

*These minutes were approved at the April 3, 2014 meeting.*

**DURHAM HISTORIC DISTRICT/HERITAGE COMMISSION**  
**Thursday March 6, 2014**  
**DURHAM TOWN HALL – TOWN COUNCIL CHAMBERS @ 7p**  
**THIS MEETING WAS RECORDED ON DCAT**

4:30pm Site walk @ 17 Old Landing Rd

Present: applicant: James Munsey and his contractor Mr Gerry

HDC: Stanhope, Bodo, McGowan, Marple, Meeking. Town Planner, Mr Behrendt.

**I. CALL TO ORDER** by Chair Stanhope @ 7:05 pm

Monday March 3, 2014 : The Town Council appointed Councilor Kitty Marple to replace Jay Gooze as the Town Council's representative to the Historic District Commission. Chair Stanhope gave a warm welcome to Ms Marple.

**MEMBERS PRESENT** : Chair : Peter Stanhope; Secretary : Andrea Bodo ; Catherine Meeking  
Planning Board Rep : Bill McGowan ; Town Council: rep replacing Jay Gooze is Councilor Kitty Marple,  
Vice Chair: Meridith Davidson ,

**MEMBERS ABSENT** : Chip Noon (excused)

**Others Present:** Town Planner : Michael Behrendt; James Munsey , Dennis Gerry for #17 Old Landing Rd  
Rita Walsh and Nicole Benjamin-Ma, Preservation Consultants with Vanasse Hangen Brustlin (VHB) of  
Watertown, MA

**II. Approval of the Agenda .**

Chair Stanhope :Postpone item VI, Schwartz application to the April 3 meeting

Ms Bodo : Move item VIII Other Business before item VII Preservation Planners.

Chair Stanhope made the ***Motion to accept the Agenda as amended . Vote unanimous 6-0.***

**III. Public Comments** none

**IV. Public Hearing - 17 Old Landing Road, James and Debra Munsey.** Application for additions on the rear and side of the house. Dennis Gerry, contractor. Map 5, Lot 5-10.

Application for Certificate of Approval to add a bedroom addition to the rear of the house (inside corner of the ell, not visible from the street). Also requesting to extend bedroom on side of the house, shed style porch roof (visible from street). *Proposed start date Feb 10, 2013 struck from minutes*

***Motion made by Ms Meeking to open the PUBLIC HEARING, seoncded by Ms Davidson.***

The Commission held an in depth discussion of the project. Details have been listed by Planner Behrendt approving 16x16' addition on the northern side, extending the easterly porch front by 5ft, replacing windows facing the southerly side with more historic looking windows, materials 4" clapboards, roofing material cedar shakes where possible (applicant will check with Code Enforcement). The original house will be left intact.

***Motion made to close the PUBLIC HEARING made by Mr McGowan, seconded by Ms Davidson. Vote unanimous 6-0***

***Motion to approve application as discussed made by Mr McGowan, seconded by Ms Marple, vote unanimous 6-0.***

Mr Behrendt will list all the items as discussed

**III. 17 Old Landing Road, James and Debra Munsey.**

Application for after-the-fact erection of a wood fence around the rear of the lot. Map 5, Lot 5-10.

The applicant presented before (chain link fence) and after pictures with erection of the 4 ft cedar stockade fence. The applicant apologized for not bringing this before the Commission before installation. After discussion it was felt that the cedar wood would turn gray and blend in with the trees and stone walls on the rear of the property. Ms Bodo said that she felt the most obvious part of the fence was the part running from the house to the garage and recommended removing every other slat to make the fence more consistent with the front fence of the house, the period and less like a stockade fence. The applicant said he would do this.

**Motion to approve after the fact fencing for the back yard, and agreement to remove alternate slats on the fencing from the house to the garage made by Ms Bodo and seconded by Ms Meeking. Vote unanimous 6-0.**

Note: Mr McGowan left at 8P

**VI. 24 Newmarket Road, Geld Realty, Leslie Schwartz.** Application for creation of a disability-specific parking space on the side of the building for owner’s use and top coat paving of existing parking and driveway. Map 6, Lot 9-4. (postponed to April 3 mtg request by applicant)

Swap Agenda item 7 and 8

**VIII now VII.... Other Business**

Monday March 3, Town Administrator Selig and Ms Bodo met with NHDHR – Nadine Peterson, Deb Gagne and SHPO Beth Muzzey in Concord to clarify role of HDC in CLG. HDC’s authority is over the HD : Heritage Commission reaches out beyond the District: CLG is an agreement between the Town and the State and has requirements for the HDC with regards to their role. Ms Peterson passed out information to further clarify the expectations from the State. They also clarified that anyone can fill out an Inventory to the NHDHR without going through HDC. Anyone can nominate a structure to the National Register and once that application reaches the SHPO’s office, they would contact the local govt and there would be a 60 day window to have public participation at a public hearing and HDC would write a report of nonbinding feedback to the SHPO.

The University is viewed as a state entity by the NHDHR. The town received notification that UNH would not be pursuing listing the pool on NHDHR or the NR so there will be no review.

PRESERVATION PLANNER : NHDHR recommends having a mtg with them next week to create an outline for the Chapter. Ms Peterson recommends looking at the Historical Resources chapters of Pembroke, NH, Moultonborough and Keene, NH : Easton Pa, UFla @ Gainesville. She also recommends updating the annual report of last year with Mr Behrendt to identify goals, problems, going forward etc...

