

## CITY OF LACONIA HERITAGE COMMISSION

5:00 PM City Hall - Armand A. Bolduc City Council Chamber  
*Draft Minutes*

3/8/2023 - Minutes

### 1. Call to order

Chair Marjory Wilkinson called the meeting to order at 5:00 PM.

### 2. Salute to the flag

Chair Marjory Wilkinson led the Pledge of Allegiance.

### 3. Roll call

Mark Haynes, Lois Kessin, Scott Ringer, Catherine Tokarz, Jane Whitehead, Marjory Wilkinson, Dean Trefethen Planning & Development Director and Code secretary Yanis Banks.

### 4. Recording secretary

Yanis Banks Code Enforcement

### 5. Staff in attendance

Dean Trefethen Planning & Development Director.

### 6. Acceptance of Minutes from previous meeting

Acceptance of Edited January 11 Minutes. Catherine Tokarz started the motion to accept the Minutes with the corrections provided at the March 8 meeting. Jane Whitehead seconded the motion. All voted in favor,

#### 6.I. Acceptance of January 11 minutes

### 7. City Council Liaison Report

Mark Haynes started off saying that this time of the year is slow and currently most of their work involves housekeeping like grants and such. Lakeport parking has been put to rest. As a reminder at this time the budget will be finalized later this year in June. Any funding requests that the Heritage Commission has in mind should be passed down to Dean. Dean will hand those to the City manager and I will be happy to assist with any questions anyone here has.

Marjory Wilkinson asked Mark Haynes about the City Council Minutes she read regarding the possibility of the Historic District and Heritage Commission merging. Mark Haynes said the conversation was more about the number of changes happening to the ordinance and housekeeping items pertaining to the Historic District. One big item from the RSA discussed was the bandwidth the Historic District has pertaining to funding and raising funds. City Council didn't like that idea and believes that a budget is a more suitable option.

Catherine Tokarz asked Mark Haynes about what the Historic District budget amount is. Dean Trefethen responded that he believes it is the same amount as the Heritage Commission of \$4,500.

Catherine Tokarz asked Mark Haynes about the Lakeport parking issue. Mark responded that the lease was granted with the stipulation, that any improvements made by Scott Everett as far as Elm St is concerned. Meaning any projects happening that the funds are recorded as part of the lease which is \$10,000. Any upgrades made regarding the City's infrastructure need to be deducted from the lease amount.

## 8. Planning Board update

Dean Trefethen responded that recently the number of total permits has gone down and that is a result of the cost of materials etc. However, we are still seeing plenty of permits from homeowners for remodels, decks and the typical developers which has not slow down at this time.

Catherine Tokarz asked Dean if there are any new projects happening. Dean responded that he is not at liberty to discuss at this time. However, there are currently 3-4 projects currently underway. The Gardens on Endicott St, The Outlook on Endicott North, The Bartons is still going on and working to get the Province St apartments approved. There was an issue with the easement but we are working on it and it looks like it will happen.

Catherine Tokarz asked the number of apartments and Dean answered, 90. Lois Kessin asked Dean if these apartments will be at market rate. Dean responded that these apartments have been approved by the New Hampshire Housing Authority to be workforce affordable housing.

## 9. New business

### 9.1. Meetings

Marjory Wilkinson requested that we continue having monthly meetings. Regardless, if there are any outstanding demolition permits for the month or not. Dean agreed.

Lois Kessin asked if there are any rules regarding members been kicked out of The Heritage Commission for missing 3 meetings. Dean answered that he would need to look at the by-laws to know exactly.

Scott Ringer asked if the board could vote someone out. Dean responded no. Different boards have different provisions on how to handle vacancies or not showing up to meetings. In the past if a member is absent 3 meetings the chair would reach out and ask for a resignation.

Lois Kessin asked if there could be an option for a Zoom meeting in the case a member was not able to attend. There must be a physical quorum here of at least 3 people here. As long as that is the case there could be a member or two members on Zoom or via a conference call.

Catherine asked if they can vote if the members are present via Zoom or through conference call. Dean responded yes. The caveat is all votes are roll call. Catherine Tokarz asked if the state let up on the Zoom meetings. Dean responded that during Covid all meetings had to be electronically. Governor did not re-new the authorization to keep going with the electronic meetings. We went back to conducting meetings as we had done in the past.

