

**MINUTES  
DEMOLITION REVIEW COMMITTEE  
PORTSMOUTH, NH**

**98 SUMMER STREET (a.k.a. 125 Austin Street)**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**6:00 P.M.**

**January 23, 2019**

**MEMBERS PRESENT:** Elizabeth Moreau, Chairman; Robert Marsilia, Chief Building Inspector; Barbara Ward, Portsmouth Historical Society Representative; Nicholas Cracknell, Planning Director Designee

**MEMBERS ABSENT:** John Wyckoff, Historic District Commission Representative

**ALSO PRESENT:** Robert Sullivan, City Attorney

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Chairman Moreau called the meeting to order.

**I. APPROVAL OF MINUTES**

A. December 19, 2018 - 98 Summer Street (a.k.a. 125 Austin Street)

Mr. Cracknell abstained from the vote.

*It was moved, seconded, and passed unanimously to **approve** the December 19, 2018 minutes.*

**II. PRESENTATION OF ALTERNATIVES**

Michael de la Cruz of 64 Austin Street stated that his report was compiled by a group of neighbors, citizens, and professionals who came up with several alternative ideas to demolition and that there were more possibilities for parking as well. He stated that profit and non-profit third parties would do the whole project turnkey for the church. He said the property was a unique piece of real estate due to its proximity to the downtown area, and that the building itself was beautiful and lent itself to developmental opportunities, including general-purpose housing for seniors, families, veterans, or persons in crisis; a Catholic/Christian retreat center and bed-and-breakfast; an assisted living facility; office space; and storage. He referred to a small percentage of churches that were repurposed or retained, noting that one report showed that only 4 percent out of 6,000 schools were demolished. He pointed out that there were parking options on the campus itself as well as surrounding the campus, including underground parking.

He reviewed the Executive Summary, which included the following:

- Increased parking;

- Providing sacred green space;
- Retaining privacy and land ownership
- Fostering a campus environment;
- Developing and expanding the parish;
- Increasing faith building and charitable activities;
- Developing lay leadership; and
- Fostering new pastors for New Hampshire.

Mr. de la Cruz showed various views of the school from the surrounding neighborhood, noting that the school was a prominent building and that replacing it with a parking lot would have a big impact. He said that, in addition to underground parking, the surface parking lot design could be changed and that nearby parking could be added. He said it was important for the next generation of parishioners that an endowment be left to them that would generate money for the future. He gave an example of a parish in Amesbury, MA that had a similar problem and brought in a third-party non-profit group that donated enough money to convert the building to a house for veterans. He briefly reviewed the financial analysis, noting that it included benefits for campus use and parishioners, green space, and so on. He said that parking could be prioritized for elderly parishioners. He noted that the church's intent to add 30 parking spaces would not solve the parking problem because the parish would continue to grow. He said that underground parking would be similar in costs to demolishing the building. He gave further examples of ways to get additional parking, including re-stripping Chatham Street, using a portion of the Historic New England property, or restructuring parking on other nearby streets. He reviewed the proposed underground parking, noting that it would give a net increase of 28 or 29 spaces and would cost approximately a half-million dollars. Mr. de la Cruz also discussed a concept for converting classrooms into residential dwelling units, similar to what a school called Notre Dame had done.

Mr. Cracknell asked Mr. de la Cruz to summarize the land use options for the building and how the numbers were derived. Mr. de la Cruz said the numbers included costs for structural and seismic engineering, time value, and other contingencies. He said there was nothing magical about the numbers being generated as a return on investment, noting that they used a high rate of return for an amount generated over a year and found that, in 10-15 years, the building would be worth 8-10 million dollars. He also noted that a bed-and-breakfast would be highly profitable for the church as a stream of income.

### **III. RESPONSE FROM THE APPLICANT**

Attorney Peter Loughlin was present on behalf of the Immaculate Conception parish. He thanked Mr. de la Cruz and his group for a thorough, well thought-out report and presentation. He said he found the report remarkable and said the good-faith proposal deserved a response in kind. He noted that the report was received the day before and that, in fairness to the parish and the proposal, the parish needed to examine the proposal closely. He said the ordinance had served its purpose of creating a public process so that interested citizens could weigh in on the matter and make suggestions. He said the church would examine the report and reach a decision.

### **IV. PUBLIC COMMENT**

Jon Sandberg of 160 Bartlett Street said he had lived across from the school for several years and that the street would be closed during recess so that the kids could play. He suggested that the church use that precedent to get additional parking when it held services. He also said that he had two cars at the time and never had a problem finding street parking during church functions.

Bill Hartglass of 30 Winter Street said he was one of the most impacted abutters and felt that the proposed alternative uses were incompatible with the neighborhood, like the proposed storage facility's loading dock. He said the proposals assumed that the aim would be not to have any more traffic generated by the new uses than the school did, but that there was already an increased amount of church traffic and that most of the school-related traffic had been only twice a day when most of the residents were at work.

Andrea Morris of 122 Austin Street said she lived across from the school and that parking had become a huge problem in her neighborhood since she bought her house in 1994. She said it would be an enormous cost to repair the school and that underground parking would place the entrance across from her front door. She said the church's solutions for increased parking and a quiet park were enough to fit the neighborhood's traffic and parking problems.

