Site walk: 53 Rogers Street – 10:00 a.m., Saturday, March 29, 2003

MINUTES OF THE April 2, 2003 HISTORIC DISTRICT COMMISSION MEETING HISTORIC DISTRICT COMMISSION PORTSMOUTH, NEW HAMPSHIRE City Council Chambers

7:00 p.m. April 2, 2003

MEMBERS PRESENT: Chairman John Rice, Vice-Chairman David Adams, Rick

Becksted, Paige Roberts; John Golumb, Ellen Fineberg; Joanne Grasso; and, Alternates Maija Hibbard and Richard

Katz

MEMBERS ABSENT:

ALSO PRESENT: Roger Clum, Assistant Building Inspector

Let the record reflect that Ms. Roberts arrived later in the meeting.

I. OLD BUSINESS

A. Request for Rehearing submitted by Attorney Bernard W. Pelech for Olde Harbour Condominiums for property located at 135 Market Street.

Mr. Becksted stated that Attorney Pelech has raised several questions that he feels the Commission should have the opportunity discuss and therefore, motioned that the application should be reheard. Ms. Fineberg seconded the motion.

Vice-Chairman Adams stated he was in objection to the motion. The Commission has moved onto a new level of technology in terms of window construction. The Commission cannot go back and rectify things that were done previously. There is no gradual way to accept new technology.

Mr. Katz stated that item #15 of Attorney Pelech's memo reflects that new evidence is being presented.

Chair Rice stated he agreed and feels the Commission should rehear the application

Ms. Grasso stated she agreed and added that item #15 in the request is the only item where this Request for Rehearing should be heard.

The motion to grant the rehearing passed with a 6-1 vote with Vice-Chairman Adams voting in the negative.

B. Work Session of Paul a Reardon d/b/a Seacoast Trolley Company to review signage for a trolley service for the up-coming season.

Chairman Rice asked if there would be changes in the signage. Mr. Reardon replied there would be no changes in the signage.

Mr. Clum stated he would like to suggest that since the applicant has been before the Commission seven times previously and feels the original decision should be modified to reflect that the applicant does not need to return annually for approval. The City has never received any complaints regarding the signage nor has the Commission members received any complaints. However, should there be any complaints, Mr. Reardon is willing to return to the Commission and rectify the situation.

Ms. Fineberg made a motion that Seacoast Trolley Company be approved with the following stipulations:

- That there will be no need to return annually to the Historic District Commission for signage approval unless there are any changes to the signage or if there are changes in the location of signage;
- That the signs be erected no sooner than June 10, 2003; and,
- That the signs be removed no later than October 14, 2003.

Ms. Grasso seconded.

The motion passed unanimously with a 7 - 0 vote.

C. Petition for Andrew McInnis, owner, and, Arthur McManus, option holder, for property located at 115 South Street wherein permission is requested to allow exterior renovations to an existing structure (replace all windows with Pella wood exterior Architect Series 2/1 windows with wood muntin bars adhered to interior and extruded aluminum muntin bars adhered to the exterior) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 010 and lies within the General Residence B and Historic A districts. (This petition was tabled at the Commission's March 5, 2003, meeting to this meeting.)

Ms. Grasso made a motion to take the application off the table, Mr. Golomb seconded and all agreed with a 7-0 vote.

SPEAKING IN FAVOR OF THE PETITION

Mr. McManus stated this is the same application that was before the Commission last month and all exhibits should be in the Commission members' packet from that meeting.

Vice-Chairman Adams inquired if any removal or replacement of window frames is being anticipated. Mr. McManus replied that just the window sash will be replaced.

Mr. Becksted asked if the Commission could review the following three petitions at the same time regarding this property and then go back and vote on the petitions since it concerns only one property involved.

