

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**September 3, 2008  
to be reconvened September 10, 2008**

**MEMBERS PRESENT:** Chairman Sandra Dika; Vice Chairman Richard Katz, Members John Wyckoff, Tracy Kozak, Elena Maltese; City Council Representative Eric Spear; Planning Board Representative Paige Roberts, Alternates Joseph Almeida, George Melchior

**MEMBERS EXCUSED:**

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

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**I. OLD BUSINESS**

A. Approval of minutes – August 6, 2008

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

B. Petition of **7 Islington Street, LLC, owner**, for property located at **40 Bridge Street**, wherein permission is requested to allow an amendment to a previously approved design (eliminate parking below ground level, add windows and doors, change footprint at west elevation, etc.) Plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 52 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. *(This item was postponed at the August 6, 2008 meeting to the September 3, 2008 meeting.)*

This application was withdrawn from consideration at the applicant's request.

C. 21 Richmond Street HDC approval  
*(This item was postponed at the August 13, 2008 meeting to the September 3, 2008 meeting.)*

Chairman Dika explained that this agenda item was not a public hearing but was just a review of a past decision on the 21 Richmond Street application.

Mr. Clum gave the Commissioners renderings and photos of the 21 Richmond Street property. He stated that he received a complaint from a neighbor stating that the structure was too tall. Mr. Clum pointed out on the rendering that the dimensions submitted at the time of the public hearing showed a height of 28 feet, 10 inches drawn from the bottom of the water table to the peak of the roof. He said that in his opinion it was a relatively immaterial dimension. He said

that when he received the complaint, he went to the site and measured the structure from the peak of the roof to the bottom of the existing sheathing and found it was 10 inches taller than the submitted dimension. Mr. Clum also referenced the photo that he took of the structure from the neighbor's driveway. He said that he showed the photo to individuals in City Hall as well as Chairman Dika to see if they felt there was a difference in appearance between the elevation and the existing construction. Finding none, they elected to let the project move forward but said they would bring it to the Commission to see if they had any issues with it.

Chairman Dika asked the Commission if they were uncomfortable with the height of the building.

Mr. Wyckoff stated that in looking at the rendering, he was seeing a slight discrepancy on the third floor window to the primary low pitched roof. He thought this might have happened because of a header problem which then lifted the roof up a little bit. He did not think that 10 inches on this project was a real problem. He stated that he did not have any discomfort with it.

Ms. Maltese said that she just wanted to make sure that they were not creating a situation where it is appropriate to build construction on a discrepancy or height issue.

Mr. Clum pointed out that the Commission has always been very careful about getting dimensions for various constructions. He said that it was his job to bring it back before the Commission if something was not in conformance with what was approved.

Chairman Dika said that when she looks at drawings or buildings on the street when making judgments for the Historic District Commission, she compares what the building will look like with the surrounding buildings much more than measuring the height of the structure.

Ms. Kozak asked if they knew where the extra 10 inches is in relation to the windows. Mr. Clum said that after speaking to the contractor and the owner, they elected to upsize the flooring member sizes on all three floors.

Ms. Roberts stated that she wanted it stated for the record that approval of this change from the prior HDC approval was not in any way setting precedence for this to be acceptable in the future. She said that this was just an acknowledgement that this has happened.

Ms. Maltese said that there was a conscience decision to change what was approved by the HDC. She felt it disconcerting that the applicant did not come back to the Commission regarding it. She did not think that the 10 inches would make a large difference in proportion to the neighborhood and the approval.

Vice Chairman Katz commented that he was looking at Section 10-1004 of the Ordinance and he did not see that any of the criteria listed there was assaulted to any great degree. He said that they should keep a closer eye on things of this sort in the future.

Mr. Clum stated that with the Commission in agreement, no action needed to be taken and pointed out that the discussion has been recorded.

