

**REGULAR MEETING OF THE
HISTORIC DISTRICT COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE
City Council Chambers**

7:00 p.m.

July 6, 2005

MEMBERS PRESENT: Chairman John Rice, Vice Chairman David Adams, Planning Board Representative, Ken Smith, Members, Ellen Fineberg and John Golumb, Alternates, Richard Katz and Sandra Dika

MEMBERS ABSENT: City Council Representative, Joanne Grasso

ALSO PRESENT: Roger Clum, Building Inspector

I. APPROVAL OF MINUTES

Vice Chairman Adams made a motion to approve the June 1, 2005 minutes and Ms. Fineberg seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion to approve the June 1, 2005 minutes and the motion passed with a 6-1 vote with Mr. Golumb abstaining.

II. PUBLIC HEARINGS

1. **Petition for Janet C. Marx, owner** for property located at 73 Gates Street wherein permission is requested to allow exterior renovations to an existing building (replace existing windows with Marvin wood interior, aluminum clad exterior windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 92 and lies within the General Residence B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Janet Marx, owner of the property, spoke on behalf of the petition. She stated that she had replaced most of windows last year and wished to replace the remaining windows.

Chairman Rice asked the Commission if there were any questions for the applicant.

Ms. Dika asked if the windows proposed were the same windows used last year.

Ms. Marx answered not exactly as the windows open out and the others did not with the exception of the bathroom windows she was replacing in addition to the other two.

Mr. Katz asked if she would be replacing the trim on the windows and if that would match the other trim on the front of the house.

Ms. Marx answered yes.

Mr. Katz wanted to ensure that the trim would match the existing trim on the rest of the house.

Chairman Rice added that suggestion could be added as a stipulation when the Commission votes.

Chairman Rice asked if there were any further questions.

Hearing none, the Chair asked if there was anyone in the public who wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve the petition as presented with the stipulation that the window trim matches the existing trim on the house.

Vice Chairman Adams seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

2. Petition for Judy and Frank Breen, owners for property located at 121 Bow Street, Unit #4 wherein permission is requested to allow exterior renovations to an existing building (install skylight) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 1D and lies within the Central Business A and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Steven McHenry of McHenry Architecture spoke on behalf of the owners and the petition. He stated that their request was self-explanatory in that the owners wished to install a skylight.

Chairman Rice stated the petition was straightforward and asked the Commission if they had any questions.

Hearing none, the Chairman asked Mr. McHenry the reason for the skylight installation.

Mr. McHenry replied that it was one for ventilation and to add head room.

Chairman Rice asked if there was anyone in the public that wished to speak to, for, or against the application.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve the petition as presented and Mr. Golumb seconded.

Chairman Rice asked the Commission for all those in favor and the motion passed with a 7-0 vote.

3. Petition for Peter Rice, owner for property located at 196 South Street wherein permission is requested to allow exterior renovations to an existing building (add shed dormer to the third floor on the rear of the existing house) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 67 and lies within the General Residence B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Peter Rice, owner of the property, spoke on behalf of the petition. He was requesting for permission to add a shed dormer to the rear of the third floor of his house. This request was to gain additional space on the third floor. He pointed out to the Commission that he did not think the chimney would work with the proposed dormer due to its positioning or location on the house so he was considering removing it. He further stated that he had incorporated the two over two windows into the dormer to tie into the existing windows on the house. He also wanted to amend the request to add a couple of skylights to the roof of the shed dormer.

Mr. Katz asked if it was appropriate to comment on the request for the skylights since it was not part of the original proposal and there were no drawings depicting the same.

Chairman Rice told Mr. Katz to go ahead with his comments.

Mr. Katz asked if the skylight would lay flat against the roof of the dormer.

Mr. Rice answered not likely.

Mr. Katz stated in his opinion, it would probably project about a foot or so above the roof of the dormer. He said they would probably need a picture or profile of the skylight with the low-angled roof pitch.

Mr. Rice stated what he would like to do is to remove the amendment and proceed with the original request and come back another time in the future for the skylight request.

Chairman Rice asked if there were any other questions for the applicant.

Ms. Fineberg stated that she was not convinced that the chimney should be removed. She understood that below the roof line the applicant would like to remove it, however, she was concerned that it provided the balance for the house and the character that contributes to the house's design. She asked Mr. Rice if it needed to be rebuilt and if that was the major reason that he wanted to remove it.

Mr. Rice said that it did need to be rebuilt but it also took up a lot of functional space on the third floor. He also pointed out that the chimney is not functional currently.

Chairman Rice asked if there would be another chimney, meaning, there was two chimneys on the house and if one was removed the other would remain.