Ms. Hibbard asked that when the aluminum siding is removed, are there existing frames around the windows or will there be new frames. Mr. McManus replied there is trim and frames.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

(see Decision of the Commission after petition #E)

D. Petition for Andrew McInnis, owner, and, Arthur McManus, option holder, for property located at 115 South Street wherein permission is requested to allow new construction to an existing structure (enclose existing back porch to allow for additional kitchen space, add a window in the rear and remove existing stairs and landing and construct a new landing and stairs to the middle of the rear of the dwelling) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 010 and lies within the General Residence B and Historic A districts. (This petition was tabled at the Commission's March 5, 2003, meeting to this meeting.)

Ms Grasso made a motion to remove the application from the table; Ms. Fineberg seconded and was approved unanimously with a 7-0 vote.

SPEAKING IN FAVOR OF THE PETITION

Mr. McManus stated he would like to amend the application to include the removal of the siding from the structure to expose the shingles and replace what needs to be repaired.

Vice-Chairman Adams stated he was perfectly comfortable to cooperate with the willingness of the applicant to take the structure out of the existing situation. He added the applicant has made every effort to declare that the siding will be taken off and what the new owner does to the home will add value to the house in a significant way. Mr. McManus's cooperation goes a long way and is a "win win" situation.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

(see Decision of the Commission after petition #E)

E. **Petition for Andrew McInnis, owner, and, Arthur McManus, option holder,** for property located at 115 South Street wherein permission is requested to allow two (2) free-standing structures (install two (2) HVAC systems 34" high x 29" wide x 23" deep to the rear of structure) as per plans on file in the Planning Department. Said property

is shown on Assessor Plan 110 as Lot 010 and lies within the General Residence B and Historic A districts. (This petition was tabled at the Commission's March 5, 2003, meeting to this meeting.)

Mr. Becksted made a motion to take the application off the table; Ms. Grasso seconded and all approved unanimously.

SPEAKING IN FAVOR OF THE PETITION

Mr. Sherrill from Key Air-conditioning stated he visited the property yesterday and measured from the side of the bulkhead to the side of the house and added that the units will fit tight up against the house and will not exceed the corner of the house.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION for petitions C, D, and E

Mr. Becksted made a motion to approve the three applications with two clarifications:

- The diamond window pattern on the front of the structure remain as is and not be replaced; and,
- The existing siding will be removed which was omitted on the Agenda.

Vice-Chairman Adams seconded and all approved with a 7 - 0 vote.

II. PUBLIC HEARINGS

1. **Petition of the Nackey E. Scagliotti Trust, owner and applicant,** for property located at 46 Livermore Street wherein permission is requested to allow a new free-standing structure (a 24' x 34' [816 s.f.] one-story garage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 021 and lies within General Residence B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

The applicant has requested that this be a Work Session/Public Hearing.

The Commission members moved into a Work Session mode.

Mr. Scagliotti presented several sketches of his proposal for a one-story garage which is a salt box design for the Board to review. Mr. Scagliotti stated he preferred the low profile garage and will mimic the carriage house in the park at the Wendell House.

Vice-Chairman Adams stated he feels the roof is uncharacteristic for the neighborhood.

Ms. Fineberg stated the clapboards are only on either end of the garage.

Vice-Chairman Adams asked Mr. Scagliotti if would consider doing the whole front façade in smooth Board. Mr. Scagliotti stated that would be agreeable. The Commission

members all agreed. He added the proposed windows will match windows that are on the house that were approved by the Commission last year.

Ms. Roberts inquired about the interest of the Planning Board and where the property stands. Mrs. Scagliotti stated we have approval to have access to the rear of the property via a driveway. We maintain that we would replace or replant the arborvitae.

The Work Session was closed and moved into a Public Hearing.

There was nothing to add that had not been discussed in the Work Session.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Ms. Grasso made a motion to approve the application with the amendment that the clapboards be eliminated on both sides of the structure and replaced with smooth boards; Mr. Becksted seconded. All approved with a 7-0 vote.