D. Petition of **Richard and Patricia Bagley, owners**, for property located at **213 Pleasant Street**, wherein permission was requested to allow a new free standing structure (install fence) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 16-1 and lies within the Mixed Residential Office and Historic A Districts. *(This item was postponed at the August 13, 2008 meeting to the September 3, 2008 meeting.)*

There was no one present to speak to the application. Vice Chairman Katz made a motion to postpone the application to the end of the meeting. The motion was seconded by Ms. Maltese. The motion passed by a unanimous (7-0) vote.

Attorney Bernard Pelech approached Chairman Dika later in the evening to state that the applicant wished to withdraw the application from consideration.

## II. PUBLIC HEARINGS

1. Petition of **Bow Street Condominium Association, owner**, and **Thomas A. Frangos, applicant**, for property located at **111 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace siding and trim with composite materials) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 55 and lies within the Central Business A, Historic A, and Downtown Overlay Districts.

### SPEAKING TO THE PETITION

Mr. Tom Frangos, representing the condominium association was present to speak to the application. He explained that the current building had red cedar clapboard on it which was peeling. He said that the condominium association would like to change the siding to something more durable and was proposing to replace the cedar clapboard with Hardiplank. He brought a sample to show the Commission. Mr. Frangos said that they would like to replace the corner boards with Azek. He explained that it would be painted but it might be difficult to paint it red as the manufacturer recommended light color paint. He said that they were looking into a vinyl safe paint made by Sherwin Williams. Chairman Dika pointed out that the Commission did not have purview over color.

Vice Chairman Katz asked how the eave end fascia would be addressed. Mr. Frangos said that the rake boards would be covered in aluminum. Vice Chairman Katz asked about the eave end soffits. Mr. Frangos said that they planned to make them out of the Azek. Vice Chairman Katz asked why he would not use Azek for the rakes. Mr. Frangos said that it was a high elevation and would be more labor intensive and more expensive. He felt given the height, it would not be noticed.

Ms. Kozak stated that she was concerned that they were proposing to mix the two. She wasn't so concerned on the water side but she was concerned along Bow Street. Mr. Frangos said that the fascia on Bow Street would be Azek and would be either painted or left white. He pointed out that one rake faces the parking lot and the other rake faces the new building going up next door. Ms. Kozak pointed out that the rake on the right side of the building can be seen as one is

walking up Bow Street. She said that she was concerned that over time, one might end up seeing oil canning or the seams where the pieces connect.

Chairman Dika asked Mr. Frangos if he would consider not using the aluminum on the right side of the building. Mr. Frangos replied yes.

Mr. Wyckoff noticed that on the right hand side of the building, the rake of the original colonial structure goes down to a corner board. He said that this was a chance to correct the problems with the right side of the building. He stated that he would like to see casings around the windows on that side. He was not as concerned about the windows on the water side. Chairman Dika did not think the Commission had the authority to ask the applicant to do that. Vice Chairman Katz said that what Mr. Wyckoff was asking was that side trim match the front trim. Mr. Wyckoff asked Mr. Frangos if he was amendable to that. Mr. Frangos replied that he would have to consult with the owner because it was an issue of money.

Vice Chairman Katz said that they were concerned about the visual impact of the building in a very prominent area. He said that it was quite an ambitious project. He did not think that the request was unreasonable.

Mr. Frangos asked that if the whole building was painted red again, would the trim around the windows matter. Vice Chairman Katz said that the trim is visible on the right side of the building.

Chairman Dika stated that she was concerned that they were getting into a work session at this point.

Ms. Roberts said that she did not recall voting in favor of vinyl except for one time. She said that she would be opposed to voting for anything different from the wood siding that is already there.

Vice Chairman Katz asked about the finish of the Hardiplank. Mr. Frangos replied that it was a smooth finish.

Mr. Wyckoff stated that he agreed with Ms. Roberts and was upset about the use of cementitious siding being used on the front of the building, the Bow Street side. It has the look of vinyl siding because there are no nails and no roughness to the board. He said he would be willing to allow the siding to be used on the sides and back of the building.

