

MINUTES

**WORK SESSION
HISTORIC DISTRICT COMMISSION
ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE**

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

June 11, 2008

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak, Elena Maltese; City Council Representative Eric Spear; Alternate Joseph Almeida

MEMBERS EXCUSED: Alternate George Melchior

ALSO PRESENT: Roger Clum, Assistant Building Inspector, David Holden, Planning Director

I. WORK SESSION

Discussion on possible modifications to Article X of the City's Zoning Ordinance

Chairman Dika stated that the purpose of the evening's meeting was to solidify the Commission's recommendations to the Planning Board concerning the boundaries of the Historic District.

Chairman Dika suggested that they consider Area 1, which was the inclusion of the east side of Hanover Street from the Vaughn Mall to Bridge Street. The Commission was in unanimous agreement to recommend inclusion of this area in the Historic District.

Mr. Holden explained for the benefit of the viewers at home that the Commission was looking to clarify the boundaries and make a strong statement as to what the Commission thinks are the most important areas. The next step would be to prepare a draft of the zoning ordinance map that would then go out for public hearing.

Chairman Dika said that the next area to consider was the Middle Street corridor, Area 3. It was suggested to modify the area from Richards Avenue and Austin Street in a southerly direction to include in the Historic District only those lots that have frontage on Middle Street. The Commission was in unanimous agreement to recommend the modification.

The next area up for discussion was the extension of the Historic District corridor along Middle Street past Middle Road and continuing on along Lafayette Road to the intersection with South Street. This was Area 4 on the map.

Vice Chairman Katz explained that twelve years ago, Community Day Care moved out of the Lafayette School to the Community Campus. Request for proposals were solicited for the property. In response to this, a neighborhood group was formed of which he was the president and the group had looked for various ways of utilizing the property without compromising the playground aspects of it. Over the past twelve years, the building has deteriorated significantly. He said that he hopes that the current proposal, to turn it into senior citizen housing, will be a success. He would like to see it under the review of the Historic District Commission.

Ms. Maltese said that she would be supporting Area 4 but she wanted to point out that to extend the district solely for that one lot was unfair and wants it to be clear that they would be extending it because of the corridor aspect.

Vice Chairman Katz pointed out that where the district ends is in the middle of a block. He said that there are a lot nice historic home along that corridor.

Mr. Almeida commented that he had originally opposed the extension. He said that at the advice of Vice Chairman Katz, he went out and viewed the area. After doing that, he now feels that it is the right thing to do.

Chairman Dika asked if they had consensus to extend Middle Street. The Commission unanimously agreed to recommend the extension of the Middle Street corridor to the intersection with South Street, Area 4.

The next area to consider was the extension of South Street, one lot deep from Junkins Avenue and Brackett Lane to the intersection with Lafayette Road, Area 5. Chairman Dika asked the Commission to speak in opposition to the proposal.

Councilor Spear said that he would quibble with the nature of the word "corridor". He said that he did quibble with the significance of the homes along South Street. He pointed out that Rt. 1A with similar type homes is not being considered. Councilor Spear said that he thinks of corridors as going into the downtown. South Street is more like a beltway and so he was not entirely convinced that it should be included.

Mr. Clum commented that he has received more calls concerning South Street than any other changes that the Commission is considering. He said that he has received about eight or nine calls and they have all had a negative reaction to the proposal. The callers did not think that South Street was a corridor.

Ms. Maltese stated that South Street is a high traffic area and a stunning street but she felt it was a secondary corridor. She stated that some of the changes are very important to the Historic District. She thought this change might be the one change that stops the Commission from being listened to. She added that this could sway the focus from the other important areas discussed.

Mr. Almeida commented that the Commission has to stop somewhere and so if they include South Street then they would have to include Richards Avenue, Miller Avenue and some of the other streets in that area.

Vice Chairman Katz said that he could see more problems than benefits arise with this area. He pointed out that the area is very stable and does not need the Commission's help.

Chairman Dika asked if any Commissioner would like to speak in favor of including the South Street area.