 Petition of Deborah Campbell, owner, and Brian Rodonets, applicant, for property located at 295 Maplewood Avenue wherein permission is requested to allow exterior renovations to an existing structure (replace and expand existing deck and stairs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 35 and lies within Mixed Residential Office and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. Brian Rodonets, the applicant, stated the proposal is to replace and expand an existing deck and stairs. Approval has been received from the Board of Adjustment to expand the deck where they stipulated that appropriate screening be placed on the left side of deck from the ground to the upper level to create mutual privacy for both the direct abutter as well as for the owner of the property. To grant the application will create a much safer situation since the deck has deteriorated and in great need of repair. The existing railing will be replaced with aluminum as well as the tubing that will be painted dark green in color.

Mr. Becksted stated he was curious why the proposed railing was chosen because he feels it looks odd and would prefer to see wood. Mr. Rodonets replied he feels the aluminum will give the deck a lighter feeling and give the deck a wrought iron look.

Ms. Fineberg asked about the support system for the deck and the dimensions of the wood that will be used. Mr. Rodonets replied 6" x 6" pressure treated wood will be used on the corners that will have detail and be painted. He also stated the owner has a trailer that she would prefer to store under the deck.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Ms. Grasso made a motion to approve the application; Mr. Becksted seconded for purposes of discussion. Mr. Becksted stated he feels the top railing is excessively heavy and the balusters are excessively small; therefore, he will not support the motion because he feels the deck does not fit into the character of the neighborhood.

Ms. Fineberg stated that she wished she had seen this plan in a work session because more conversation is needed on some of the choices.

Mr. Becksted asked the applicant if it would be acceptable to table the application to the next scheduled meeting for a work session/public hearing?

Ms. Campbell, the owner, stated that in working with the architect, they were trying to minimize the size of the deck by making the deck less visible. Mr. Becksted stated the top rail is huge.

Ms. Grasso stated the rail looks as if there is little supporting it and does not seem to be in character with what should be there.

Vice-Chairman Adams stated this application is no different from anyone else who is trying to put a second floor deck on a historic building and added it looks like a glorified carport. The small roof area over the staircase is very odd looking.

Mr. Katz stated architectural elevation plans could be deceiving. He feels the deck is not supported enough and feels that looking at an elevation drawing rather than a rendering would be more helpful.

Chairman Rice stated he would be more comfortable if the application was tabled to a work session and have a discussion with the architect to come with a solution that would work better rather than vote the application down this evening; however, the applicant insists that petition be voted up or down.

Mr. Redonets stated at this time he would rather have a work session.

Mr. Becksted made a motion to table the application to worksession/public hearing as well as a Site Walk to the property at the next scheduled meeting on May 7, 2003; Mr. Golomb seconded and was approved unanimously with a 7 - 0 vote.

Mr. Katz suggested a mock-up of the railing to be able to see a section in place for the site walk.

3. **Petition of Thomas J. Kaufhold, owner and applicant,** for property located at 53 Rogers Street wherein permission is requested to allow new construction and exterior renovations to an existing structure (a 16' x 15' second story addition over an existing structure, an "L" shaped porch on the first floor, the replacement and addition of windows on the left side to match others; and the replacement of a rear door and rear entry window) as per plans on file in the Planning Department. Said property is shown

on Assessor Plan 115 as Lot 1 and lies within Mixed Residential Office and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. Kaufhold, the owner of the property, gave a brief history of the property to the Commission members and added he would like to construct a 16' x 15' second story addition over an existing structure; add an L-shaped porch to the first floor; replace existing window on left side with window to match the other windows, replace rear door and rear entry window; and, repair, replace and add foundation where needed.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Vice-Chairman Adams made a motion to approve the application as presented; and was seconded. Vice-Chairman Adams stated he was pleased with the applicant's presentation. There were some issues raised by neighbors that there was a lack of windows on the side of the shed since there will a loss of sense of openness because of the height of the addition.