Chairman Dika asked the age of the building. Mr. Frangos replied that he did not know.

Vice Chairman Katz said that this was an instance where the Commission has to determine whether to put on their preservation hats or their HDC hats and consider new technology and new materials. He said that they have used the hardiplank and the Azek in a number of instances in the past and so he was not ready to draw the line in the sand on this building. He thought that over the years, the sheen of the hardiplank would lessen. He added that he did not want to tell a

person that they could look forward to scraping and painting every five years. He said he would support the application.

Mr. Almeida stated that he is always concerned about using the Azek material especially if it never gets painted. He had a concern about shiny corner boards coming down the sides of the building. He agreed with Mr. Wyckoff about treating the front differently than the sides and the back. Chairman Dika added that she was interested in that as well but she was not sure about the complications of doing that.

Vice Chairman Katz stated that this was going to take some time. He suggested postponing the application to a work session.

**DECISION OF THE COMMISSION**

Vice Chairman Katz made a motion to postpone the application to a work session/public hearing at the October meeting. The motion was seconded Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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2. Petition of **Paul G. and Patricia L. Elkins, owners**, for property located at **35 Rogers Street**, wherein permission was requested to allow demolition of an existing structure (remove rear porch) and allow new construction to an existing structure (rebuild porch) and allow exterior renovations to an existing structure (replace door, remove existing siding, restore and replace wood siding) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 42 and lies within the Mixed Residential Office and Historic A Districts.

Mr. Almeida stated that he would be recusing himself from the discussion and vote.

**SPEAKING TO THE PETITION**

Mr. Paul Elkins, owner of the property was present to speak to the application. He stated that he would like to remove a dilapidated porch on the back of his home and replace it with an open porch of the same size with columns on either end.

Vice Chairman Katz commented that the porch could not be seen from the street and felt it would be an improvement to the structure.

Mr. Melchior asked if the right hand side of the roof would project past the edge of the house. Mr. Elkins replied no.

Ms. Maltese asked if there would be detailing on the columns. Mr. Elkins replied no and explained that he salvaged the columns from another project. They were solid wood and about 100 years old.

Mr. Elkin submitted a letter from a neighbor who was in favor of the project.

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**

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

Ms. Maltese stated that the current situation with the porch was not an historical one. She said that the replacement would not fool anyone to think that it was original with the house and that she appreciated that.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (7-0) vote.

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**2. Petition of Lars Erik Arnell and Kymberly Jo Arnell, owners, and Hans Walter, applicant,** for property located at **18 Pickering Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, replace wood fence posts with granite fence posts) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 23 and lies within the General Residence B and Historic A Districts.

Chairman Dika stated that she would be recusing herself from the discussion and vote. Vice Chairman Katz conducted the public hearing.

**SPEAKING TO THE PETITION**

Mr. Hans Walter, representing the owner, was present to speak to the application. He stated that the owner would like to replace all of the remaining single pane windows with 2 over 2 wood frame aluminum clad windows with permanently affixed grills. He added that the owner would also like to replace the rotted cedar wood posts with granite posts and use the existing picket fencing.

Ms. Kozak asked if the windows would be simulated divided light. Mr. Walter replied that yes, they could do the simulated divided light. Ms. Kozak asked about the muttin bars. Mr. Walter said that the existing muttin bars were 5/8". He said he would use that size.

Mr. Almeida asked Mr. Walter to show him from the photos what windows would be replaced.

Vice Chairman Katz 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. Seeing no one rise he 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 as presented with the following stipulation:

- 1) That the windows are simulated divided light with 5/8” muntins.

The motion was seconded by Ms. Maltese. Vice Chairman Katz asked for discussion.

Mr. Wyckoff commented that it was a very modern material that was being proposed. He felt it was appropriate for the building. He added that the granite posts with the picket fence in between matched what was in the neighborhood.

The motion to grant a Certificate of Appropriateness for the application as presented with the following stipulation passed by a unanimous (7-0) vote:

- 1) That the windows are simulated divided light with 5/8” muntins.