Mr. Rice said that was correct.

Chairman Rice agreed with Ms. Fineberg, he felt that the house of its particular era needed the chimneys and if they were removed it would take away from the intended design of the house. He stated that if there would be only one chimney on the house he was fine with that but if both were removed he would have to vote against the request.

Mr. Katz concurred with Chairman Rice's position.

Ms. Dika thought the house had been modified to such a degree that the federal characteristics were all but missing anyhow and the loss of the chimney wouldn't be that much of a problem.

Mr. Smith didn't have a problem with the loss of the chimney since it was not visible from the street anyhow.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE COMMISSION

Ms. Dika moved to grant the petition as presented and Mr. Smith seconded.

Vice Chairman Adams was not clear on where the windows would be placed on the rear of the building in relation to the existing windows and wanted dimensions.

He was also concerned with the choice of shingled siding and did not care for the type of windows chosen. He stated that for those reasons, he would not support the motion.

Mr. Katz stated it was a wood window with a vinyl exterior.

Chairman Rice if there was anyone else.

Mr. Katz said he had no problems with the petition proposed and asked the applicant if the choice of windows was for the future intent of replacing the other existing windows on the house.

Mr. Rice responded that the intent was because it was a prior window that had been approved. He said that he did not have any commitments to the window and could be changed. He further stated that if he did choose to replace the windows he would remain consistent.

Mr. Katz stated that the Commission had approved that type of window before and he did not have a problem with it.

Ms. Fineberg concurred with Vice Chairman Adams. She thought the applicant should provide measurements and asked if the petition should be tabled to the end of the meeting.

Mr. Rice responded that the internal dimensions were shown but stated that Vice Chairman Adams

was correct in that they do not match up to the windows below. He explained that the problem is that the outside window towards the yard side is right on the edge and on the other side of the chimney. By stepping the roof line in two feet, it drops into the chimney and forces the window to be offset but the center window would be matched over the lower window and there was no window on the street side. He reiterated that they needed another window in the bedroom.

Ms. Fineberg said she understood but needed the dimensions.

Chairman Rice agreed.

Mr. Katz stated for the Commissions' purposes, they need the dimensions.

Chairman Rice stated that they would be approving a concept without having the plans from which one builds, so the petition needs to be tabled.

Mr. Katz asked if it would be sufficient for the applicant to put the dimensions on the floor plan or if the Commission was requiring an elevation.

Chairman Rice asked the Commission how they felt about that.

Mr. Golumb thought that was fine.

Mr. Smith made a motion to table the petition to the end of the meeting.

Mr. Katz seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion to table the application to the end of the meeting and the motion passed with a 7-0 vote.

4. Petition for Nancy Grigor and Gigi Brown, owners for property located at 300 Court Street wherein permission is requested to allow exterior renovations to an existing building (add first floor deck and second floor balcony, both with french doors on rear of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 12 and lies within the Mixed Residential Office and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Ms. Grigor spoke on behalf of the petition. She reiterated that the plans submitted were the same as the plans presented at the prior months' work session. She stated that they wanted to add a first floor deck and a second floor balcony, both with french doors, on the rear of the building as represented at the work session and pointed out that they had gone before the BOA and the variances were approved.

Chairman Rice asked if there were any questions for the applicant.

Ms. Dika didn't understand the posts, she asked if they were something that slips over.

Ms. Grigor answered yes and looked for a sketch provided in the plans submitted.

Vice Chairman Adams stated that it would look like a boxed-out post.

Ms. Dika asked if they hold up to the weather.

Vice Chairman Adams said yes, they are wood.

Chairman Rice asked if there were any further questions of the applicant.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE COMMISSION

Ms. Fineberg moved to approve the application as presented and Mr. Smith seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

5. Petition for Touati + Barnes, LLC, owner and Jami Barnes, applicant for property located at 198 Islington Street wherein permission is requested to allow exterior renovations to an existing building (install three awnings on front bottom windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 137 as Lot 20 and lies within the Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Jamie Barnes, co-owner of Touati + Barnes, LLC d/b/a Salon Belissima, spoke on behalf of the petition. She wanted to have one awning over both windows on the front and one over the front entry-way door.

Chairman Rice asked if there was a reason for covering the pediment on the front door.

Ms. Barnes stated it was more for safety reasons due to the harsh winters and all of the ice that forms above.

Chairman Rice asked if there were ice protector things that act as deflectors.

Chairman Rice stated that the Commission has tried to be consistent in the way they look at awnings. They believe that the awning needs to contribute to the character of the building and the area around it. They want a rolled-up kind of awning that is straight valanced and plain or with minimal advertising. He felt the awning chosen was a little too modern and wanted something more traditional.