Ms. Grasso stated she feels the addition is in character with the house and with the neighborhood.

Mr. Becksted stated he appreciated all the work that Mr. Kaufhold has done on his application. The Commission members applauded Mr. Kaufhold in appreciation.

The motion passed unanimously with a 7-0 vote.

4. **Petition of Coventry Assets, Ltd., owner and applicant,** for property located at 30 Penhallow Street wherein permission is requested to allow exterior renovations to an existing structure (the addition of a dormer on the easterly side of the fourth floor of the recently completed addition and a roof change over an existing entranceway) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 42 and lies within Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. Robert Thoresen, the owner of the property, stated we are requesting to add a dormer on the east façade of the fourth floor on the new addition and to reconfigure and extend the roof of the rear entrance also on the east façade. The shingles and the siding will be the same as the existing new addition.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Vice-Chairman Adams made a motion to approve the application as presented; Ms. Grasso seconded. The motion passed unanimously with a 7 - 0 vote.

5. Petition of Ben and Andrea St. Jean, owners, for property located at 54 Humphrey's Court wherein permission is requested to allow exterior renovations to an existing structure (replace all windows with Pella Architect series windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 46 and lies within General Residence B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Ms. Andrea St. Jean, the owner, stated they were proposing to change all the windows in the home with Pella Architect series windows.

Mr. Becksted asked what the lite pattern of the windows were in the rest of the house? Ms. St. Jean replied there were several different designs.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Vice-Chairman Adams made a motion to approve as presented; Mr. Becksted seconded and all approved with a 7-0 vote.

6. Petition of Worth Development Corporation, owner, and Pesce Blue Restaurant, applicant, for property located at 103 Congress Street wherein permission is requested to allow an exterior renovation to an existing structure (replace existing retractable awning with fixed frame awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 6 and lies within Central Business B and Historic A districts.

The Commission members all agreed to take this application as well as the following application together

SPEAKING IN FAVOR OF THE PETITION

Ms. Jessie Atkins of Back Channel Canvas and representing the applicant, stated they wanted to replace the existing retractable awning with a permanently fixed awning since the original awing is in bad shape. The proposed awing seems large, but it will look nice and make the front of the building look much better. The owner has decided not to go with any lettering on the valance, but simply have the logo on the front of the awning.

Chairman Rice stated the frame never goes away as well as the canvas. Ms. Atkins replied that was correct because it is a permanent fixture. The corners are perpendicular and not rounded.

Mr. Golomb asked how the existing retractable comes out now? Ms. Atkins stated she did not have that information and did not want to roll out the awning since it is in pretty bad shape, but her guess would be about 8'to 10'. The proposed awning will protrude 42".

Chairman Rice stated a new precedent would be set if this awning is approved. The look that the Commission would like to see in the district is that an awning be a temporary thing and will roll up and look more natural and be compatible with the area.

Ms. Atkins stated that she feels the awning will enhance the building and would not have gone along with the applicant's ideas if she felt it would detract from the area. She stated she had a sample of the fabric that would be used with her and presented to the Commission to review and added it is basically a maintenance free awning. The canvas should last 8 – 12 years

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

(See Decision of the Commission on Petition #7)

7. Petition of Worth Development Corporation, owner, and Pesce Blue Restaurant, applicant, for property located at 103 Congress Street wherein permission is requested to allow an exterior renovation to an existing structure (the installation of a 4' x 6' temporary structure to be used as a windbreak for winter use only) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 6 and lies within Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Ms. Atkins stated there is a problem at this location during the winter months because when the door is opened, a wind tunnel is created. We are interested in putting up a temporary structure that is totally removable during the spring, summer and early fall. It would have a roof with clear plastic panels around the side and a real door for egress or ingress. This will be strictly a weather protection for customers coming to the restaurant.