Marjory Wilkinson asked Dean if an alternate can sit in place of the chair in the case of not been able to attend a meeting in the near future. Dean responded that he is unsure and he would have to look at the by-laws first. However, a member could act as chair in the case the chair was absent.

Scott Ringer asked if a meeting can be moved to a different day. Dean said yes if it doesn't interfere with other meetings. In that case we would need to look at the schedule and see what is happening at such time since this conference room is used by other boards for their meetings as well. Marjory asked if that can be added to the agenda. Being aware of members vacation times prior to the meeting.

## 9.II. Merger of Heritage Commission & Historical District Commission

Marjory Wilkinson asked if there should be a meeting put in place between the Historic District and The Heritage Commission to discuss the possibility of a merger. Mark Haynes doesn't feel the need for a merger but he is open to hearing what the rest of the members think. Scott Ringer asked who originally proposed the merger. Catherine Tokarz responded there had been mutual talks between members of both Commissions.

Scott Ringer asked how the Heritage Commission would benefit from the merger. Marjory Wilkinson quoted the Heritage Commission website, and it talks about "cultural context". By definition: it's behaviors that are established by a group(s) of people instead of the physical aspect. Marjory stated that both Commissions have the opportunity to enhance each other to give a more meaningful stance to our community than just handling the demolition permits.

Lois Kessin asked if they want us. Marjory said she believes they do as a few of their members term will be up soon. Jane Whitehead said that we could reach out to Andrew Cushing or Jennifer Goodman. They would be a good source on the ramifications this may have or how other cities have accomplished this.

Jane Whitehead asked if there would be one or two agendas. Dean responded there would be one agenda and one meeting. Both tasks would be done during the meeting. On some occasions one meeting would be more emphasized in the Historic District than Heritage Commission or the other way around. As part of that we can also talk about ways to strengthen the ordinance when it comes to demo permits.

Marjory asked if everyone would be open to a joint meeting with the Historic District. All members said yes. Dean asked Marjory to think about it and get back to him if we need to invite The Historic District to join our next meeting.

## 9.III. Legal consultation when needed

Marjory would like to know in regards to the St. Josephs Church issue. When is it necessary to seek legal counsel. Dean responded that if there is ever a scenario in which Heritage Commission needs to involve legal. It would need to be run by him and he will get one of the lawyers involved and set up a meeting to discuss the matter further. St. Joseph Church is in the Historic District and they do have a role, same as the Heritage Commission if the church decides to proceed with the demo permit.

Catherine asked if it is possible to have legal counsel in non-public sessions. Dean responded it is possible however certain confines must be followed. Catherine asked if Lois and her would be exempt from the meeting or is it just voting on the demo permit. Dean responded if you have a meeting with legal counsel, it won't be a public meeting therefore members and staff as necessary. If the subject is the demo permit for the church, if you recuse yourself, you cannot be part of the meeting with legal counsel. If it is another subject matter even if it ties into the church meaning physical aspect or restoration. Both of you would be able to take part in the legal counsel meeting. Dean said he is hoping that there would be a resolution, at this time the lawyers answer is the same their client wants to keep the demo application on hold.

## 9.IV. Preservation Alliance nominations for 2023

Marjory mentioned she has been getting some of their emails. In which she was made aware that The Colonial was recognized and also awarded. They are looking for recommendations if anyone here is interested in submitting a building or a person, The NH Preservation Alliance website is where you can submit the application.

## 9.V. New Heritage Commission members

Currently there are two vacant positions. Marjory mentioned that Lois had talked to Nicole and the word was she has some things going on at this time. But she is interested in re-visiting the idea of becoming a member.

#### 9.VI. Right to-know presentation

Marjory mentioned that she was part of the training meeting and it was very informative. In front of you there is some papers from the presentation training we had. When sending emails is best to use the BCC tool instead of just coping everyone. Dean said that to be on the safe side just individual email exchange or directly to the chair.

Marjory said in the right to know presentation the Minutes was also discussed. Minutes do need to be made public after a meeting even if it is in a draft form. The Minutes need to be finalized at the next meeting plus any changes and approved as well.

Catherine Tokarz asked that before you were not able to make decisions during non-public meetings and now it says you can. Dean responded that it depends on the situation. Pertaining to The Heritage Commission I can't think of an occasion where you would need to make a decision in a non-public or public meeting. However, it could happen. City Council does on occasion go into non-public meetings and there are Minutes recorded as well which later on are unsealed. In the case of the Heritage Commission for a non-public meeting with legal counsel it would be a discussion. At the next meeting there would be a decision. Other boards also have on occasion had discussions with legal counsel, basically it would be the same process.