Mr. Wyckoff stated that he has not received any calls in non-support but he can understand the arguments. He felt that it is a corridor and pointed out that Mr. Melchior himself, who lives on South Street, thought it was a corridor. He said that the area does seem relatively stable but he was still in support of including the area in the Historic District

Ms. Kozak spoke in strong support of including South Street. She believed that it was a corridor into the district and to the downtown from I95. She said that the houses are as historic as the houses on Islington Street. She added that public input is important and the public has not had its full say so she was open to hearing a full and true representation of what the public feels concerning it.

Chairman Dika said that one of the things that strikes her about South Street was that it was fairly consistent in the architecture up to Junkins Avenue. She said that she sees South Street as a corridor in the Historic District and also right into Market Square. Chairman Dika pointed out a couple renovation projects along South Street that are not well done and as a result, the homes are not attractive. She said that this impacts the property values of the homes around it. That was why she would like to see some control over that area.

Ms. Maltese stated that she was uncomfortable with the concept of "not attractive" because attractiveness is not within their purview. Their purview is appropriateness. She added that it has not been their charge to date to protect every historic home in Portsmouth.

Councilor Spear asked if some of the challenges voiced this evening could be taken care of with a design review board instead of the Historic District Commission. Chairman Dika replied yes and said that she would be amendable to some other type of protection. Mr. Wyckoff said he was in favor of the design review board as well.

Chairman Dika stated that she wished that there was time to have a public hearing on this one particular area and see what the public comment was but there are time restraints. Mr. Almeida said that he was surprised that they have not heard from anyone regarding this possible change since the Commission has been talking about it for some time.

Mr. Clum pointed out that the specific changes being discussed have not been advertised. Mr. Holden pointed out that when the draft is ready for review there will be a lot more discussion on the matter. He explained that what they are trying to do now is to get a map out there so public comment can be entertained.

Mr. Holden stated that it looked like there was not consensus for South Street (Area 5) and so perhaps it should be looked at for design review. The Commission was in agreement with that.

The next area considered was the extension of Islington Street from Union Street on the east and Dover Street on the west to Jewel Court and Bartlett Street respectfully. This was Area 2.

Mr. Almeida asked about the Islington Street Corridor Project and whether this extension would be problems for the future project. Mr. Wyckoff replied that he remembered the presenters of the project saying that there was talk of extending the project all the way to the Route One Bypass. Mr. Almeida thought it had more to do with the incredible mix of businesses. Ms. Kozak said that she remembered a comment from that evening about there being some concern over restricted opportunities for the development at the Plaza 800.

Councilor Spear stated that he was opposed to the full extension but he would like to see it extended to the same point on both sides of the street, down to Dover Street.

Ms. Maltese said that she was not speaking in opposing but more out of concern. She felt it was a similar situation as the Lafayette School that the reason for the extension was to protect the Frank Jones area. She pointed that she wanted to make sure that they would be extending for all of the buildings in that area and not just for the Frank Jones buildings.

Vice Chairman Katz stated that he felt there was a lack of a cohesive unifying factor with regards to the architecture.

Mr. Wyckoff pointed out a property that he felt has brought down the value in a particular area on Islington Street. He felt it was part of the Historic District Commission's purview to help maintain property values.

Ms. Kozak said she was in agreement with Vice Chairman Katz, Mr. Wyckoff, and Ms. Maltese. She said that there was a way that all of this could work. She explained that the brewery buildings are a significant landmark and need to be protected. She said that the buildings in between are a mix but they are significant for the street. She suggested a design review for the buildings between the brewery buildings and the current end of the district. Mr. Almeida agreed with Ms. Kozak however he did not want to extend the district out of fear of what might happen in the future.

Ms. Kozak proposed that they square off the historic district at Dover Street. Mr. Wyckoff thought that they should go all the way down to the major intersection at Bartlett Street.

Ms. Maltese said that she would support it either way. She felt that the Frank Jones brewery area would be best served by sitting on a national register and not on the Historic District. Councilor Spear said that he agreed with Ms. Maltese. He too felt there were ways to protect the Frank Jones brewery without it being in the District.