Chair Stanhope said that he received a letter about the UNH Pool from Doug Bencks. There are no plans to list the pool on the NHDHR or NR . There will be no review by the HDC.

**VII now VIII. Discussion of Historic Resources Master Plan** with Rita Walsh and Nicole Benjamin-Ma, Preservation Consultants with Vanasse Hangen Brustlin (VHB) of Watertown, MA presented some observations about their day with Mr Behrendt going around town, visiting the Library etc... and proposed an outline of how they would like to proceed with the writing of the chapter HISTORIC RESOURCES for the Master Plan. They propose 2 meetings with the HDC (3/6/2014 and next mtg TBA)  
They would like to hold a PUBLIC FORUM on Thursday May 8 from 7p-9p at the Library and Mr Behrendt will look in to scheduling that.

**IX – Review of ORDINANCE #2014-XX OF DURHAM, NEW HAMPSHIRE** (attached to minutes)  
AMENDING THE DURHAM TOWN CODE TO CREATE A NEW CHAPTER, CHAPTER 82, ENTITLED “METAL DETECTION AND/OR DOWSING ROD USE” REGULATING THE PRACTICE OF METAL DETECTION AND/OR DOWSING ROD USE ON TOWN-OWNED PROPERTY

The Commission reviewed the Ordinance on metal detection  
**Recommendation** : that the person wanting to do the metal detecting notify the Town before hand .

If any item of significance is found, an inventory of those findings will be provided to the Town.  
Mr Behrendt will convey the recommendation to Administrator Selig.

- VII. Approval of Minutes** – January 2, 2014 (deferred to April 6)  
February 6, 2014 Motion to approve by Ms Meeking, seconded by Ms Bodo.

- VIII. Adjournment by Ms Bodo @ 9:20p, seconded by Ms Meeking**

Respectfully submitted by  
Andrea Bodo, secretary  
HDC/HC

Next meeting of the HDC is April 3, 2014

# **ORDINANCE #2014-XX OF DURHAM, NEW HAMPSHIRE**

## **AMENDING THE DURHAM TOWN CODE TO CREATE A NEW CHAPTER, CHAPTER 82, ENTITLED “METAL DETECTION AND/OR DOWSING ROD USE” REGULATING THE PRACTICE OF METAL DETECTION AND/OR DOWSING ROD USE ON TOWN-OWNED PROPERTY**

**WHEREAS**, the Durham Town Council recognizes that the use of metal detectors and dowsing rods has become a popular hobby; and

**WHEREAS**, the Durham Town Council desires to allow the use of metal detectors and dowsing rods on Town-owned property, with certain restrictions;

**NOW, THEREFORE IT BE RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt Ordinance #2013-XX establishing a policy for the use of metal detectors and dowsing rods on Town-owned property and adopts the bylaws below pursuant to New Hampshire Revised Statutes Annotated (RSA) 41:11-a and New Hampshire Revised Statutes Annotated (RSA) 31:39, I(a) to regulate the practice of metal detection and/or dowsing on Town-owned property.

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### **CHAPTER 82**

#### **METAL DETECTION AND/OR DOWSING ROD USE ON TOWN-OWNED PROPERTY**

- I. The practice of metal detection and/or dowsing is prohibited on or in all Town-owned property if the site is an “historic property,” as defined by New Hampshire Revised Statutes Annotated (RSA) 227-C:1, VI.
- II. Otherwise, the practice of metal detecting or dowsing is permitted on or in Town-owned property with the following restrictions:
  1. Unless otherwise exempted herein, any items discovered through this practice are and shall be the property of the Town of Durham.
  2. The Town of Durham reserves the right to prohibit metal detecting and/or dowsing on certain of its properties as it sees fit.
  3. Exemptions to the Town’s legal right of ownership of items found while pursuing metal detecting and/or dowsing:
    - a. If the found item in question is jewelry or some other small, tangible item recently lost by that person at or near the location where found, and the person who finds or locates said item can accurately describe said item and attests to those facts, the finder may take possession of the item.
    - b. If the found item in question is an “historic resource”, as defined by New Hampshire Revised Statutes Annotated (RSA) 227-C:1, VII, the person finding or discovering shall take no further action to remove, dislodge, or uncover the item, shall leave it in its present condition, and shall report the discovery of the found item and its location to the New Hampshire Department of Cultural Resources.

2. The Town's policy herein is to be interpreted in conjunction with any regulations validly enacted by the Town that pertain to Town forests pursuant to New Hampshire Revised Statutes Annotated (RSA) 31:112, Town parks pursuant to New Hampshire Revised Statutes Annotated (RSA) 35-B, conservation property pursuant to New Hampshire Revised Statutes Annotated (RSA) 36-A:4, and Town public libraries pursuant to New Hampshire Revised Statutes Annotated (RSA) 202-A:6. If this policy conflicts with any of the preceding or any other state or local regulation or ordinance, the more stringent shall apply.

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this \_\_\_\_\_ day of \_\_\_\_\_, **2014** by \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes, and \_\_\_\_\_ abstentions.

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Jay B. Gooze, Chair  
Durham Town Council

***ATTEST:***

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Lorrie Pitt, Town Clerk