Vice-Chairman Adams asked how it would anchor to the ground? Ms. Atkins replied it would be anchored into the cement with legs and it will basically be a loose frame awning that will have clamps at the top to hold the awning.

Chairman Rice asked if there were any other similar project like this one in town? Ms. Atkins replied on Deer Street, Dr. D'Adamo had something similar, the Oar House has something similar as well as Poco's.

Ms. Hibbard asked if there was a cut sheet for the door? Ms. Atkins replied that she did not have one available.

Ms Fineberg stated she would like further clarification on the awning and the windbreak. Ms. Atkins explained how the awning and the windbreaker would look from the street to

the Commission members. Ms. Fineberg stated she was having a hard time understanding how the two pieces fit together. Ms. Atkins explained that one goes under the other and added that she should have shown the big picture.

Mr. Fineberg stated she feels that she would approve the awning; however, there is not enough information to vote on the windbreaker.

Ms. Fineberg made a motion to table item #7 until the next regularly schedule meeting on May 7, 2003 and that a site walk be scheduled; Ms. Grasso seconded. All approved with a 7-0 vote.

FURTHER SPEAKING IN FAVOR OF THE APPLICATION

Mr. John Grossman, a concerned citizen, stated every building does not look the same and it because of the different extensions on the awnings and he added that the proposed awning is a nice variation and should be approved.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Ms. Fineberg made a motion to approve the awning as amended to that there be no writing on the valance, just the logo at the top; Ms. Grasso seconded.

Vice-Chairman Adams stated he will not support this application because there are issues that he is concerned with. A problem with the tautness of the fabric on the awning. It seems like the awning is made of fiberglass or metal. Fixed frame awnings are conducive to that tautness. The other concern is that there is nothing personal about this awning and is 18' tall from the sidewalk to the top and is overwhelming and has very little historic precedent in the town; therefore, he added that he finds it difficult to support the application. He added that he felt the awning was excellent however, it is not excellent for the Historic District neighborhood.

Chairman Rice stated he agreed with Vice-Chair Adams and feels the last comment made by Mr. Adams was correct. He added he did not want to change precedent when he is not 100% convinced that changing it will be better for the district; therefore, he will not support the motion.

Mr. Becksted stated that better graphics are needed to show what the awning will look like on the building.

The motion failed 3 – 4 with Chairman Rice, Vice-Chairman Adams, Mr. Becksted and Ms. Grasso voting in the negative.

Chairman Rice then cited the Ordinance:

Under Scope of Review – Item #4 as follows:

Encourage designs which complement and recognize the City's architectural and historic character for new buildings and/or structures, additions to

buildings and/or structures and the reuse of existing buildings and or structures.

Chairman Rice stated that an aggrieved applicant can appeal the HDC decision and reapply for either a re-hearing within 30 days or you can come back with a new application.

Ms. Atkins asked if a work session could be requested to discuss what might be suitable and added that she agreed with the comments made by the Commission members.

Ms. Grasso stated at this time the Commission could make a motion to re-consider the vote and vote to table the application. Vice-Chairman Adams stated so-moved; Mr. Becksted seconded. All approved unanimously with a 7-0 vote

Vice-Chairman Adams made a motion to table the application to the next regularly scheduled meeting for a site walk along with Application #6 to the property and allow for a work session at the next meeting; Mr. Golomb seconded. All agreed with a 7 - 0 vote.

8. **Petition of Hart Mansion, LLC, owner and applicant,** for property located on The Hill, the John Hart Mansion, wherein permission is requested to allow an exterior renovation to an existing structure (the replacement of a 4' x 8' double-hung window with a half round window on top with a similar unit with insulated glass and simulated divided lites) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 26-9 and lies within Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. Butch Ricci, representing the Hart Mansion, stated he was proposing to replace a window with a Norco simulated divided lite window which was approved for the Custom House. The window that needs to be replaced is over 100 years old and is falling apartment and deteriorated. The window replacement will be custom made having the same arch and will double hung and will be identical to the original window.