Vice Chairman Adams concurred with Chairman Rice. He didn't want the pediment to be covered up.

Chairman Rice suggesting tabling it to hold a work session with their awning person.

Ms. Barnes asked if it was just the awning over the door that was presenting the problem.

Mr. Katz interjected that the other two awnings were attractive.

Mr. Smith concurred.

Ms. Barnes stated they were retractable.

Chairman Rice said they do, rhetorically.

Ms. Barnes stated that their location, although being situated within the historic district, is mostly surrounded by a towing company and gas stations.

Chairman Rice agreed.

Mr. Katz pointed out that the building was sided with vinyl and has virtually no trim on the windows.

Ms. Barnes presented an advertisement that the company they chose had produced that showed other awnings installed on other local businesses within the historic district that did not appear retractable.

Chairman Rice stated that they may not be and could have not been reviewed or approved by the Commission. He also pointed out that their opinions had evolved over time and try to judge on a case by case scenario.

Mr. Smith asked for clarification that the two larger awnings for over the windows were retractable.

Ms. Barnes answered yes.

Chairman Rice asked if they actually rolled up.

Ms. Barnes answered yes and said that she didn't care if they lost the awning over the door since it was an afterthought but that she would really like the ones over the windows to be approved.

Mr. Smith noted that he really didn't have a problem with the two side ones, but would not support the center one.

Ms. Dika preferred to see the two side ones without the scalloping and be straight instead.

Ms. Smith asked what they would like.

Ms. Barnes said they originally wanted the straight valance for the awnings but someone told her it would look too modern so they recommended the scalloped design.

Vice Chairman Adams explained why the Commission felt the way they did about the valances to

the applicant to help her understand why they were having difficulty with the style of valance proposed.

Chairman Rice stated if they were willing to go with the straight, retractable awning for the windows and remove the awning proposal over the door, that would be a good thing.

Ms. Barnes agreed and said that the amendment proposed would be fine.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the application.

Seeing no one rise, the Chair declared the public hearing closed.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve as amended and Mr. Golumb seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the amended motion and the motion passed with a 7-0 vote.

6. Work Session/Public Hearing for Michael and Claudette Barker, owners for property located at 5 Hancock Street wherein permission is requested to allow exterior renovations to an existing building (remove existing roof and add 2nd story with gable roof, 2 story addition at right side and extensive exterior renovations) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 86 and lies within the Mixed Residential Office and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Anne Whitney spoke on behalf of the owners and the petition. Anne stated since their last meeting, the clients put together a little history on the house and passed out the supplemental information to the Commission. She summarized that there was a question of whether the house used to have a second story and in 1960, when it was moved, it was the same shape as it is now. They felt that there was not that much left to the original. They proposed to remove the roof and bring it up to two stories with a slight modification in the back to make it more rectangular two and a half story colonial. They would have to rearrange the window positioning so all of the windows would be replaced. The attic would be a 9/12 pitch for some living space. The breezeway would be expanded on the back and on the front it would be pushed back to a lot for a front porch with granite steps to break up the straight line that is there now. The garage would maintain the existing configuration but would be vinyl siding with new trim, doors and different window locations on the rear. The other addition would be 16x20 addition as facing the house on the right hand side. The addition would match the pitch on the expanded house. She reiterated to the Commission that the other houses on the street are much larger and taller than the subject property. The front of the house would be 9 over 6 with the same pane size of 6 over 6 on the second floor. The windows of the dormers would be downsized. The difference in overall height is 24 feet and it would be just 9 feet higher. The center line of the house will be reoriented since they would be adding some feet to match the footprint. The windows used would be an aluminum clad with permanently affixed grids to the exterior and the trim would be in wood with crown molding and a heavy sill detailing. The

rear elevation addition will have an accessway out into the yard with a covered porch with the pitch matching the existing and a small bump out at the kitchen area to a lot for more room in the interior. There will be trim between each window on the rear even though they are pushed together but not mullied. The garage door will be expanded and casement windows added to the rear of the garage. There's an existing wooden, cedar fence on one side of the property and they will continue that with the same material.

Chairman Rice asked if there were any questions for Ms. Whitney.

Ms. Dika was concerned about the skylights on the upper story. She wondered how visible they would be to the neighbors, whether they would be looking down into them.

Ms. Whitney answered that Gate Street is about a story above and they would be able to see them but they would not be able to see in them.

Mr. Golumb asked about the alignment of the skylights.

Ms. Whitney answered that she positioned them in that way so they would not be so lining up with the chimney and she felt it looked better.