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4. Petition of **7 Islington Street, LLC, owner**, for property located at **40 Bridge Street**, wherein permission was requested to allow an amendment to a previously approved design (change footprint at west elevation to reflect lot line adjustment, eliminate parking garage, retain two parking spaces at rear with gate, replace east gate and all grills with windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor plan 126 as Lot 52 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Chairman Dika informed the Commission that the applicant asked that the application be postponed to the October meeting.

**DECISION OF THE COMMISSION**

Ms. Maltese made a motion to postpone the application to the October meeting. The motion was seconded by Mr. Wyckoff. The motion passed by a unanimous (7-0) vote.

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5. Petition of **David P. and Ellen B. Ronka, owners**, for property located at **21 South Street**, wherein permission was requested to allow new construction to an existing structure (construct exterior landing and stairs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 53-4 and lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. David Ronka and Ms. Ellen Ronka, owners of the property were present to speak to the application. Mr. Ronka explained that they have an existing deck on the back of the building for which there was no egress to the back yard. He said that they would like to build a set of stairs down the side of he building that matches the existing deck.

Mr. Almeida asked if they would be continuing the lattice detail. Mr. Ronka replied yes. He stated that from the back it would look like continuous lattice work. He said that they had not thought of the side. They had thought about storing wood underneath it. Mr. Almeida asked if the lattice was wood or vinyl. Mr. Ronka said that it was a stamped vinyl lattice with wood framing. Ms. Ronka added that the previous owner had the deck put on.

Mr. Almeida asked if the proposed steps would be wood. Ms. Ronka replied yes but she was unsure as to what kind of wood it was.

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**

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

Ms. Kozak stated that it was a very thorough and clear application and she commended the applicants for good drawings. She said that it was a simple and appropriate addition that was in keeping with what was already on the building and in the neighborhood. Vice Chairman Katz added that it would have minimal impact on the public.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (7-0) vote.

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6. Petition of **Charles R. and Jill E. LeMay, owners**, for property located at **774 Middle Street, Unit 2**, wherein permission was requested to allow exterior renovations to an existing structure (reconfigure and replace second floor windows on rear elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan153 as Lot 9-1 and lies with General Residence A and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Charles LeMay, owner for the property was present to speak to the application. He stated that they would like to rearrange the second floor windows in size and location. He explained the submitted drawings to the Commission.



Mr. Almeida asked how the proposed windows differed from the existing windows, other than size. Mr. LeMay said that they were still Andersen windows, double hung, double pane, same sill, same frame, and same wood frame with cladding on the outside. He said they were about as similar as one could get.

Mr. Almeida did not think that the addition of the windows detracted from the existing situation. Ms. Maltese and Chairman Dika agreed with Mr. Almeida. Vice Chairman Katz pointed out that it was a non-traditional structure.

Mr. Almeida commended the applicant on an excellent application. It was very clear with nice details.

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**

Vice Chairman Katz made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Ms. Maltese. Chairman Dika asked for discussion.

Vice Chairman Katz stated that it would have minimal impact on the public. Ms. Maltese said that it was appropriate for the structure. Chairman Dika supported the fact that it was a complete application.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (7-0) vote.

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7. Petition of **Dennett Street, LLC, owner**, for property located at **46 Dennett Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 12 and lies within the General Residence A and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. David Walters, representing the owner was present to speak to the application. He stated that he would like to replace twenty of the existing single pane windows with double pane windows.

Mr. Wyckoff asked if the storm windows would be removed. Mr. Walters explained that the structure was a duplex and he was only replacing the windows in one unit. He said he would probably leave the storm windows on until the other unit's were replaced so that the look would be uniform.

Mr. Wyckoff asked if he would make any repairs to the trim if it were damaged. Mr. Wyckoff pointed out that the proposed windows were “pop in” types and were not compatible with storm windows. Mr. Walters stated that if it were a problem, then the storms would be removed. Mr. Walters consulted his contractor who was also present and the contractor did not feel it would be a problem.