Chairman Dika stated that she was in favor of squaring it off at Dover Street. She said that she would be interested in having the Council deal with a conservation district for the rest of the area.

Ms. Maltese suggested squaring the District off to exclude the large lot located between Dover Street and Columbia Street. There was detailed discussion concerning this. The Commission was in agreement with the boundary to be extended down to Columbia Street.

Mr. Almeida stated that the brewery is very significant to the neighborhood, to the City of Portsmouth, to the State, and probably even to the country. He thought it would be appropriate to create an island down there that would be in the district.

Councilor Spear was not sure about that. He reminded the Commission that one of the things the Commission takes into consideration when reviewing an application is context. He did not feel that an island has context. Ms. Maltese said that this would be a protection move. Ms. Kozak pointed out that that end of Islington Street needs very careful consideration.

There was considerable discussion regarding this area and so Vice Chairman Katz asked if they could just mark it as an area of concern.

Councilor Spear said that after listening to all of the discussion, he has changed his mind and would now vote in favor of the extension on the draft map. Ms. Kozak, Chairman Dika, and Vice Chairman Katz all said that they could support it as well if there was overwhelming support for it.

The Commission was unanimously in favor of including Area 2 in their recommendation to the Planning Board.

Mr. Holden stated that there was consensus with four areas and asked if the Commission was prepared to recommend them to the Planning Board with the fifth area to be design review. The Commission was in unanimous agreement.

Councilor Spear asked why the library was brought before the Historic District Commission a couple years ago. Chairman Dika explained that it was not necessary to bring it before them however, there was a lot of discussion concerning it and town officials opted to do it. Vice Chairman Katz added that the State indicated that the HDC should have input into the design with no vote.

Councilor Spear said that he would not be adverse if there were other neighborhoods who asked to be in the Historic District. Mr. Clum mentioned that a neighborhood association in Atlantic Heights came before the Planning Board and City Council to ask that whatever was built in that area, on City property, maintained the integrity of the neighborhood. Mr. Holden added that this had a little to do with the idea of design review.

Ms. Maltese stated that Atlantic Heights is a very special neighborhood with an active neighborhood association. She added that they have gotten themselves on the National Register.

Mr. Wyckoff said that he was concerned about Market Street extension. He said that just a small portion is in the Historic District. He added that this was certainly a corridor of the City and needed some attention.

Chairman Dika stated that she would like to address minor applications. She asked to discuss gutter downspouts.

Mr. Almeida said that there are a couple of very common gutter profiles that are seen a lot around Portsmouth. Most are half round or K style of three or four different dimensions. Mr. Wyckoff said that gutters should be exempt from review as long as no structural change results from it. Mr. Clum asked if he was also talking about changing wood gutters to a wood look gutter. Mr. Wyckoff was fine with that.

Ms. Kozak commented that she had trouble with a small wood framed historic house having aluminum gutters. There was extended discussion concerning this. Chairman Dika stated that there should be additional research on it.

Chairman Dika stated that she had a piece of new business to discuss with the Commission. She explained that the gas company sent letters to people in the South End saying that they would be taking their gas meters out of the basements and put them on the front of the house. She said that the gas company said the reason for this change was safety. She wondered if the gas company could put the gas meters wherever they want to or is there some way to have control over where they are placed.

Mr. Clum explained that in the ordinance it states that mechanical equipment that does not extend out more than one foot out from the wall plane is exempt.

Ms. Kozak said that it would make sense to add to that paragraph in the ordinance that it would not need review if it was not on the front or street side of the building.

Ms. Maltese stated that it was her understanding that Northern Utilities signed a contract with the State Commission stating that where possible they would move the meters to the outside. She thought it was not actually an agreement that says they have to, but it is a contract that says where possible they will. She added that as the HDC, they may be able to say that the meters would have to go on the rear or the side of the building.

Mr. Almeida said that it was a fight that they would have to continue to have with the utility companies.