Chairman Rice noted the site walk and pointed out that he noticed there were a lot of skylights on properties surrounding the subject property and he felt that one skylight in the rear would suffice since that was typical of a colonial house but not three.

Ms. Fineberg asked if the front porch was to be repaired or replaced.

Ms. Whitney responded replaced.

Ms. Fineberg asked if there was anyway to keep the door since that was the only authentic part left to the original house.

Ms. Whitney replied that the door was not in keeping with what they were doing.

Mr. Smith stated that he did not have a problem with the three skylights on the rear and suggested if the two side ones were smaller.

Ms. Whitney said that the next size down was a 21-inch so they would be a loss of about 9 inches.

Mr. Smith stated then that would be too small in proportion to what was below it.

Ms. Whitney replied not necessarily, she thought the only way to go to two would be to lose the center one and to leave as is.

Ms. Dika asked what was below it.

The owners told Ms. Whitney that they would prefer to keep the center one and lose the other two.

Chairman Rice thought that was a good idea because that would give it a little historic connection.

Mr. Smith asked if there was one room or two rooms beneath it.

Mrs. Barker stated at this point there are no rooms so they if they were to ever make rooms, they would at least have windows on the sides.

Mr. Smith asked if they did something differently, then they would be back.

Ms. Whitney answered yes, at this point it will be a big open space.

Chairman Rice asked if there was anyone in the public that wished to comment.

A member of the public asked what the height of the building in comparison to the others next to it.

Ms. Whitney answered that they did not have the exact height but that the buildings on either side of it are two story. She thought it could be shorter than either one of the other houses at least no higher.

The same member of the public stated that he overlooked the western end of that property and he looks right down onto the roof and he can see all of the skylights if they were there and he stated that he has no skylights on the rear of his house.

Chairman Rice asked if there was anyone else.

Dan Cocoran of 168 Marcy Street and he was very concern about the nature of the change and the scope of the change. He was very pleased with the changes and thought everyone had done a wonderful job in keeping with the neighborhood.

Vice Chairman Adams wanted Ms. Whitney to explain the windows and wondered why the house had such a vertical nature to it.

Ms. Whitney clarified the windows and explained that the house is not that wide, it's almost thirty feet deep and a lot of the other buildings on the street are much broader in the long dimension.

Vice Chairman Adams thought the windows were very tall.

Ms. Whitney said it was about 9 by 11.

Vice Chairman Adams thought a typical window of a colonial was an 8 by 10 light which is about 10 inches in height and he asked if there was a particular reason they chose that window size.

Ms. Whitney thought it fit better than the 8 by 10 portion.

Vice Chairman Adams asked Ms. Whitney if she felt that using that size window wouldn't create a crowded look on the front of the building.

Ms. Whitney did not think so.

Chairman Rice asked for a motion to go to a public hearing.

Mr. Golumb made the motion and Ms. Fineberg seconded.

Chairman Rice asked for all of those in favor and the motion passed with a unanimous vote of 7-0.

Ms. Whitney presented a petition signed by the abutters voicing their support for their project.

Mr. Smith clarified that the petition had been amended in that there would only be one skylight centered on the rear of the house.

Ms. Whitney replied that was correct.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Connie Boyle of Hancock Street spoke in favor of the petition and voiced her support.

David Krempeles of 111 Gates Street spoke against the petition. He explained that for at least 7 months of the year there is a full view of the rear of the house and he did not think that they had been sensitive to the site. He felt the proposed added more than one third to the existing footprint of the house and he thought that the Commission was going against their duties as set forth in the ordinance as well as the ordinance itself. He thought they were destroying a small cape and stated that one of his joys of residing on Gates Street was watching pedestrians admiring the beautiful homes and the proposed house did not qualify as a historic house as it is situated in the heart of the historic district.

Dick Duchard of 99 Gates Street stated that he overlooked the western portion of the subject property and concurred with the previous speaker. He agreed that it did not fit with the Historic District and asked the Commission to reconsider.

Someone else from the public spoke against the petition, did not state their name, and spoke about the petition of support signed by certain abutters submitted and pointed out that the residents of Gate Street were not on that list of support.

Ms. Whitney stated that they were attempting to make the house fit more within the scale of the other houses in the neighborhood. She stated that she worked very hard to make the house fit and keep the scale within reason with the other homes on the street.

Chairman Rice noted that a house does not have to be historic to be significant or contributing and even if the property was built twenty years ago, if it is in the historic district, then it is under the Commission's jurisdiction.

Mr. Katz did not have a problem with the scale of the house and he was satisfied that most of the houses on that street are bigger than the cape. He felt that house was the anomaly in comparison to the others in the neighborhood and he had no problem with any of it and would be voting in favor of the petition.

