

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:00 p.m.**

**December 12, 2007  
to be reconvened on December 19, 2007**

**MEMBERS PRESENT:** Chairman Sandra Dika, Vice-Chairman John F. Golumb, Richard Katz, John Wyckoff, Tracy Kozak; Planning Board Representative Jerry Hejtmanek; Alternate Joseph Almeida

**MEMBERS EXCUSED:** City Council Representative Edward Raynolds; Elena Maltese

**ALSO PRESENT:** Roger Clum, Assistant Building Inspector

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Prior to the meeting, a second orientation session was held with Attorney Robert Sullivan and Planning Director David Holden in attendance. The following topics were discussed: the appeal process, compliance and enforcement, possible modifications to the current zoning ordinance, jurisdictional boundaries, and the issuing of preservation awards.

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Chairman Dika called the regular meeting to order at 7:10 p.m.

Chairman Dika commented that the Commission participated in two site walks on Saturday, December 8, 2007 at 75 Congress Street and 154 Fleet Street.

**I. OLD BUSINESS**

A. Approval of minutes – November 7, 2007

It was moved, seconded, and passed unanimously to approve the minutes as presented.

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B. Petition of **Fleet Street Properties, LLC, owner**, for property located at **154 Fleet Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing building) and allow a new free standing structure (construct 4 story, mixed use building, previous approval expired) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 6 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

Vice Chairman Golumb stated that he would be recusing himself from the discussion and vote.

## **SPEAKING TO THE PETITION**

Ms. Lisa DeStefano of DeStefano Architects, stated that this would be her last meeting in which Vice Chairman Golumb would be present. She thanked him for his years of service and said that she has enjoyed working with him. She added that his passion was evident for the City and she wished him all the best in his new endeavor as Police Commissioner. Vice Chairman Golumb thanked Ms. DeStefano for her kind words and stated that he has enjoyed working with her as well.

Ms. DeStefano briefly explained the project. She said that the application involved the demolition of the wood framed building on Fleet Street. She explained that at the site walk, they were able to tour one of the residential units in the building, the basement of the structure and around the perimeter of the building. Ms. DeStefano pointed out that the history of the building was documented at the Portsmouth Athenaeum. She explained that the building was very simply detailed and that it has always been a residential building. She added that it was vacant for almost 20 years which most probably added to its current disrepair.

Ms. DeStefano explained that they were proposing a four story mixed use building in its place. There would be retail on the first floor and residential units on the other floors. She pointed out that the project was previously approved but the approval has lapsed. She added that the design has not changed from the original plans.

Chairman Dika asked if the Commission had any questions.

Mr. Katz said that there was discussion at the site walk about photographically documenting the building's final appearance before it is taken down. Ms. DeStefano said that they could do that and would provide the pictures to the Athenaeum.

Mr. Almeida stated that the purpose of the site walk was to determine if it was appropriate to demolish the building. He said that he was still hesitant about demolishing the structure. He pointed out that it is a rare occurrence to have a wood structure in the downtown area today. Wood structures are in danger of extinction and the City is losing them fast. He agreed that there are portions of the building that should be demolished and rebuilt. Mr. Almeida stated that the City tax card showed the structure as being built in 1830. Ms. DeStefano interjected that the Athenaeum showed it as being built in 1870.

Chairman Dika stated that Mr. Almeida's comments were valid. She said that the Commission does not have a procedure for reviewing demolitions and that perhaps it was time to look into that.

Mr. Wyckoff asked how many units were currently in the building. Ms. DeStefano replied six units. Later in the meeting, she amended that to eight units.

Chairman Dika asked if there were any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed and awaited a motion.

## **DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Mr. Katz. Chairman Dika asked for discussion.

Mr. Wyckoff said that like Mr. Almeida, he too had gone back and forth about demolishing the structure. He felt that with its close proximity to Congress Street, he did not feel its removal

would significantly change the makeup of the downtown. He added that it would improve the street and would be a benefit to the City. He continued to say that the proposed building was more in keeping with the size of its neighboring buildings. He stated that he would vote in favor of the motion.

Mr. Katz stated that they have to balance the historical worth of a structure with its viability in present day Portsmouth. He pointed out that the building has been used for housing and has had little or no maintenance for many years. He agreed with Mr. Wyckoff that having a lighted storefront on the street would add extra safety to the area.

Ms. Kozak said that preserving anything historic is of the utmost concern to the Commission. She said that there are several perimeters outlined in the ordinance that describe how they should consider proposals. One was age. She said that this is one of the last wood structures downtown. She said that another perimeter was the significance of the building. She felt in this case, the house was a standard house for its time. Ms. Kozak pointed out that another perimeter was context. She explained that all of the original structures on the street were all gone. She felt this property was becoming a "missing tooth" with the rising architecture along that area. She did not think that the new structure would detract from its surroundings. She said she would be voting in favor of the motion.

Mr. Almeida wanted the Commission to be very clear about what they are doing. He pointed out that the building is one of the largest buildings on Fleet Street. He explained that the building survived a fire and urban renewal.