Chairman Rice asked if the window was already replaced. Mr. Ricci replied that this was correct. He then explained he would tell the "rest of the story". He stated that Fred Sprague came in December to replace the window and was tabled by this Board. Mr. Ricci apologized to the Commission for this error and asked for the mercy of the Commission.

Chairman Rice stated it seems that some of the trim is missing around the window. Mr. Ricci replied everything was taken off the original window and replaced and there was some custom trim made.

Mr. Al Langley, an abutter residing at 62 Deer Street, stated that the original window was in horrible shape and deteriorated. He added that this was one of the reasons that he did not purchase the Hart House. He felt it would be a horrendous expense to replace the window; therefore, he added that he feels the new window looks great and is almost identical to the original window.

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Mr. Becksted made a motion to approve the application; Mr. Golomb seconded. Mr. Becksted stated that even though the window was replaced prior to approval, the applicant followed all the guidelines.

The motion to grant passed unanimously with a 7 - 0 vote.

9. Petition of the Franklin Grossman Trust, owner, and Steven McHenry, applicant, for property located at 170 Mechanic Street wherein permission is requested to allow new construction and exterior renovations to an existing structure (the renovation of the existing sunroom into a screen porch; the construction of a one-story addition to the right side; the extension of the existing pantry/entry addition; new screen doors; new columns and railings at front porch and new second floor windows at rear) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 7 and lies within the General Residence B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. John Grossman, the applicant, stated the front porch will have wood columns. There is a cut sheet showing the columns as well as a cut sheet showing the screen door, new railings at the front porch; and add new windows on the second floor rear. The new addition will be 15' in area and added there will be two items that we are proposing to change. At a work session, it was discussed the siding would be clapboard with a 7" reveal; However, he discovered that the clapboarding is three times expensive as normal clapboards. He added that he felt it would be best to use the specification on sheet #5 cedar shingles that will be stained to match the existing siding.

Mr. Grossman stated that his architect submitted the wrong cut sheets for the windows and should have been the Norco simulated divided lite, aluminum clad with wood mullions, bars and presented the correct cut sheet for the project.

FURTHER SPEAKING TO THE PETITION

An abutter located at 42 Hunking Street asked the Commission if they visited the site because she feels that to have an addition on that particular side of the house would forever change the quality of her property as well as the property abutting on the other side. The addition will impact her property long after the Grossmans have gone.

Chairman Rice stated he did consult the City Attorney this afternoon. He indicated that there is nothing in the Ordinance that allows views to be protected, and nothing in land use regulations that entitles people to a view.

Ms. Fineberg stated that the City Attorney indicated that this State has no protection for views.

Chairman Rice stated the Commission does not deny an application based on someone's view being taken away, much as it does seem to reflect under Scope of Review. He added that he questioned the City Attorney backwards and forwards at various different angles. Chairman Rice stated there was another similar incident where an abutter lost their entire view. He stated he was sympathetic for the abutter as well as the applicant. This is certainly a non-aggressive type addition to the building.

Mr. Grossman stated he regretted that his abutter's view would be blocked by his addition; however, the lot is large for the south end; however, the lot cannot be subdivided because under the City requirement, you need 5,000 s.f. and would therefore be impossible

There being no further speakers, the Public Hearing was closed.

DECISION OF THE COMMISSION

Vice-Chairman Adams made a motion to approve as presented; Mr. Becksted seconded as amended and was approved unanimously with a 7-0 vote.

III. APPROVAL OF MINUTES

A. Excerpt from meeting of March 5, 2003 – No action taken

IV. ADJOURNMENT

There being no further business to come before the Commission, the Commission agreed unanimously to adjourn to the next scheduled meeting on May 7, 2003 in the City Council Chambers at 7:00 p.m..

Respectfully submitted,

Joan M. Long Secretary Historic District Commission

/jml