

**REGULAR MEETING OF THE  
HISTORIC DISTRICT COMMISSION  
PORTSMOUTH, NEW HAMPSHIRE  
1 JUNKINS AVENUE  
CITY COUNCIL CHAMBERS**

**8:00 p.m.**

**December 14, 2005**

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**MEMBERS PRESENT:** Chairman John Rice; Vice-Chairman David Adams; Members, Ellen Fineberg, John Golumb and Richard Katz; Alternates, Sandra Dika and John Wyckoff, City Council Representative, Joanne Grasso;

**MEMBERS ABSENT:** Planning Board Representative, Kenneth Smith

**ALSO PRESENT:** David Holden, Planning Director

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**I. OLD BUSINESS**

A) Petition of **10 State Street, LLC**, owner, for property located at 10 State Street wherein permission was requested to allow the removal of all structures and replace with new one, two, and three story brick buildings as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 4 and lies within the Central Business A and Historic A districts. *This item was tabled for additional consideration at the December 7, 2005 meeting.*

**SPEAKING IN FAVOR OF THE PETITION**

Attorney Malcolm McNeill stated that he wanted to make his comments brief and noted that he had been there previously to obtain approval for his application but was table till this meeting. They have complied with the state and local government. It is important to note that the paper they have titled the Individual Inventory Form, which is a thorough detailing of the history, was part of that process. They have supplied them with a writing from a structural engineer that was referred to them by an HDC expert. The warehouse itself is specifically address with significant detail in the writing from Ms. Monroe documenting the NH historical significance. According to the MOA itself, it is not unlikely that many permitting documents authorize the building to be made available for third parties. They could dispose of it, and beyond that is an archeological investigation that would occur after the fact, specified by the permit. They've gone through every conceivable step to demolish this structure, and it has taken over a year to get to this stage. Prior to the HDC advising the things that they would need to do, the HDC looked at the building. There would be a complete redraft of the footprint in terms of making it compatible with the warehouse like surroundings in this part of the City. They are very anxious to proceed. This is a municipal permit that is necessary. The structure has been sitting there, not improving, and they would like to bring a historically sensitive improvement to the City.

Chairman Rice asked if the permission from the State was in the packet.

Attorney McNeill stated that they supplied the MOA but not the application.

Mr. Adams stated that he too could not find any correspondence from the State. He saw no stamp of the State and no indication that anyone had received this. There is no response or any discussion either. He doesn't have any understanding of the memorandum or any indication of what these documents suggest. He feels at a loss.

Chairman Rice stated that he did read this carefully.

Attorney McNeill stated that the State signed the MOA, not the application. That was a result of the standard filing. The historical documents were what they were asked to produce at the last meeting.

Chairman Rice stated that he would just like to see those documents. They sound prudent.

Mr. Wyckoff stated that they had it in the original packet from the last meeting.

Attorney McNeill stated that it would be appropriate for the HDC to grant them a certificate, and the respectfully request that they do that.

Ms. Fineberg asked how long they needed to advertise the property before it could be demolished.

Attorney McNeill stated that it was specifically agreed upon but he forgets.

Ms. Fineberg stated that it would a 30-day advertising period then it may be demolished if no viable offers are received.

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

Mr. Harold Whitehouse stated that he was speaking as a concerned citizen and as a long time resident of Portsmouth who lives close to said property. It used to be known as Walker's Coal Wharf and he goes back many years with this property. He admits that he is not up to date with all the paperwork and documents that relate to this piece of property. They propose another demolition of a historic property. He already lost the armory and it keeps him up at night thinking of how that WWII memorial is gone. This is part of Walker's Co-op, and he does not remember ever receiving word of a public hearing on a 106 process. The state historical commissioner recommends that buildings either be put on the national register of historic sites or be demolished. He is asking them to be very careful. This city is losing its historical nature and he doesn't have to remind them what the master plan says. They must preserve their historical buildings, and their culture. This is why tourists come here. They don't come here to read a plaque or go to an area where something once stood, they want to see, touch and go inside history. He is saying that if they lose another building they will lose another part of Portsmouth history. Be very careful to what you agree with here. If this is approved, there has to be public hearings to let their views be known and he doesn't know if that process has been followed or not because he hasn't had time to review all the documents. He hasn't seen the MOA. Please be careful with what they allow on this issue.