Chairman Rice noted the abutters' concern but he felt there was precedent within the district especially on Marcy Street where there was a brand new reproduction that was built recently and was

not a small building at all and it fit in within the neighborhood and has a lot of charm. He also noted another property on Humphrey's Court they added a story to the existing house and it fit in very successfully. He thought the house would fit in with its massing with the other properties along the street.

Ms. Dika did not like the Humphrey's Court house but she thought the biggest mistake the Commission has made since she's been on the Commission was looking at mock-ups and not really getting an accurate feel for the massing that will happen on the site. She was concerned that they did not know exactly what the measurements were for heights on the two buildings on either side of the subject property because she did not want that house to be larger than them.

Chairman Rice declared the public hearing closed.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve as presented with the amendment of the skylights and Mr. Golomb seconded.

Mr. Smith agreed with Mr. Katz's comments that it would not be taller than the other houses and thought it would fit in beautifully with the other houses in the neighborhood, as it currently does not. He liked the details and the recessing of the mudroom to break-up the line and he commended Ms. Whitney on a great job.

Vice Chairman Adams had some reservations with the massing and the windows so he would not be supporting the motion.

Mr. Katz thought it was important to remember the historic perimeters that define the architecture in Portsmouth in the historic district. He felt that it did not irreparable harm to adjust the house and thought the Commission had the right to raise concerns but that they should be open to the adjustment to the house since it would fit in much better with the overall feel and character of the neighborhood.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 6-1 vote with Vice Chairman Adams voting in the opposition.

Chairman Rice asked for a motion to table the work sessions to the following week's meeting.

Mr. Smith made the motion and Mr. Golomb seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

7. Petition for Calvin Wels and Jane Vacante, owners for property located at 291 South Street wherein permission is requested to allow exterior renovations to an existing building (remove mud room and relocate rear entrance to site of existing kitchen window in the rear, install new exit door and exterior stairs with a landing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 24 and lies within the General Residence B and

Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. Wels spoke on behalf of the petition. He explained that they were remodeling their kitchen and the exterior changes as advertised were to do create more room for the same.

Chairman Rice asked the Commission if they had any questions for the applicant.

Mr. Smith asked if the unique window on the back of the existing mudroom would remain.

Mr. Wels answered no, there will be no mudroom at all.

Chairman Rice asked if there was anyone else in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve the petition as presented and Vice Chairman Adams seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

8. Petition for Vinnie Colella, owner for property located at 28 Deer Street wherein permission is requested to allow exterior renovations to an existing building (add two shed dormers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 14 and lies within the Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Dennis Mackenrow of DeStefano Architecture spoke on behalf of the petition and stated that he wished to amend the proposal to be only one shed dormer and one skylight and passed out materials depicting the same to the Board. The skylight would be a Velux skylight and the size would be 30x46, which would be narrower and less in area than the windows below. The materials, roof pitch and the profile would match the existing dormers and the window would be salvaged from the dormers that would be demolished.

Ms. Fineberg was confused about the location of the dormer and where it would be placed.

Mr. Mackenrow explained to her that the existing dormers would be removed and explained where the proposed dormer would be installed.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chair declared the public hearing closed.

DECISION OF THE COMMISSION

Vice Chairman Adams made the motion to approve the petition as amended and presented and Ms. Fineberg seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

9. Petition for Parrot Ave Place, Inc., owner and Compass Care, applicant for property located at 127 Parrot Avenue wherein permission is requested to allow exterior renovations to an existing building (construct a deck with ramp and steps) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 115 as Lot 3 and lies within the Mixed Residential Office and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

A representative from the Board of Directors for Compass Care spoke on behalf of the petition. She informed the Commission that currently they have a french door leading out to the back that they wished to build a deck off the back with a handicap ramp leading out to their proposed garden.

Chairman Rice asked if there were any questions for the applicant.

Chairman Rice asked if the Commission in the past had visited the site for a site walk.

The Commission concurred.