Hearing no other discussion, Chairman Dika called for the vote.

The motion to grant a Certificate of Appropriateness passed by a vote of 5 -1 with Mr. Almeida voting in opposition.

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C. Petition of **Michael Delacruz, owner, and Brandy Higgins, applicant**, for property located at **75 Congress Street**, wherein permission was requested to allow exterior renovations to an existing structure (install exterior lighting, add three glass display cases) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 5 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

No one was present to speak to the application.

**DECISION OF THE COMMISSION**

Mr. Hejtmanek made a motion to postpone the application to the end of the meeting. The motion was seconded by Vice Chairman Golumb. The motion passed by a unanimous (7-0) vote.

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D. Request for one year extension of the Certificate of Appropriateness for 180 New Castle Avenue – requested by Cristina J. Ljungberg

Ms. Anne Whitney, representing the applicant, stated that they had received a Certificate of Appropriateness in January of 2006. She explained that the applicant would like to take another year to decide whether to move forward with the project. She passed out copies of the original plans for the Commission's review. Ms. Whitney explained that the project was a rear addition, a one story side addition, and an entry porch.

Chairman Dika asked if there were any questions for Ms. Whitney. Hearing none, she asked if anyone in the public wished to speak to, for, or against the extension. Seeing no one rise, she declared the public hearing closed.

**DECISION OF THE COMMISSION**

Mr. Hejtmanek made a motion to grant a one year extension of the Certificate of Appropriateness. The motion was seconded by Vice Chairman Golumb. The motion passed by a unanimous (7-0) vote.

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**II. PUBLIC HEARINGS**

1. Petition of **City of Portsmouth, owner**, for property located at **113 Mechanic Street**, wherein permission was requested to allow exterior renovations to an existing structure (upgrade electrical motor control center and variable frequency drives, replace existing odor control system) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 30 and lies within the Municipal and Historic A Districts.

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

Mr. Peter Rice, City engineer for the water and sewer divisions and Dave Allen, Deputy Public Works Director were present to speak to the application.

Mr. Rice explained that the application before them was for the replacement of electrical equipment and the replacement of an existing odor control system. He said that the submitted plans showed the location of the pumping station. He said that the equipment would be on the back side of the street. Mr. Rice said that the equipment would not change in terms of elevation. He said that it would be a little bit smaller. He explained that they were looking at two models, the Siemens or the Calgon models. He said that the existing equipment was antiquated and there was a risk of failure. This was a maintenance project with odor control improvement. Mr. Rice explained in detail how the system would work.

Chairman Dika stated that she would have liked to have had a drawing. She added that this pumping station was deplorable to look at. She thought it was a shame that they could not do something more to improve the appearance of it. Mr. Rice replied that this was just a maintenance project that was necessary to keep the pumping station operating.

Ms. Kozak asked Mr. Clum if this project was a replacement in kind and should the Commission be looking at the machine itself or the project as a whole. She explained that if this were a new

application and a new building, they would never allow all of the equipment to be exposed and to remain unscreened. Mr. Clum replied the applicant was changing the appearance so that was why it had to be reviewed. Mr. Rice explained that it would be a simpler, compact system.

Chairman Dika asked if there were any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed and awaited a motion.

## **DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Mr. Katz. Chairman Dika asked for discussion.

Mr. Wyckoff stated that they would be replacing a machine with another machine. He said that he was not sure what it would look like though. Chairman Dika said that if it was quieter and contained the odor, it would certainly be an improvement.

Vice Chairman Golumb said that he would support the motion. He added that maybe sometime down the road, something like the Deer Street pumping station can happen in this location as well.

Ms. Kozak stated that she was still struggling with the idea that this might be more than a simple repair. She said that this building was a real blight on the waterfront in the Historic District. She was wondering if this was an appropriate opportunity to require that some improvement be made to the view. She said that it is the Commission's responsibility to protect and preserve the historic landscape of Portsmouth and this building is one of the worst offenders. She wondered if they could require some screening to improve the view.

Mr. Wyckoff pointed out that the back of the property is very convoluted with a generator, an oil tank, a huge exhaust system, as well as other items. He did not feel that a little bit of screening would not do any good. He felt that most of the problems are the machinery on the roof. He said that he wished there was a way to require it but at this time, it did not seem feasible.

Mr. David Allen explained that while they would like to have another Deer Street station down in that area, it was important to note that the City was embarking on a waste water master plan. He said that as they move forward with the master plan, that pumping station may change or be relocated. He added to spend more money on the pumping station would be throwing good money after bad. He felt that in three years, they will have a better understanding of what would be appropriate in that area.

Mr. Almeida pointed out the drawings submitted clearly showed the dimensions and the floor plan and what it would look like. Mr. Wyckoff said that it was still unclear as to what brand would be installed. Mr. Rice stated that that was correct. They have to follow a bidding process so one of the two units submitted would be chosen.

Hearing no more discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness passed by a 6 – 1 vote with Ms. Kozak voting in opposition.