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**

Ms. Kozak made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Ms. Maltese. Chairman Dika asked for discussion.

Ms. Kozak stated that it was a straight forward application. She was happy to see that it was a real wood window and that the details would match exactly what was there now. She felt it would be an improvement.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (7-0) vote.

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8. Petition of **Joseph G. Cunningham, owner**, for property located at **195 Washington Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove asbestos siding, repair, replace, and restore clapboard siding) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 78 and lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Joseph and Ms. Kirsten Cunningham, owners of the property were present to speak to the application. She explained that they would like to remove the asbestos siding to reveal the clapboards.

Ms. Roberts pointed out that there was some work done recently on the brick foundation. Ms. Cunningham said that that work became necessary when they were replacing the sill work. Mr. Cunningham explained that they had to pour a footing and used all of the original bricks to put things back the way it was originally.

Mr. Almeida asked about the window casings and the eave detailing. Ms. Cunningham said that they were going to address that at the next HDC meeting when they request the replacing of the windows.

Mr. Cunningham passed out photos of other trim detailing in the neighborhood. He explained the work to be done with the trim. Vice Chairman Katz asked if they would be altering the design that is currently in place now and replacing it with what was in the submitted photos. Ms. Cunningham replied yes.

Ms. Kozak asked that when the windows are replaced, would they be replaced within the existing frames. Ms. Cunningham said that they would be replacing the frames because much of it was rotted. Ms. Kozak thought that when the new windows go in, the new trim would have to be ripped out. She was questioning the sequencing of the projects. Mr. Cunningham explained how the projects would proceed.

Mr. Cunningham showed the Commission a sample of what the trim would look like. Mr. Almeida thought it looked very heavy and very thick. Mr. Wyckoff agreed. Mr. Cunningham explained in detail how the existing trim work would be installed. Mr. Almeida thought that the band was twice as large as it should be. Mr. Wyckoff said that a lot of it depends on the age of the building but he felt it was not an appropriate size for the structure. Ms. Cunningham asked if it should be in line with the trim at 74 Gates Street. Mr. Wyckoff replied yes.

Chairman Dika stated that the application should be postponed to give the applicants time to come back with a sample of a more appropriate trim. Mr. Almeida said that it was an important enough detail to get it right.

**DECISION OF THE COMMISSION**

Ms. Maltese made a motion to postpone the application to the September 10, 2008 meeting so that the applicant could submit additional information. The motion was seconded by Mr. Wyckoff. There was no discussion.

The motion to postpone the application to the September 10, 2008 meeting so that the applicant could submit additional information passed by a unanimous (7-0) vote.

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9. Petition of **Martin F. and Cristina Galli Kurowski, owners**, for property located at **111 New Castle Avenue**, wherein permission was requested to allow a new free standing structure (remove existing fence, install new fencing on front, right and left side of property) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 53 and lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Cristina Kurowski, owner of the property was present to speak to the application. She stated they would like to remove the existing fencing and replace it with new fencing. She said that she had small children and the fencing was necessary for their safety. She explained that the fence to the right of the house would be a “neighbor friendly” fence and would extend from the front of

the property all the way to the back. In addition, they would like to put a “space board’ fence on the front of the property on both sides of the house.

Mr. Wyckoff asked if the fence posts on the street side would be capped. Ms. Kurowski said yes and the caps would match the caps on the existing deck.

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 Vice Chairman Katz. Chairman Dika asked for discussion.

Mr. Wyckoff stated that these were the types of fences they were used to seeing. It was appropriate for the neighborhood and was important to the applicants.

Vice Chairman Katz agreed and said that it was a very complete and well thought out presentation.

Ms. Maltese said that she was finding it difficult to find the appropriateness of using three different types of fences. She said that she understood their usage but historically it just wasn’t done.

