

*These minutes were approved at the August 3, 2023 meeting.*

**DURHAM HISTORIC DISTRICT/HERITAGE COMMISSION**  
**Thursday, July 6, 2023**

**DURHAM TOWN HALL, COUNCIL CHAMBERS**  
**7:00 p.m.**

**MEMBERS PRESENT:** Larry Brickner-Wood (Chair), Charlotte Hitchcock (Vice-Chair), Eric Lund (Town Council Rep), Bill McGowan (Planning Board Rep), Aaron Wolfson-Slepian and Carolyn Singer; Alternates Jennifer Becker and Tom Janosz

**MEMBERS ABSENT:** Mike Hoffman

**ALSO PRESENT:** Town Planner Michael Behrendt

**I. Call to Order**

Chair Larry Brickner-Wood called the meeting to order at 7:02 p.m.

**II. Roll Call & III. Seating of Alternates**

Roll call attendance was taken and alternates Jennifer Becker and Tom Janosz were seated as voting members, filling in for Mike Hoffman and Carolyn Singer. Carolyn arrived at 7:05 p.m., and Tom was no longer a voting member.

**IV. Approval of the Agenda**

*Mr. McGowan MOVED to approve the agenda as submitted; SECONDED by Mr. Wolfson-Slepian, APPROVED unanimously, 7-0, Motion carries.*

**V. Approval of Minutes: June 8, 2023** – Postponed to next meeting.

**VI. Public Comments:** There were none this evening.

**VII. Staff Report**

Town Planner Michael Behrendt said he's been talking with the Letourneaus about the parking situation at Tideline Public House. Business is going well, but parking is an issue on Wednesday and Thursday evenings when there are meetings at Town Hall.

In other news, Tracy Cutler has joined town staff, replacing Andrea who left to go back to her position in Epsom.

**It was noted Ms. Singer arrived at the meeting at 7:06 p.m. Alternate Tom Janosz will be a non-voting member for the remainder of the meeting.**

### **VIII. 26 Newmarket Road - Tree Removal**

Application to remove one tree that appears to be dead on the south side of the house. Scott and Karen Letourneau, property owners, Map 108, Lot 4. **HDC**

Vice-Chair Charlotte Hitchcock reported Rich Reine [Dept. of Public Works Director] visited and confirmed the tree is dead and should be removed.

***Mr. McGowan MOVED to approve removal of the tree on Scott and Karen Letourneau's property, Map 108, Lot 4; SECONDED by Ms. Becker, APPROVED unanimously, 7-0. Motion carries.***

**IX. 53 Bagdad Road.** Discussion about historic house that is now offered for sale. Map 104, Lot 42. **HDC.**

Chair Brickner-Wood reported some members toured the house, including Ms. Singer and Ms. Hitchcock, as well as Town Planner Michael Behrendt.

Town Council raised the issue recently of how to protect houses that are historic and decaying or in transition.

Ms. Singer raised the topic of the Town providing tax breaks for property owners willing to protect historic buildings. Mr. Janosz said in his experience this isn't currently an option. Mr. Lund said it's unclear under current RSA's if the town could even offer such a tax break and Mr. Behrendt said he doesn't believe so.

Vice-Chair Hitchcock commented that a townwide historic survey needs to be completed first with all resources and assets listed in the format provided by the state's Division of Historic Resources. Once that's done, buildings eligible to be on the State or National Register can be identified. The property under discussion has not been pursued for listing on the State Register.

The Chair commented that in his view preservation easements should be considered and the approach should not be to penalize property owners.

Town Planner Behrendt suggested the Commission look into a CLG [grant] to achieve a townwide historic survey. UNH has already been surveyed, so the process should be less expensive. He'll look into the deadline.

Ms. Singer said the NH Preservation Alliance or Historic New England might also offer funding.

**X. 1 Durham Point Road.** Discussion about condition of historic house in the historic district. Map 114, Lot 2. HDC.

Mr. Behrendt said people in town are frustrated and concerned about the deteriorating condition of the property owned by Mr. Diberto. In discussion, the property owner said he's planning to fix up the home and put it on the market, possibly this fall. His claims that there's a new roof and the wood exterior is not deteriorating haven't been verified.

Ms. Singer said there should be a way to help people understand the need to follow Secretary of the Interior Standards in order to maintain the historic value of their properties. The Chair suggested the Commission could investigate a CLG grant to create educational materials about this.

Mr. Janosz, who lives in the neighborhood, said he's skeptical Mr. Diberto will follow through on promises to fix it up. He would like the Commission to send him a letter, giving him 60 days to complete certain steps. At the very least, the lawn should be mowed.

The Commission discussed a possible site visit and whether they should initiate section 175:97 of the ordinance pertaining to "Required Maintenance and Demolition by Neglect." Mr. Behrendt noted the ordinance provides a list of 15 things that can be done.

He broadly outlined the process. Should the Commission make a finding of Demolition by Neglect, the case would then be sent to a building official who would give the property owner 60 sixty days to make improvements. If there was non-compliance, the issue could be turned over to Town Manager Selig and Town Council. In the end, he said enforcement largely relies on persuasion.

Chair Brickner-Wood said he knows the property owner and doesn't think adopting an adversarial approach would be helpful at this point.

Mr. Behrendt noted there's a John Hatch mural in the dining room and Mr. Diberto has agreed to allow HDC members to see it once the house is fixed up. For now, the Commission can view the property from the public route, but it's unlikely they could make any useful findings this way.

Ms. Singer raised the issue of another deteriorating property in Town on Packers Falls Road (near the former Hannah Dewy Bed & Breakfast) that she believes is of utmost concern. It's not located in the Historic District.

There was brief discussion if the property poses safety issues and if the code enforcement officer has been involved. It's believed the property may be bank-owned, but this needs to be confirmed.