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2. Petition of **Charles L. Lassen Revocable Living Trust, owner**, for property located at **75 Salter Street (Round Island)**, wherein permission was requested to allow an amendment to a previously approved design (add second story with skylight over existing one story ell at north elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as Lot 1 and lies within the Single Residence A and Historic A Districts.

Chairman Dika stated that she would be recusing herself from the discussion and vote.

**SPEAKING TO THE PETITION**

Ms. Anne Whitney, architect, was present to speak to the application. She explained that they have been through a long permitting process with the Department of Environmental Services. She said that DES would not allow any vertical expansion so Ms. Whitney removed the vertical expansion from her previous HDC application. She explained that she then found out that she could apply for a waiver and has since done that and received approval from DES for the vertical expansion. Ms. Whitney said that she was before the Commission this evening for approval of that vertical expansion. In addition to that, she was also seeking approval for a skylight.

Mr. Almeida asked about the shingled panels. Ms. Whitney replied that they were approved with the last application and were on other elevations as well.

Mr. Wyckoff asked what DES had to do with putting on a second story addition. Ms. Whitney said that DES has jurisdiction within a 50 foot buffer zone. She said that that would change in April of 2008.

Mr. Wyckoff pointed out that the plans showed that she would be connecting windows with shingled panels on the north elevation. Ms. Whitney said that the drawing was incorrect and it should be a flat panel with molding.

Vice Chairman Golumb asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application.

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

Ms. Esther Kennedy of 41 Pickering Avenue stated she was not speaking for or against the application. She said that she was concerned about the trees. She pointed out that there are trees right in front of the windows of the house and she said that Mr. Lassen has agreed to plant trees to make up for any lost trees.

Ms. Whitney said that a photo submitted showed the trees. She explained that they are interested in keeping the trees as the applicant wants to maintain some amount of privacy.

Mr. Clum pointed out that landscaping and trees are outside the HDC purview. He added that he believed that the Shoreland Protection Act does not allow the cutting of trees in the 50 foot buffer zone.

Mr. Donald Koleman of 122 Mechanic Street stated that he was pleased that the property would be restored and that he was in favor of it.

Vice Chairman Golumb asked if anyone else wished to speak to, for, or against the application. Seeing no one else rise, he declared the public hearing closed and awaited a motion.

**DECISION OF THE COMMISSION**

Mr. Katz made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Ms. Kozak. Vice Chairman Golumb asked for discussion.

Mr. Katz said that there was minimal impact to the property and minimal change from the original design. He could not see any reason to deny it.

Ms. Kozak agreed with Mr. Katz. She felt the design was simpler and more balanced.

Vice Chairman Golumb called for the vote. The motion to grant a Certificate of Appropriateness passed by a unanimous (6-0) vote.

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3. Petition of **New Hampshire Legal Assistance, Inc., owner, and Joe Terravecchia, applicant**, for property located at **154 High Street**, wherein permission was requested to allow exterior renovations to an existing structure (install two skylights) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 26A and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

There was no one present to speak to the application.

**DECISION OF THE COMMISSION**

Mr. Hejtmanek made a motion to postpone the application to the end of the meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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4. Petition of **Custom House Condominium Association, owner, and Anarita Droukas, applicant**, for property located at **73 Daniel Street, #5**, wherein permission was requested to allow exterior renovations to an existing structure (replace five windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 11 and lies within the Central Business B and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Anarita Droukas, owner of the property, was present to speak to the application. She stated that she had a letter from the condominium association giving her permission to replace the windows in her unit. She gave the letter to Chairman Dika who read it into the record.

Ms. Droukas said that there are four residential units in the building and she was the last resident to replace her windows. She explained that she would like to replace them with Pella aluminum clad windows.

Mr. Wyckoff asked if there would be any exterior changes to the building. Ms. Droukas replied no.

Mr. Katz asked for clarification if the windows would be wood, with aluminum cladding to match the other windows in the building. Ms. Droukas replied yes.

Vice Chairman Golumb asked if the windows would have true divided lights. Ms. Droukas' mother was present and she replied that they are simulated divided light with permanently affixed mullions.

Mr. Clum asked if the storm windows would be removed. Ms. Droukas replied yes.

Chairman Dika asked if there were any more questions for the applicant. Hearing none, she asked if anyone in the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed and awaited a motion.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Mr. Hejzmanek. Chairman Dika asked for discussion.

Mr. Wyckoff said that the existing windows were not historic windows. He felt this would certainly be an upgrade. Mr. Katz agreed.

Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness passed by a unanimous (7-0) vote.

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Vice Chairman Golumb made a motion to postpone the applications of 75 Congress Street and 154 High Street to the December 19, 2007 meeting. The motion was seconded by Mr. Wyckoff. The motion passed by a unanimous (7-0) vote.

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**V. ADJOURNMENT**



At 8:15 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
HDC Secretary

These minutes were approved at the Historic District Commission meeting on January 2, 2008.