Chairman Dika asked if they could modify the mechanicals exemption. Mr. Clum replied that the Commission could do anything that they want. Mr. Holden pointed out that what they were looking at with this situation was to set a trigger for when the HDC looks at it. Ms. Maltese said that they should add the additional wording to the ordinance.

Vice Chairman Katz said that the utility companies can put the meters on the sides of the houses but it is going to cost them.

Ms. Maltese suggested that if the meter is to be placed on the “formal front and street face” of the building, then it would require HDC review. Mr. Holden added that this would be putting Northern Utilities on notice that the Historic District has this rule.

The Commission was in unanimous agreement with this revision.

Chairman Dika asked if anyone had any additional topics for discussion concerning modifications to the current Article 10.

Councilor Spear stated that he would like to make the process more customer friendly and less costly. He wondered if it was possible, for construction costs less than \$100,000.00, that abutters not be notified. Mr. Holden said that trouble with that is that State law requires that abutters be notified but he thought there might be a way to address it. He pointed out that it is important that neighbors know what other neighbors are doing and the abutter notices are the only way of putting everyone on an equal footing. It is an important part of the process. He said that perhaps a way to cut cost was to cut down on lengthy descriptions in the legal notices.

Mr. Clum asked Ms. Good what the average cost of an advertising bill was. Ms. Good replied that it ranged from \$60.00 to about \$100.00. Mr. Wyckoff asked how many abutters had to be notified. Ms. Good explained that direct abutters are notified by certified mail and abutters within 100 feet of the project address are notified by regular mail. Mr. Almeida asked how a condominium with a large number of residents was handled. Ms. Good replied that if a condo president or contact person is known, then the notice is sent to them. Mr. Holden pointed out that all of that was regulated by State statute.

Mr. Almeida asked if the City could advertise it somehow without using the Portsmouth Herald to save costs. Mr. Holden said that the State statute says that there must be a public notice in a newspaper of general circulation. He added that the statute also states that it be posted in three public places.

Councilor Spear had another suggestion to have all demolitions require Historic District Commission approval. He asked Mr. Clum how many demolitions happen in the City in one year. Mr. Clum said 35 or 40 at the most with the intention to rebuild. He explained that there was a thirty day waiting period during which time it is advertised in the local paper and posted in three public places. If anyone is interested in purchasing the building or moving it, they can come forward during that time.

Ms. Maltese stated that she did not like the idea of reviewing demolitions outside of the district. Mr. Clum commented that it has not been a problem, probably because of the 30 day cooling off period. Ms. Kozak thought the 30 day cooling off period needed a little more punch at the end of it. Mr. Holden suggested taking a look at the process and see if it needed tweaking. Mr. Wyckoff thought the process needed more teeth. He agreed with Councilor Spear. Ms. Maltese thought it should be addressed with the City Council. Mr. Holden said it would be useful to have some general discussion about it and see where the Commission would like to go with it.

Ms. Kozak pointed out that if one of the beautiful homes on South Street was to be demolished, the only way to save it would be to buy it or to move it. Councilor Spear said that was the toothless part of the ordinance. Mr. Holden pointed out that most of the old schools are outside the Historic District and they have not been demolished so the ordinance is not exactly toothless.

On another topic, Ms. Maltese stated that after the joint meeting with the Planning Board, it was apparent that there was an issue with flagpoles. She said that someone could put a flagpole on their property that complies with the height requirements but is not proportionate with their home. She recommended that flagpoles in the Historic District should be reviewed. Mr. Holden thought that the consensus from that meeting was to not go there. Ms. Maltese said that you could fly any type of flag from it. Chairman Dika recalled that she thought there was consensus that they should be reviewed because a Planning Board member was living next door to a very large and tall flagpole. Mr. Holden thought that the Planning Board was saying that this was an issue between the abutters and should not involve the resources of the City. Ms. Maltese disagreed. Mr. Holden said that they could take a look at it.

II. Adjournment

At 8:45 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Historic District Commission Recording Secretary

These minutes were approved at the Historic District Commission meeting on August 6, 2008.