The representative informed the Commission that when the building started last year there was a new addition added to the property and there was an existing deck and ramp which was moved outside and onto the new addition.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

DECISION OF THE COMMISSION

Mr. Smith made a motion to approve as presented and Ms. Fineberg seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

10. Marilyn P. Rath, owner and Gretchen Porter, applicant for property located at 112 Penhallow Street wherein permission is requested to allow exterior renovations to an existing building (extend existing 2nd floor across rear) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 20 and lies within the Central Business B and Historic A districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. John Rummler of Interface Architects, Inc., spoke on behalf of the petition. He stated that they were before the Commission previously for a work session and noted that there would not be any proposed changes to the front façade of the building. He went over the plans and pointed out the existing egress door that is currently operable on the front, right façade of the building (Penhallow Street). He informed the Commission that the front door was currently not code compliant, in that it swings in. He told the Commission that they planned to replace the front door with another to match the existing as it was in rough shape and install a new door on the right side elevation of the building for means of egress. He said that they planned to use a Christian style, panel door with a 3680 opening, with brick side jambs for the door jambs and a granite lintel and step to match the existing front door entry. He further stated that they were also proposing to add a second story to the rear of the existing building. He showed a perspective view and noted that they would be carrying a matching height cornice line of the abutting building to the rear and below the brick detailing, would match the existing building. They would be using Eagle aluminum clad windows for the three new windows they planned to install in order to match the existing windows on the building. Currently, the building has a flat, one-story roof in the rear portion of the building and essentially, they were proposing to extend the second story of the rear. The two windows that exist at the second story exterior wall would be relocated to the new rear elevation. Mr. Rummler stated that it was a very straightforward proposal and informed the Board. The brick to be used was an Olde Port brick to match the existing in color and size on the building for the second story. He reiterated the unique situation that was discussed at the previous month's work session of the blockage of the three windows on the abutting building and the effect on the abutting property owners for means of internal egress. He said that as much as they could, they were willing to work with the owners of the abutting property and noted that under the zoning ordinance, the applicant had the right to build the proposed second floor addition but they wanted to note that they were trying to be good neighbors in working with the owners of the abutting property.

Chairman Rice asked the Commission if there were any questions for the applicant.

Vice Chairman Adams was concerned about the materials on the side (i.e. the door). He wanted to know if the doorway would be recessed similar to the existing doorway in the building.

Mr. Rummler answered yes, that they would try to match as best they could the existing materials.

Vice Chairman Adams asked if it was his intention to take the brick down and lay the brick or to saw the brick opening.

Mr. Rummler showed a photograph said they would cut the new opening and use the removed existing brick to make the new doorjambs. The doorway frame would have the same brick-mold profile as the front using an aluminum clad door with a raised panel profile exterior and wood interior.

Vice Chairman Adams asked if they would be using the same door specifications.

Mr. Rummler answered yes.

Vice Chairman Adams asked about the lintels and sills of the windows of the second floor rear

facade.

Mr. Rummler said they would salvage the existing granite lintels and windows and move them to the new rear wall.

Vice Chairman Adams asked about the new windows, if they would have matching texture, etc.

Mr. Rummler said yes.

Vice Chairman Adams asked about the applicant's choice to use the Olde Port brick and a grey modern mortar, if they would leave the joint of the present three story building and abutting into that with the new masonry work and make the cornice brick align in coursing and projection.

Mr. Rummler said yes, absolutely. He further stated they would match the high cornice and the corner detail and they would save it if it was still in good condition. He did note that the roof has failed somewhat and the cavity-wall has started to part and the parapet was in rough shape. They would take the parapet down 4-6 courses as necessary and rebuild it. Depending upon the condition of the mortar, they may be able to salvage some of the bricks and reuse them on the new cornice.

Chairman Rice asked if there were any further questions, hearing none, he asked if there was anyone in the public that wished to speak to, for or against the petition.

Johanna Lyons spoke on behalf of her mother, Judith Kauch, trustee of the building that abuts the subject property as she was out of town. Ms. Lyons stated that she provided comment to the Commission at the previous month's work session and noted that historically, the block of buildings, 106 Penhallow to 114 Penhallow were part of the GB French Company as Portsmouth mercantile landmark which had their front doors on Market Street. She stated that the second and third floors of 110 Penhallow were built in the 1890's and the upstairs of that block were used for apartments and offices for the GB French Company. She stated in the mid 1970's, the entire department store was purchased and internal walls were installed to break-up the building into small sections. With some alterations to the exterior, to add doors and storefronts, the block of buildings had the same basic configurations for over one hundred years. She said that modern additions, heard at the current meeting and past work session, posed special problems with the historic district when the proposed second story addition to 112 Penhallow would alter the historic configuration of the block of buildings. She noted that land was scarce in the City of Portsmouth and that the downtown area presents a unique set of considerations. She stated that since the only opportunity for growth in mostly the historic district is upwards, she asked the Commission to consider when will the modern additions and raising of roof lines alter Portsmouth's historic fabric so greatly to be unoffended and unappealing. She further stated that she had reviewed the file for 112 Penhallow at the Planning Department and implied that there was not adequate information provided as required or set forth in the zoning ordinance. She encouraged the Commission not to act on the application until the file was complete and the abutters were given the opportunity to review all of the materials required by the ordinance. She informed the Commission that 110 and 112 Penhallow share a common wall and the common wall runs the entire length of the first story and approximately twenty feet of the second story. She also noted that utilities and the furnace system are intertwined. She said that her family has maintained the exterior walls on all sides of 110 Penhallow since they purchased the building in 1979 and they were concerned about not only the loss of light and ventilation by the blocking of their windows but also the esthetics of the new construction and the engineering to