#### 10. Old business

##### 10.I. Power of Heritage Commission regarding Demo Permits

Dean responded that at this time he wants to table this as he doesn't have an answer.

##### 10.I.I. Increase of demo fees & percentage of fees to be given to HC

Marjory asked what the fee is currently for demo permits. Currently for residential and commercial is \$100. Code Secretary Yanis Banks informed the board that before Dean went on vacation he had asked me if I could pull some data from cities near us and what their fee structure consisted of. I provided Dean copies from the cities website that I gathered the information from and pretty much the fees were about the same as the of City Laconia.

Lois Kessin asked Dean if the demo fee can be increased in the case someone decides to demolish a property without a permit. Dean responded yes it can be done. There is a process, and it would have to go in front of City Council. Dean responded that this could be a discussion that can be added to the matter of Merging both Commissions. Because certain items would have to be restructured and that would be the best time to do so. Mark Haynes said to Dean if these fines would be subject to court. Dean responded yes it could be. Dean said that there may be a possibility to increase the fine or penalty under the building code or the property maintenance code. To impose penalties and fines it would need to go in front of the court.

Marjory asked Dean if the budget for the HC of \$4,500 can be rolled over each month if it isn't used. Dean responded no it lapses. But if there is a time where the HC needs funds greater than the allowed budget. The city has a process, and they would need to be made aware ahead of time so the funds can be allocated and rolled over if necessary.

##### 10.I.II. St. Joseph Church

Marjory commented about the article from the Preservation Society regarding the St. Josephs church. Marjory spoke with Catherine Tokarz about the possibility of writing a letter to show support

towards the Preservation Society. Catherine had reached out to Suzie and she mentioned that it would be good for the letter to highlight some of the key points discussed in the article. Catherine said that the overlay district also is interested in working with the HC to write the letter to support the Preservation Alliance.

Jane Whitehead agreed with Catherine that HC Commission does need to show support. However, Jane said that is exactly why the catholic church has asked Catherine and Jane to recuse from doing. Catherine had agreed to, but Jane refused to. Lois Kessin spoke and said the city lawyer also asked them to recuse themselves. Jane doesn't agree, she would take it to Chris Bolduc if need to. Catherine asked if anyone here would like to send thoughts in an email to Marjory that they feel need to be in the letter that would be great.

#### 10.I.III. State School

Marjory asked Dean if there were any news. Dean responded that he had a meeting with the city manager, department heads and development team on Tuesday March 7<sup>th</sup>. So far everything is on track as I had mentioned in January's meeting regarding time frames. Sometime over the summer they will make their plans public. In the meantime, city staff is working closely with the development team to highlight underlying issues as seen currently. We are aware that there will be an impact to the city specially the school system and we are working those issues and figuring out an approach and who will be responsible to pay for them and how it will be handled. There are people in the community who are skeptical that this project will move forward. But they have spent plenty of money and will be spending a lot more. They aren't going anywhere.

Regarding the permits for the 8-9 buildings, they are looking to demolish. Because of the nature of the agreement they have with the state. Even though they won't own the property until early September. They have authorization from the state to apply for the permits as early as beginning of summer. They have been made aware they will need to come in front of this board before they start their site work in September.

Catherine Tokarz asked if we could increase the permit fee before the state school project. Dean responded that if the HC Commission feels strongly about increasing the permit fees. The board needs to make a motion so he can bring it to city council.

Lois Kessin started a motion to increase permit fees for Residential and Commercial. Scott seconded the motion. Residential fees increase to \$100 & Commercial to \$250. Scott Ringer seconded the motion. All voted in favor.

#### 10.I.IV. Weirs Archeological Survey results

Marjory Wilkinson asked Jane Whitehead if there had been any news on the results of the archeological survey completed at the Weirs. Jane responded she has not heard anything at this time. She said that she would be willing to contacting the students and their lab to find out the results of their findings. Jane also said that nothing of this has been made public and she believes it could have been a class project requested by a specific professor.

#### 11. Public comment

#### 12. Other business

#### 13. Adjournment

Lois Kessin made a motion to adjourn. Scott Ringer seconded the motion. All voted in favor.