

**MINUTES  
HISTORIC DISTRICT COMMISSION  
ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**June 13, 2018**

**MEMBERS PRESENT:** Chairman Vincent Lombardi; Vice Chairman Jon Wyckoff; City Council Representative Doug Roberts; Reagan Ruedig, Martin Ryan, Richard Shea, Dan Rawling; and Alternate Cyrus Beer

**MEMBERS EXCUSED:** Alternate Molly Bolster

**ALSO PRESENT:** Nick Cracknell, Principal Planner, Planning Department

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Chairman Lombardi stated that the McIntyre Building work session was postponed.

*Vice-Chair Wyckoff moved to **postpone** the work session, and Ms. Ruedig seconded.*

Mr. Cracknell stated that the City received word from the National Park Services Washington D.C. office shortly before the meeting saying that they were concerned about components of the proposed design. He said the applicant requested that the work session be postponed indefinitely.

*The motion **passed** by unanimous vote (7-0).*

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**I. APPROVAL OF MINUTES**

May 22, 2018

*Vice-Chair Wyckoff moved to **approve** the May 22 minutes as submitted, and Ms. Ruedig seconded. The motion **passed** by unanimous vote (7-0).*

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**II. ADMINISTRATIVE APPROVALS**

**1.** 179 Pleasant Street

Mr. Cracknell stated that more information was needed and that the petition would be addressed at the July 11, 2018 meeting.

Chairman Lombardi stated that the Commission received an unsigned letter regarding a petition that didn't have any value because it wasn't signed. He advised that any correspondence submitted to the Commission be signed and not sent anonymously.

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### **III. PUBLIC HEARINGS**

1. Petition of **Mary A. Mahoney, owner**, for property located at **206 Northwest Street**, wherein permission was requested to allow construction of a detached two-car garage (with attic storage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 122 as Lot 6 and lies within the General Residence A and Historic Districts.

#### **SPEAKING TO THE PETITION**

The architect Michael O'Brien was present to speak to the petition on behalf of the applicant. He stated that the Commission's previous concerns about the two-car garage's massing and style were addressed. He reviewed the petition, pointing out that the massing was reduced by several factors, including moving the structure back as far as possible, elevating the roofline, changing the shape of a window, making the two garage doors single doors instead of double ones, and simplifying the detail. He discussed the windows and said the garage would be field-painted cementitious siding with field-painted trim.

Mr. Rawling said he still didn't see anything that changed the garage from a typical suburban one and felt that it had no context with the historic neighborhood and lacked compatibility with surrounding structures.

Vice-Chair Wyckoff said the trim around the windows should be equal and mimic a picture frame, and should also have an applied window sill on the bottom and other casings applied on the three other sides. He also said that half-screens should be used if applicable. Mr. Shea suggested a frieze board to match the main house had. He asked what the trim material was. Mr. O'Brien said it was a field-painted composite material. Mr. Ryan said he thought the proportions were right and that he could support the project.

Ms. Ruedig said she felt that the project had improved because it was simple and matched the historic house more closely. She said she understood Mr. Rawling's concerns but felt that at least the garage was detached from the house and set back as far as possible. She said the garage doors could be simplified more. She recommended using cedar clapboards instead of cementitious siding to soften the look of a brand new suburban-type garage in the middle of a historic area.

Chairman Lombardi said the shape of the structure, the longer window, and the higher pitch of the roof made a big difference in making the garage not look so squat. He said the garage would be charming if it looked like a carriage house, but he didn't think that was appropriate either.

#### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one rose to speak.

Mr. Cracknell noted that a neighbor submitted a letter to the Commission, and the Commissioners read the letter. Vice-Chair Wyckoff said that one of the neighbor's concerns was the structure's location, and he said that location in the Commission's purview. He asked whether the Planning Department had seen the letter. Mr. Cracknell said no one had reviewed the letter except for the Commission. He said that he had suggested that the garage be moved further back from the street so that no one could park in front of it. He said it was inappropriate to place the garage near the face of the main house, as suggested by the neighbor's letter, and that he didn't see how the garage's location would affect other people.

The Commission viewed a diagram of the garage's location. Mr. Cracknell said the garage didn't seem to block any water views and only blocked the view of the house's deck. City Council Representative Roberts agreed that it was inappropriate to put a double-car garage up against the street in a historic neighborhood. Mr. Ryan said it wasn't a view problem and that he had seen worse. He said the applicant had a right to build a garage on their property, whether or not the neighbor didn't want to look at a garage. Mr. Rawling argued that the applicant didn't have the right to build a garage on the property if it was out of context.

Chairman Lombardi closed the public hearing.