**Action Items:**

**Re: 1 Durham Point Road:** Consensus was reached to have Town Planner Behrendt send a letter to Mr. Diberto citing the Commission's concerns and offering to work with him. If progress is not seen by the Commission's September meeting, then the "Demolition by Neglect" section of the ordinance will be initiated.

**Re: The Packers Falls Road property:** Mr. Behrendt will first determine if it's bank-owned or individually owned and reach out again to the current owner via letter.

**XI. Town Farm Burial Ground. Discussion about Town-owned lot situated next to Chesley Cemetery, located off Stone Quarry Drive. Map 209, Lot 3. HC**

Mr. Lund said at last month's Cemetery Committee meeting, Town Councilor Lansky raised the idea that the Town's pauper burial ground could be considered as a potential site for green burials. The Town got a quote to use ground-penetrating radar to find out where bodies are located on the parcel.

He said the Cemetery Committee has decided this is out of their purview and believes the Heritage Commission has oversight since this is a historic burial ground.

It was clarified there are two separate parcels: the Chesley Burial Ground and the Town Farm Burial Ground, which is owned by the Town. Vice-Chair Hitchcock commented that technically the Chesley Burial Ground belongs to the family and they could still choose to bury descendants there.

Mr. Lund asked if the Heritage Commission would consider covering the cost of ground-penetrating radar in the Town Farm Burial Ground since the Cemetery Committee doesn't have the budget for it.

Ms. Hitchcock and Ms. Singer gave a brief history of the Town Burial Ground, noting that from the 1830s to 1866, Durham had a Town Farm where paupers could work instead of being put in the care of other families. Tim Dodge wrote his master's thesis on this and the Town's 1865 Annual Report listed eight paupers.

There was a question if the Cemetery Committee wishes to exhume the bodies and Mr. Lund replied he does not believe so, though it would be good to identify them in some way. Some questioned what the goal would be of using radar and if it makes sense to spend HC funds on this.

The Chair said if there's historic value to using ground-penetrating radar, he might be open to pursuing it; but he doesn't see the value in using it just to determine if there are people buried there.

Vice-Chair Hitchcock commented that in order to be considered by the Heritage Commission, the project would have to be put into a larger context.

Consensus was reached for Commission members to visit the site on their own before the next meeting, if they wish. Ms. Hitchcock, who lives in the adjacent River Woods neighborhood, will send out a map.

**XII. Presentation by HDC Chair to the Town Council.** Discussion about issues raised in presentation by Larry Brickner-Wood to the Town Council on June 26. **HDC/HC**

Chair Brickner-Wood said a few items came up during his report to Town Council. One was about how to manage cellar holes and foundations, including the one at Wagon Hill Farm.

Ms. Singer said in time there will be a significant interpretive plan for the cellar hole at Wagon Hill.

The Chair said he also attended a Council presentation by VHB about the Section 106 review tied to the removal of the dam. He's questioning if the HDC/HC will be involved in any discussion about historical and cultural resources. He's not clear if a townwide committee will be convened to address this.

Vice-Chair Hitchcock said the Commission should have a prime role in ameliorating any historic damage caused by removal of the dam; She assumes there's a budget for this since it's required by the State.

Ms. Singer commented the history of the dam site is not limited to indigenous people. Scottish prisoners of war built the dam in the 1600s and the whole district was a living and working place for Durham's enslaved population.

Ms. Singer serves on the 106 Review Committee and has had the goal to keep a focus on the historical significance of the site rather than pursuing recreational opportunities or advancing any political agenda.

On other topics, Chair Brickner-Wood said the Agriculture Committee hosts Durham Farm Days in August. It might be good for the Commission to work collaboratively with them in the future or pursue an activity for Preservation Day.

Also, he has reached out to Amy Dixon at the State re: the Oyster River Marker to keep the process going.

**XIII. Review of Town Council Goals. HDC/HC**

The Commission was asked to review Town Council goals to see if their own work dovetails with them or if there are historic concerns not being addressed. It was noted the Council encourages greater collaboration among Town committees and Commission members agreed this can always be improved.

Mr. Janosz raised the issue of a small sign designating the Historic District. He said it's not in the right spot and is barely visible from a vehicle. Mr. Behrendt said the sign can be moved.

Mr. Lund proposed a sign at the Main St./Madbury Road section where the district starts but Ms. Hitchcock said there are some non-historic buildings on Madbury Road. This will stay on the agenda for further discussion.

#### **XIV. Update on Application to LCHIP for Chesley Farmhouse. HC**

Ms. Singer reported the application has been submitted and she recognized Ms. Hitchcock's contributions to the project. The next step is a site visit by the grantors, currently being arranged.

The Chair expressed sincere thanks to Ms. Singer for writing the grant on behalf of the Commission and to Ms. Hitchcock for her help with this.

#### **XV. Other Business**

Vice-Chair Hitchcock reported on the Lafayette marker seating area. DPW built a circular area with stone dust and placed one rock for seating, which seems large. The next step is to purchase a bench or two. A notice will be placed in Friday Updates requesting donations for the bench (es). The logistics of how to process donations are still being worked out.

The projected cost for one teak bench made from all sustainable materials is around \$1200. She said Rich Reine may have a less expensive option. Funds will also be necessary for maintenance of the area as well.

***With no further business, Mr. McGowan MOVED to adjourn at 8:13 p.m.; SECONDED by Mr. Lund, APPROVED unanimously, 7-0, Motion carries.***

Respectfully submitted,  
Lucie Bryar, Minute Taker  
Durham Historic District/Heritage Commission

***Note: These written minutes are intended as a general summary of the meeting. For more complete information, please refer to the DCAT22 On Demand videotape of the entire proceedings on the town of Durham website.***