Mr. Adams made a motion to approve the application for the purposes of discussion, which was seconded by Ms. Fineberg.

Mr. Adams stated that the applicant responded to all the questions and demands placed upon them. He is on record as saying that he has every reason to believe that the proposal will have a sense of compatibility to the current waterfront environment. They will provide a building of significance and substance on the site. There is no reason other than his question of how the loss of this unique building will affect the City to deny this. His leanings right now are toward support the motion to allow them to proceed.

Ms. Grasso stated that it was a hard decision and she started thinking about what would happen if they did not approve this. She remembers Walker's Cove businesses, but if they turn this down the warehouse will sit there deteriorating. It is not structurally sound and it will just take care of coming down by itself eventually. In the meantime, it is not attractive or safe as it stands right now. She thinks that they've asked for a lot and they have complied, so she will be supporting the motion.

Mr. Wyckoff stated that upon reading Mr. Rice's letter to Mr. Gosselin, he can certainly understand not having enough information last week. They did not have all the documents requested, which was rectified by the complete packet submitted today. He thinks that due to the history of the Wharf and lower State Street is outlined, and upon looking at the pictures, that the building probably can be moved. He wonders if they could possibly be drafting letters asking the Maritime Historical Society or another historical society to move the building. There are so many places that could use the building. They would hope that these societies are aware of this, and it could be easy to slip this onto a barge where the City could warehouse it on Pierce Island and use it in conjunction with the walking pier that that they are planning. He approves of the plan but would like to see the structure used.

Chairman Rice asked who is responsible for advertising this, and where it would be advertised.

Attorney McNeill stated that he was anticipating putting it in the Portsmouth newspaper, Fosters Daily Democrat for a period of 30 days. They would do it once a week for 4 weeks.

Chairman Rice stated that they might make that a stipulation.

Mr. Adams moved to amend the motion to stipulate that the Portsmouth Herald and Fosters Daily Democrat would be used on a weekly basis to advertise.

Ms. Fineberg stated that she wanted to wait to second that. Her major concern is that 30 days is not enough. She is not suggesting that they encumber this for an unreasonable amount of time, but she thinks that 60 days may be more reasonable. It is the middle of winter. If they make this decision now, it will take time for whatever entity decides to move it. That is a major concern. She spent a lot of time reading the materials and has looked at all the information. It is clearly an important historical building, but the fact that it has been untended for so long has put it and the pier in serious jeopardy. The condition is terrible and is not viable as a structure. Even if they were to ascertain that the building should be saved, the pier would not be viable. Usually when they try to retain buildings, they try to do so "in place". This is not an option. She is prepared to vote for the demolition of this, but only after they've given significant time for someone else to step forward and do something about this. Warehousing this is unrealistic, but would hate to see it go.

Ms. Dika is in agreement over the 60 days, but noted that someone might step up on the 60<sup>th</sup> day and propose some way to take the building. Then, it might take another couple of months to even get the building moved.

Ms. Fineberg read “If marketing is unsuccessful and no viable offers received, they can demolish. If they receive an offer, they have to work through the specifics of that before it can be taken down.

Attorney McNeill stated that the requirement would be would be that they had to react reasonable. It would be a bilateral type discussion. If someone stated that they could not take it for 6 months, then that would not be acceptable to them. They have to have the advertisement approved by the NHHSP0. He does not think that the 60-day period is logical. There is no better known pier than Pier 2. This will be very well known through the newspapers. Ms. Dika’s concern is very real. All the terms have already been worked through.

Mr. Katz stated that he waded through the documents and surmises that they have a historical building that were severely compromised by the 1910 fire and repaired with no particular methods of construction. It’s mainly strapped together. He is less concerned about losing the Pier and its impact as a whole since somebody might want this building. As far as continuing the legal requirements, he thinks that makes no sense.