#### **DECISION OF THE COMMISSION**

*Vice-Chair Wyckoff moved to **grant** the Certificate of Approval for the application as submitted, with the following stipulations:*

1. The windows shall be half screens.
2. Historic sills shall be installed on windows and the window casing shall be 3 ½ inches wide and be solid wood trim.
3. Cedar Clapboards shall be used.

*Mr. Ryan seconded.*

Vice-Chair Wyckoff said the project was compatible with the design of surrounding properties, consistent with the special and defining character of surrounding properties, preserved the integrity of the District, and conserved and enhanced surrounding property values.

*The motion **passed** by a vote of 6-1, with Mr. Rawling voting in opposition.*

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#### **IV. WORK SESSIONS**

A. Work Session requested by **Steven Craige, owner**, for property located at **490 Marcy Street**, wherein permission was requested to allow the addition of a single dormer to the left side of the front elevation as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 58 and lies within the Mixed Residential Office and Historic Districts.

#### **WORK SESSION**

The project designer Jennifer Ramsey was present on behalf of the owner to speak to the petition. She said they wanted to add a single dormer to the addition, which would match the back of the structure except for the smaller windows. She said the windows had the option of being either casements or awnings.

Mr. Shea said he preferred two dormers that didn't attach to the old house and was comfortable with a 3-window dormer instead of a 2-window but felt that it wasn't a deal breaker. He said he preferred the awning windows because they looked more appropriate for a small window.

Mr. Rawling said he was concerned that every new house would have shed dormers, but he felt that it was being done appropriately for a new addition. Ms. Ruedig agreed and said she was fine with it since the addition was fairly recent. She wondered whether the three windows might make it look too busy and asked Ms. Ramsey if she had tried two windows in the same size. Ms. Ramsey said that all three windows served a good purpose in terms of the interior framing walls and that two windows might look like they were floating too much. It was discussed. Vice-Chair Wyckoff said that the three-window dormer and the awning windows were fine.

There was no public comment.

## DECISION OF THE COMMISSION

*The applicant indicated that she would return for a **public hearing** at the July meeting.*

B. Work Session requested by **City of Portsmouth, owner, and Redgate/Kane** for property located at **62 Daniel Street**, wherein permission is requested to allow renovations to the existing buildings and the construction of new mixed-use buildings as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 8 and lies within the CD-4, CD-5 and Historic Districts.

*It was moved, seconded, and approved by unanimous vote (7-0) at the beginning of the meeting to **postpone** the petition to an undetermined date.*

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The Commission discussed the issue of being a quasi-judicial land board. Chairman Lombardi said that being a quasi-judicial board not only protected the City, the applicant and the Commission from liability but also gave the Commission the strength of the law in their decisions. He pointed out that when the Commission didn't act in a quasi-judicial manner, it put them at a disadvantage, especially if the public didn't like the Commission's recommendation.

Mr. Beer asked what the boundary was if he gave suggestions to a neighbor about building an addition or expressed an opinion about a decision. Chairman Lombardi said that all the Commission's deliberations should be in the public realm. He said it was fine for Mr. Beer as a neighbor to discuss a process with a neighbor, but if the neighbor went before the Commission, then Mr. Beer should recuse himself from hearing the petition. He said the Commissioners had to be careful about discussing projects with the public because it could appear to be a conflict of interest. Mr. Cracknell said the Commission had to be extremely careful because they were

quasi-judicial on just about every project that went before them and could not have conversations outside the Commission. Chairman Lombardi asked whether the appearance of a conflict of interest was just as bad as an actual conflict of interest. Mr. Cracknell said it wasn't as bad but also wasn't a good thing. He said he thought that a Commissioner could give people general guidance on a project in the neighborhood as long as the Commissioner wasn't part of the project design or being paid for participating in the project.

Mr. Rawling said the Commission could avoid comments in public forums so as not to affect the public's vote, but that they could talk to their friends about the merits of a project. Mr. Cracknell said that if a Commissioner wasn't sure about what they were discussing with a neighbor, then it was probably better not to discuss it. City Council Representative Roberts said if a Commissioner had already formed an opinion about a project, then he or she wasn't being a judge. Mr. Shea said the Commissioner also wasn't voting. The Commission discussed how they were expected to reach a decision on a major project in two weeks or so and how they could get proper feedback. Mr. Ryan said the Commission had to control the conversation and the message and were not guilty of conflict of interest. He noted that Supreme Court Justices spoke about their judicial philosophies but didn't dive into certain cases, and he thought that the Commission could speak more in terms of the principle of the argument and not the actual applicant.

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## V. ADJOURNMENT

*At 7:48 p.m., it was moved, seconded, and **passed** by unanimous vote (7-0) to adjourn the meeting.*

Respectfully submitted,

Joann Breault  
HDC Recording Secretary