accomplish the proposal. The engineering could influence the final design of the proposal and she hoped that the Commission would continue to monitor the project and not give its approval of the vague presentation given at the present meeting. She noted that at the prior month's work session, the Commission had encouraged the applicant to meet with the abutters and that had not occurred. They believed that the applicant should meet with them to engage in a discussion about their concerns and thought that should have taken place before the Historic District Commission made their decision. She knew that some of the issues she raised were not under the scope or jurisdiction of the Historic District Commission's review but hoped that it spurred discussion amongst the Planning Board and Site Review Committee.

Chairman Rice asked if there were any questions for Ms. Lyons.

Chairman Rice stated that the Commission had received their materials one week ago.

Ms. Lyons stated that she was only handed the conceptual designs from the prior work session held.

Chairman Rice stated the package he received are available at the Planning Department and he thought it was a complete package in terms of enabling the Commission to make a decision on the design. He also appreciated the trouble that Ms. Lyons had gone to but reiterated that some of her concerns raised were not under the Historic District Commissions' purview and (i.e. blocked windows) did not come under their purview, some do to a certain degree but are not defensible in a court of law, at least not their decision. He further stated that if they were prevent construction, for example, Ceres Street, he explained a situation where an abutters' water view was to be blocked by another building, it was their understanding that eventhough that would substantially affect the value of that abutters' property, they were powerless to deny the application based on a loss of view. He reiterated that their purview was architectural design. He emphasized with her loss of ventilation and views and he hoped that she would get together with the applicant to discuss that and he reiterated that it had been noted by the applicant earlier at the present meeting that they were willing to do that.

Ms. Lyons asked what the process was after this.

Mr. Clum stated that it was a request for an addition to a commercial building so from his understanding it would go through the site review process, that process then culminated by a vote from the Planning Board to approve or disapprove the project.

Mr. Smith interjected that with that process, the abutters would receive notices and there would be a public hearing at the Planning Board level.

Chairman Rice asked if there was anyone else in the public that wished to speak to, for or against the petition.

Frank Lyons, part owner of 108-110 Penhallow Street spoke in opposition to the petition. He stated that he had done extensive research of the history of the building and mentioned more history that his daughter had failed to mention. One of his concerns was that there are three windows that are placed on the second story of their building (i.e. one to the hallway, one to the bedroom and one to the dining room) and they would be blocked in. He was also concerned about what expenses they may have to entail with the removal of his windows.

Chairman Rice asked if there were any other questions, hearing none, the Chair asked if there was anyone else in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chair declared the public hearing closed.

DECISION OF THE COMMISSION

Mr. Katz made the motion to approve the application as presented and Mr. Smith seconded.

Vice Chairman Adams recognized the difficult situation since there was the issue of the blocking in of the three existing windows on the abutting property. He stated that he would support the motion to approve the application simply based upon the architectural merit, which was the only thing before the Commission for review and it was the only thing he was comfortable in reviewing. Based on that and solely that, he found the application to be relatively simple since it was just an extension of an existing masonry wall with the replication of a cornice line to match an already existing cornice line as well as all of the other small details involved in the application. He believed that they had all of the necessary materials before them to review and make their decision besides the fact that there had already been one work session held on the same application the prior month.

Mr. Katz concurred almost verbatim with Vice Chairman Adams comments and reasoning. He felt that it did need to be worked out with the abutters which would be outside of the Commission's purview but he felt that the addition would improve the buildings' appearance greatly. He stated that was what the Commission had jurisdiction over and he would have to support the motion due to the improvement to the appearance and he could see no reason why he should not support the motion.

Chairman Rice stated that it was almost a textbook improvement to the building and there was nothing to object to with the design except for the human element, which unfortunately, was not in the Commission's purview. He reiterated his empathy to the people who had spoken but that issue was not within their purview.

Mr. Golumb asked the other Commissioners if they felt it was appropriate to have a mock-up of the brick and mortar on the site.

Ms. Fineberg and the Chair thought it was a good idea.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion and the motion passed with a 7-0 vote.

Mr. Smith made a motion to take Peter Rice's application off the table and Ms. Fineberg seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion to take the petition off the table and the motion passed with a 7-0 vote.

Peter Rice stated that he had pulled some dimensions together as well as a petition of support executed by his adjacent neighbors.