Ms. Fineberg stated that the inventory form, page 15 states that... “The old Pier 2 retains integrity of design materials and workmanship from the rebuilding after the fire of 1909. the basic framing and design reflect construction of the building circa 1875, and its overall appearance remains the same. It has integrity of location and waterfront setting, though adjacent piers are no longer there. The site and utilitarian nature of the building convey its historical functions and associations with Portsmouth’s waterfront.” She thinks the notion that is not the original structure is not true. It has been researched and they need to acknowledge that it is a historical building. Since they cannot speak of the interior of the building, that does not mean that it is a viable structure.

Mr. Katz asked if the form stated that part of the historical integrity comes from the site. If it does, and the building is removed from the site, that would compromise that historical aspect.

Ms. Dika asked if someone were to step forward and wish to move the building, how long would someone have to remove it. When do they need to be able to start their project to meet the requirements of construction?

Attorney McNeill stated that they would be reasonable. They realize that whatever they do with the building will be watched by the HDC and others, so they will cooperate. If someone asks for 3 months, and that clashes with the construction schedule, they will have an issue. They will commit to being reasonable if someone wishes to remove the building.

Ms. Dika asked if a non-profit organization was requesting it, would they be willing to help.

Attorney McNeill stated that if he were there 2 years ago, he would have a different answer. They will be reasonable.

Ms. Fineberg stated that she did not comprehend the schedule. It is the middle of winter – if they choose to demolish the building, they have to wait to have an archeological dig before anything else occurs. They cannot do that dig in the middle of winter.

The owner stated that in every aspect they have tried to take the highest ground. The Commission knows them all, they live in Portsmouth. It is hard for them to say what exactly they would do in any one scenario, except that they would continue to do the right thing. They have his commitment to that.

Ms. Dika stated that she asked that because she has sat on nonprofit boards.

Mr. Katz stated that he would not like to see a situation where an applicant, having met all the requirements, would be held up further.

Ms. Dika stated that she withdrew her question.

Chairman Rice stated that it was resolved. He stated that no one likes to see a building with this type of heritage taken away. On the other hand, Mother Nature will take it away soon. Fortunately, they have documentation on this building that is very detailed, which is a good preservation of history itself. The applicant is right when he says that this Pier is well known. All the hoops have been jumped through. They all feel compassion for Mr. Whitehouse, but this is an element of reality. He thinks that this is the most rational approach to the situation. They have already approved and admire this proposal as one of the finer projects to go up in its place.

Mr. Golumb stated that they did a site review where they looked at the structure, and it is tough to lose a building of that nature, but that pier is deteriorating as we speak. The interior is in really rough shape. He just wanted to note that they did a site review and a site walk.

Mr. Wyckoff stated that he would hate to see this advertised as a dilapidated warehouse. Any structural engineer would look at an older house in Portsmouth and say that it is unsafe. He wanted to state that he feels there is strength to it. The pier below it is not related to the building, and is in fact much older than the structure. He just wanted to state that the building could be moved because of its openness. Cables could be placed within it. It is savable. It is not as bad as advertised.

The motion to approve the application with the amendment was unanimously approved.

Mr. Wyckoff stated that he had a thought on a City owned building that is bothering him. The old Powder House on Islington adjacent to the old water tower needs a new roof right now.

Mr. Adams stated that it got a new roof in 1976.

Ms. Grasso stated that it was in the capital budget.

Mr. Adams stated that he wanted to do a little wrap up. He has said it many times before and will say it again. The HDC should learn a lesson from what just happened. Buildings, however wonderful, need uses. Buildings that are compromised by weathering or whatnot in private hands, will always be

in peril. You can't make a building a public building just because you want to. Gearing up to save the last of anything is a waste of time. They need to save neighborhoods, not buildings.

Ms. Fineberg stated that this was demolition by neglect.

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**II. ADJOURNMENT**

At 8:40 p.m., a motion was made, seconded and passed to adjourn the meeting.

Respectfully Submitted,

Danielle Auger  
Acting HDC Secretary

These minutes were approved at the Historic District Commission Meeting on September 20, 2006.