles at the same height as those already standing. I believe the poles are taller – 30 feet in height for the taller ones instead of 20 feet in height.

Paula: I think we should've asked more questions. We dropped the ball on that.

Paul: There were a few errors in his application.

Cory: Once the lights go in, the applicant wanted the U.S. and state flags to stand out and be dominant. With the light on, I don't think it will look disproportionate.

Paul: The only thing you can do has to be determined by the ordinance. You'd have to say how the application didn't match with a particular aspect of the ordinance.

Seth: I think the way we phrased our approval called for flagpoles of the same height; although we could have considered taller flagpoles to be out of congruity with the historic character of the park.

Candy: Applicants looked up flagpole etiquette, and found that state and U.S. flags should be twice as tall as the other flags.

Paul: The board needs training from the town attorney on what its authority is and how to apply the ordinance. The only thing the board can do is apply the ordinance to an application.

Paula: Looked up that the Coast Guard flag should have been included; the town doesn't have the money to add another flag, so if I want it up, I've got to pay for it.

Paul: The concern is that the applicant went out of bounds of what we approved, and should be put to the Codes Enforcement Officer. It's an enforcement issue, and may need to be amended in another hearing before the commission.

Paula: The ordinance does address appropriate height.

Cory: Maybe we need to do more research on flag etiquette, etc.

Paul: That's not the commission's job; the commission can only look at what's correct by the ordinance.

Selectman Mark: Part of the issue is that the flagpoles that were there originally were not set up correctly. Comparing the new flags with what used to be there isn't necessarily accurate. What was there wasn't historically accurate.

Seth: Doesn't the ordinance ask us to use judgment against certain criteria?

Paul: The ordinance uses characteristics of properties on the ground to judge whether it's passed or not.

Paul: The Commission cannot disagree about whether the applicant's proposal is ideal, it can only decide whether the proposal meets the ordinance.

Candy: We have to take this as a lesson, to learn we should ask more questions of future applications. There are things that are not black-and-white in the ordinance. We will probably need to say to applicants that, if they determine they need to make changes to their projects, they will need to apply for a change.

Historic District Map

Candy: We haven't gotten the enlarged map.

Tri-Town Weekly article

Story appeared in July 22, 2015, written by Larry Grard.

Emails

Candy: We all have town emails; at this point, to the best of my knowledge, all regular members have town emails, and alternates will get addresses soon.

Paul: The idea is to keep town business in publicly accessible emails without personal emails being searchable under Maine FOAA laws.

Maine Historic Preservation

Candy: We have not gotten in touch with them to reschedule an appearance by the MHP.

By-laws

Seth: Drafted proposal for by-law amendment detailing how alternate members may participate based on language used in the Planning Board by-laws

Paul: The ordinance calls for three affirmative votes of the regular members, so the by-law update should reflect how alternate members can become regular members in standing.

Joe: I'm going to propose an ordinance change that may alter the number of regular members who need to approve a given application.

Seth: So if my by-law language simply just defines under what circumstances that an alternate serves as a regular member.

An alternate member can become named by the chair a regular commission member in standing at such time that a regular member is absent or disqualified from voting on a matter or application. Once an alternate member has been named a regular member in standing to review an application, the alternate member shall continue to hear and act on an application until Commission review has been completed.

Motion: Seth moves that the above passage be included in the HDC by-laws, Article III, Section 5., titled "Voting."

Seconded by Paula.

Vote: 5-0.

Ordinance revision.

Joe: The ordinance amendment proposal would add a second pathway to approval for applicants. See Draft Ordinance Amendment.

(In a general sense, the alternate pathway, titled "Procedure B," would allow two Commission members, ideally including the Chair and/or Vice Chair, working alongside the Codes Enforcement Officer, to approve minor changes to properties in the district without bringing the application to the entire Commission. If all three don't agree on approval, the application can be brought to the entire Commission.)

Paul: We will need to more clearly outline what constitutes a "minor" change, and requests a minimum of 10 days to bring the application with a recommendation of whether it's a "minor" change. (Currently, the proposal is three days.) Recommends saying "chair or vice chair or their appointee" as opposed to "ideally, the chair or vice chair would attend." Also recommends that the applicant can request a full Commission review.

Seth: How clear can that definition of what's "minor" be?

Paul: It must be very clear what is considered "minor."

Joe: What if we say the criteria is the same in Procedure B as in Procedure A?

Paul: You have to clearly state where the threshold between “minor” and “major” is.

Ben: I still need to sit down with Paul to review the criteria piece, between what's “major” and “minor.”

Paul: We need to be done with this by December, to launch Selectmen review and public hearings before the April town meeting. To do this, we will need to rework the entire ordinance, because page numbers will change, etc.

Joe: If we all agree, I'll make the changes recommended by Paul.

Seth: I can't make the Sept. 10 meeting; we could reschedule until Sept. 17.

Candy: Joe, can you work with Paul on the definitions?

Paul: Ben and I have to take about architectural criteria.

Joe: I can talk to Paul.

Definition of “visible from the road”

Joe: I suggest we put that off until the next meeting.

Work with the Durham Historical Society

Paula: Cory is secretary for the DHS.

Candy: We can talk about it in the future, but I'll move it up in the agenda.

New Business

Terms for chair, vice chair and secretary

Candy: Our positions are annual, and we were given them last July.

Paul: All positions on the board are annual – you must be sworn in every year, but officer positions serve “thereafter until successors are chosen.” Those swear-ins take place typically after the town meeting every year; if you haven't been sworn in this year, you'll need to do that soon.

Next meeting

Sept. 17 at 6:30 p.m.

Candy will send out emails to everyone with all contact information of alternate members.

Other business

Paula: Phippsburg's historic commission has invited me to sit in on their meeting/s and see how they do their business.

Paul: The ordinance allows for expanding the district. A commission could/should be able to look at all historic buildings in town, but the current ordinance only considers the borders of the district.

Seth: Go ahead and sit in on the Phippsburg historic commission.

Paul: Maine Historic Preservation could tell us what criteria to use to know which properties in town are historic and should be overseen by a commission.

Motion: Paula moves that we adjourn.

Ben seconded.

Vote: 4-0 (*Joe left just a moment ago*)