Chairman Rice asked the Commission if looking at the measurements submitted, if everyone had a feel with what was going happen.

Chairman Rice stated the only thing they did not have that they normally have was a drawing of the rear of the house with the dormer on it so that they could see how the windows would lineup with the windows below them.

Vice Chairman Adams stated that they knew there was no window underneath the southern most of the windows, yet due to Mr. Rice's statements earlier, they knew that the center window was centered over the existing window on the second floor and the third window of the shed dormer was as far to the left as could be placed.

Chairman Rice asked if he was comfortable with that.

Vice Chairman Adams stated he felt they were stuck.

Chairman Rice asked if there was anyone else.

Ms. Fineberg thought there were other issues raised about the cedar shakes and what material the windows were in relation the existing windows below them.

Chairman Rice asked if Mr. Rice had a cut-sheet for the windows.

Mr. Rice stated that the windows that would be installed would match the existing windows on the house, as those existing windows would be replaced later to match the one installed on the shed dormer. He further stated that the reveal for the shakes would be 4 or 5 inches and he would try the best he could to make sure everything else matched up.

Chairman Rice asked why he chose shakes and not clapboards.

Mr. Rice said he was going to stain the shakes and he stated that eventually he was to remove the siding and replace with clapboard. He said he liked the difference.

Mr. Golumb asked if the existing windows on the house were wood or vinyl, etc.

Mr. Rice answered they were no baluster, wooden windows.

Mr. Golumb asked if what he was asking for was a rigid, vinyl PVC clad window.

Mr. Rice chose those because he was informed that those type of windows had been approved in the past. He said he was not married to the windows chosen and they fit the bill.

Mr. Golumb could not recall approving such a window and Ms. Fineberg thought they had on a couple of properties down by the water.

Mr. Katz clarified that they had approved a full, vinyl window for Geno's and that the current request was for a wooden interior and vinyl exterior clad window.

Chairman Rice asked for all those in favor of the motion made at the earlier public hearing to approve as presented and the motion failed 3-3 with Mr. Golumb, Ms. Fineberg, Vice Chairman Adams voting in the opposition, Chairman Rice did not cast his vote as he wished to table the petition.

Ms. Fineberg asked if the Commission wanted to table the petition.

Mr. Rice asked the Commission for some direction as to why they were voting against his petition.

Vice Chairman Adams said he had some issues with the wood shingles because he was not certain that it made sense architecturally as well as the vinyl windows. He thought that the vinyl windows would limit the applicant and possibly pose future problems to where he may have to alter the sizes of the existing openings for the windows when he went to replace the same.

Mr. Rice offered to change or amend his request to satisfy the Board and address their concerns in order to move forward with his project.

Chairman Rice stated that if Mr. Rice would be willing to change the application to include a clapboard shed dormer and remove the windows from the current application and come back at another time to amend the application with a new window schedule.

Vice Chairman Adams asked if they could approve the application without the windows.

Ms. Fineberg said for the applicant to come back next week and address the issues in a drawing that accurately addresses what was discussed and get the vote next week.

Chairman Rice agreed. He reiterated to the applicant to come back next week with an application that had a clapboard dormer and a proper window schedule with the new proposed windows as well as a drawing of the rear of the house with the proposed dormer so that they could see the alignment of the windows on the dormer with the rest of the existing windows on the house.

Vice Chairman Adams wanted the applicant to understand that they were not opposed to the dormer but he wanted to ensure that the applicant was heading in the right direction with the siding and the window replacement on the rest of the house.

Chairman Rice called for the tabling motion.

Vice Chairman Adams made the motion to table the application to the following week's meeting for more information and Mr. Golumb seconded.

Chairman Rice asked the Commission for all those in favor. The Commission then voted on the motion to table the petition to the following week's meeting and the motion passed with a 6-1 vote with Mr. Smith voting in the opposition.

Chairman Rice asked if there was any further business before the Commission that would need to be discussed.

Vice Chairman Adams noted his and Mr. Golumb's visit to the Rockingham to review the replacement materials and mock-up and stated that he was very impressed and it was very acceptable.

Vice Chairman Adams also noted his visit to Joseph and Jennifer Almeida's house at 33 Blossom Street and stated that they went with the two-flute Bishop Cap design due to proportion problems and presented the sketch to the Commission.

Mr. Golumb added that his visit to the Rockingham proved that the replacement materials chosen would be an excellent match.

IV. ADJOURNMENT

At 9:52 p.m., a motion was made to adjourn the meeting. The motion passed with a 7-0 vote.

Respectfully submitted,

Christina V. Staples
HDC Secretary

/Cs