Vice Chairman Katz stated that they have followed this house through previous HDC applications. He said that the house was not an example of a preservationist’s project. It has adapted to the needs of the owner. He said in spite of or maybe because of this, the house has a real feeling of belonging in the neighborhood. He had no problem with it. Ms. Roberts commented that they still have an obligation to protect the district. She agreed with Ms. Maltese. She pointed out that there was a study done a number of years ago about historic fences and a copy of the study was available for viewing at Strawberry Banke.

Ms. Kozak pointed out that there are a lot of historic examples in Portsmouth where the more elaborate homes would have a fancy fence on the front of the property with simpler fences around the back. She did not think there was a hard and fast rule concerning fences.

Mr. Almeida asked how many fence styles they were talking about. Some Commissioners thought it was three styles but Ms. Kurowski clarified that it was only two styles. She explained that the fence with lattice was not part of the application. Ms. Kozak asked for clarification on the fence that would be running the length of the property on the right side of the house. Ms. Kurowski that the diagram submitted was inaccurate and said it should show that the “neighbor friendly” style of fence was the only style to be used in that location.

Ms. Maltese stated that the clarification was helpful to her. Hearing no other discussion, Chairman Dika called for the vote.

The motion to grant a Certificate of Appropriateness for the application with the following stipulation passed by a unanimous (7-0) vote:

- 1) That only two fence styles are used – the “neighbor friendly” and the “spaced board” styles that were presented in the submitted plans.

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10. Petition of **City of Portsmouth, owner, and Players’ Ring, applicant**, for property located at **105 Marcy Street**, wherein permission was requested to allow demolition of an existing structure (remove chimney) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 3 and lies within the Municipal and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Arron Sturgis of Preservation Timber Framing was present to speak to the application. He explained that roof work was currently taking place at the Players’ Ring. He said that as the work progressed, they found that one of the chimneys was in very bad condition. Mr. Clum inspected it and deemed it unsafe and gave the applicant permission to take it down, which has been done. Mr. Sturgis explained that they have removed the chimney down to the roof plane and pointed out that the rest of chimney had already been severed internally. Mr. Sturgis said that he was before the Commission this evening to get permission to leave the chimney permanently removed as it was not original to the structure.

Mr. Sturgis said that the other chimney was original to the structure and was integrated into the building. It was in much better shape also.

Mr. Wyckoff asked why 10-12 inches of the removed chimney would remain. Mr. Sturgis said it was to just show physical evidence of the change of the building over the years. He said that he did not want to remove all evidence of the chimney’s existence.

Mr. Clum said that he has spoken with Mr. Sturgis several times and agreed with him that the chimney was in trouble but he could not assure him that the Commission would allow him to keep it off.

Mr. Almeida stated that it was a reasonable request. Mr. Wyckoff said that if they wanted to remove what was below the roof line they could. Ms. Maltese stated that it was not within the Commission’s purview.

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**

Ms. Maltese made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Ms. Maltese said the historical and architectural value of the building was assessed by the owner and Mr. Clum and they were keeping a small section of it to represent its own time period.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (7-0) vote.

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Chairman Dika informed the Commission of a clapboard workshop being held in Portsmouth on September 6.

Councilor Spear stated that it was easier for him to attend one long meeting than two, two hour meetings in one month. He just wanted to suggest it and see what others thought. Ms. Maltese stated that if the single meeting ran from 7 – 11 p.m., she would be uncomfortable asking applicants to come out at 10:30 p.m. Chairman Dika pointed out that there were three withdrawals this evening and if those applications had moved forward, the meeting would have run much later.

Mr. Clum asked for clarification as to Old Business D on the agenda. Chairman Dika said that Attorney Pelech approached the dais during the meeting and stated that he wanted to withdraw the application (213 Pleasant Street) and that if the applicants wanted to come back they would re-petition. Mr. Clum just wanted to make sure it was clear to the Commission and to the public.

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**III. ADJOURNMENT**

At 8:55 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on October 1, 2008.