Jacqueline Capi-Pitts said she was a parishioner and that she would like the church to look at the report in-depth but felt that the decision had already been made and that any alternative solutions Mr. de la Cruz's group came up with were doomed.

Patty Kett of 293 Austin Street said her neighborhood was historic and that the proposed alternatives should not be overlooked. She said her family had two cars and usually had no problems parking on Austin Street but that she would be willing to walk a short ways if she had to if it would preserve the school building.

Kerry Vautrot said she was Chair of the Portsmouth Advocates and commended the church for their willingness to take a harder look at the proposed alternatives to keep the school. If the church proceeded with demolition, she asked that the Portsmouth Advocates be allowed to enter the building and take photo documentation for archival purposes. She also suggested interpretative signage that pointed to the history of the site and options for architectural salvage and their potential incorporation into landscape features, like crosses, that could help interpret what had been on the site so that the building's history wasn't lost forever.

Alan Vangile of 75 Oxford Avenue said he read that the building was not in the National Register of Historical Places and that he also couldn't find any connection with the NH Registry of Historic Places, National Park Service, or NH Division of Historical Resources. Mr. Cracknell said property was not individually listed but was listed within the National Register District of 2017, making the building an historic one. Mr. Vangile asked if every structure within that district had to go through the process. Ms. Ward said that certain contributing resources did.

Beth Margeson of 23 Marcy Street said that any proposed use would require relief from the zoning ordinance, including a parking lot.

Karen Freda of 40 Summer Street said she was sentimentally attached to the school, having grown up listening to the sounds of recess, but thought the current parking was insane and that

the proposed parking diagram wouldn't work on the neighborhood's narrow streets. She said demolition was the only solution.

No one else rose to speak, and Chairwoman Moreau closed the public comment.

## **V. DECISION OF THE COMMITTEE**

Chairman Moreau asked the applicant if they would prefer to work directly with Mr. de la Cruz, seeing that the committee was outside its 90-day timeframe, or to continue the application in the public forum with the Committee. Attorney Loughlin said the ordinance had accomplished its purpose and that the public process could end. He said they would examine the report and make a decision.

Mr. Cracknell thanked everyone involved on all sides of the issue. He said the church was gracious in providing input to the committee as well as to the concerned citizens who looked at alternatives, and that allowing them into the building was also very helpful to the group. He said he also appreciated that the parish gave the interested parties additional time to put together their due diligence and presentation. He noted that the report was just a draft due to timing constraints but that it made sense for the committee to move forward and take a vote to exercise the maximum delay period afforded under the ordinance, and if they were over it, then "we are finished here". He suggested that the committee provide a statement about the historical significance of the structure and a stipulation regarding the potential demolition to require the applicant to provide a written and pictorial record of the building's history and architectural features for archival purposes for acceptance by the Planning Department, Portsmouth Advocates, and the Portsmouth Athenaeum. He recommended that the report be prepared by an architectural historian certified under State law and include a narrative accompanied by photographs, drawings, maps, and copies of original documents. He noted that it was something regularly done under Section 106 of the federal review process for historic properties. He recommended using an interpretative sign either on the property or in the city's right-of-way and also salvaging anything architectural that would be a benefit to the parish and wider community.

Mr. Cracknell reiterated the committee's position that the school was a historically-significant structure in terms of its period, style, method of construction, and its distinctive use as a religious parochial school of more than 100 years in Portsmouth. He said the building's value was also recognized for the quality of its architecture and that it retained significant elements showing its architectural significance even today. He said that its location within the larger campus of the ICC provided both a distinct edge to the campus as well as to the continuity of the various buildings and the landscaped spaces, some of which were sacred, that were nestled in-between those buildings. He said the continuity, the edge treatment, and the distinctive architectural style were defining features of the ICC campus and its physical development over time. He stipulated that should the parish proceed with the demolition, an archival record – as described earlier – should be required. He noted that the committee had or will have exercised the full 90 days allowed to delay that demolition.

Mr. Marsilia seconded Mr. Cracknell's motion.

Ms. Ward said she was impressed by the work done by the citizens committee by putting it in a national context and showing that the proposed demolition was unusual compared to what had been done across the country. She said she appreciated the information from the Notre Dame study. She said there were some important facts and figures showing it would be a mistake for the church to not take a close look at the proposed alternatives. She said the group had been able to significantly increase the parking spaces in the present parking configuration and had come up with more spaces than the demolition would obtain, and she noted that the only reason the church previously gave for the demolition was that additional parking spaces were needed. She said she hoped the church seriously considered the report's suggestions. She said the ordinance served its purpose in bringing neighbors together to consider the seriousness of the situation. She said the idea of closing off the street during church services was a good one.

Mr. Marsilia said that the demolition permit would not be issued without a plan showing that all necessary remediation was done. He said the demolition would be done in a safe manner.

Chairman Moreau said they had gone beyond their 90 days and asked whether the applicant was willing to allow the Portsmouth Advocates to access the building if the final decision was demolition to do photo documentation, signage options, and salvaging of any reusable aspects. Attorney Loughlin agreed.

*The motion **passed** unanimously.*

Chairman Moreau said the Demolition Committee's review was completed and that she wished everyone well in working together and considering the options.

## **VI. ADJOURNMENT**

*It was moved, seconded, and passed unanimously to **adjourn** the meeting at 7:18 p.m.*

Respectfully submitted,

Joann Breault  
Demolition Committee Recording Secretary