

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**June 10, 2009
reconvened from June 3, 2009**

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members, John Wyckoff, Tracy Kozak; Planning Board Representative Paige Roberts; Alternate George Melchior

MEMBERS EXCUSED: City Council Representative Eric Spear; Elena Maltese; Alternate Joseph Almeida

ALSO PRESENT: Rick Taintor, Planning Consultant

I. OLD BUSINESS

A. Approval of minutes – May 6, 2009

It was moved, seconded, and passed unanimously (6-0) to approve the minutes as presented.

B. Petition of **Harbour Place Group, LLC, owner**, for property located at **1 Harbour Place**, wherein permission was requested to allow new construction to an existing structure (construct two stair towers on roof, construct rooftop deck, install metal railing surrounding deck, install lighting, replace fixed windows with operable windows, construct storage shed on roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 2 and lies within the Central Business A, Historic A, and Downtown Overlay Districts. *(This item was postponed at the June 3, 2009 meeting to the June 10, 2009 meeting.)*

SPEAKING TO THE PETITION

Mr. Dann Batting, architect for the project was present to speak to the application. He stated that they submitted new materials related to the proposed window type. He brought with him some window samples. He showed the Commission an Eagle fixed sash window unit. One had already been installed in the model unit a couple of years ago. He also showed the proposed window which was a Unilux window with an in-swinging tilt turn function. It would pivot like a door and the sash would tilt in at the top about 10 inches.

Mr. Batting also showed the Commission two elevations showing the windows that currently exist in the building.

Mr. Wyckoff asked if the proposed window had a thicker framework. Mr. Batting said yes.

Vice Chairman Katz asked if all of the proposed windows would be on the fifth floor level. Mr. Batting said that currently they are working on converting the fifth floor to residential use. There are plans to begin converting the fourth floor. Vice Chairman Katz felt that the difference in width would be very difficult to see on the fourth and fifth floors.

Chairman Dika asked if anyone had any other 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. Kozak. Chairman Dika asked for discussion.

Vice Chairman Katz stated that a previous application by the applicant has met all of the requirements and that this new application does the same.

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 (6-0) vote.

II. PUBLIC HEARINGS

9. Petition of **Jonathan and Susan Paige Trace, owners**, for property located at **27 Hancock Street**, wherein permission was requested to allow new free standing structures (install two condensers, install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 100 as lies within the Mixed Residential Office 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

Ms. Susan Paige Trace, owner of the property, and Ms. Linda Miller, architect for the project, were present to speak to the application.

Ms. Trace stated that she was seeking permission to place two condensers at the far corner of the side of her house approximately 15 feet from the property line. The condensers would be 30 ½" x 30 ½" square in size. She explained that they would be placed on plastic trays made specifically for this use and then set on a bed of ¾ gravel three inches deep. A small blind fence, 36" tall would surround the condensers. It would be made of cedar with pressure treated posts and painted dark green. The design would be similar to the fence used next door at Stoodley's Tavern.

Vice Chairman Katz asked Ms. Trace if she included a picture of the fence in her packet. Ms. Trace replied no but said it was identical to the larger fence that she was also proposing.

Mr. Wyckoff asked what was proposed for the top of the fence. Ms. Trace replied that they planned to put a simple molding on top of the board fence. It would not be capped.

Mr. Wyckoff asked if this would be a board fence. Ms. Trace said that it would be a simple tongue and groove, a true blind board fence. It would also have a molded edge along the perimeter of the top and would be stained dark green.

Ms. Trace continued on with her proposal. She explained that the second part of the application was to request permission to place a fence around the perimeter of the property. She pointed out that there was an existing fence, installed by Strawberry Banke, behind her house that was approximately 18" off of the property line. She said that they would like to adjust that fence back closer to the property line and then run it down the property line between her house and the neighbor's house.

Vice Chairman Katz asked when Strawberry Banke installed the fence. Ms. Trace did not know. Vice Chairman said that he was trying to determine whether the fence was approved by the Commission.

Vice Chairman Katz asked if the proposed fence would follow the same profile section as the fence detail that was submitted to the Commission. Ms. Trace replied yes.

Ms. Trace stated that if the Commission had an issue with the existing fence, she would be willing to fully replace the fence with another blind board fence that met the specifications spelled out in the submitted plans.

Mr. Wyckoff asked what the height of the fence would be. Ms. Trace said that it would be 6' from grade. She added that the fence to the front of the property would be 5'. It would give them the privacy they wanted but would be less intimidating.

Mr. Wyckoff pointed out that a house of this style would have had an open fence. Ms. Trace agreed and explained that the reason they were proposing this fence style was because when the house was moved in 1972, they were not given enough property to allow for an involved and fancy fence.

Mr. Wyckoff asked about the 8' gate. Ms. Trace said that it was simply for access. Mr. Wyckoff asked about details for the gate. Ms. Kozak pointed out the drawing in the packet with the gate details. There was also discussion as to where the gate would be located.

Ms. Trace also pointed out that another reason for the fencing was that she owned three small dogs that she wished to keep contained.

Ms. Roberts said that she was trying to figure out where the fence would be located in relation to the property line. Ms. Trace stated that she would be happy to hold true to the property line.

Vice Chairman Katz asked if anyone had any more questions concerning the application. 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

Ms. Kozak made a motion to grant a Certificate of Appropriateness for the application as presented with the following amendment:

- 1) That the fence on the Washington Street side of the property will follow the property line.

The motion was seconded by Mr. Melchior. Vice Chairman Katz asked for discussion.

Ms. Kozak felt that it was a simple, appropriate, historically substantiated fence. She did not have a problem with the simpleness of the design. She added that one of the joys of walking around the Historic District was to watch the restoration of this house.

Mr. Trace asked for permission to speak. It was granted by Vice Chairman Katz. Ms. Trace said that she would have loved to do a Georgian fence if she had the appropriate space. She told the Commission that John and Keith Dodge were doing the restoration and would be building and installing the fence.

Hearing no other discussion, Vice Chairman Katz called for the vote.

The motion to grant a Certificate of Appropriateness for the application as presented with the following amendment passed by a unanimous (5-0) vote:

- 1) That the fence on the Washington Street side of the property will follow the property line.

10. Petition of **Thomas M. Bertrand, owner**, for property located at **43 Sheafe Street**, wherein permission was requested to allow new construction to an existing structure (construct rear addition) as per plans on file in the Planning Department. Said property is shown on Assessor 107 as Lot 20 and lies within the Central Business B and Historic A Districts. (*Work Session / Public Hearing*)

Chairman Dika explained that this would be a work session/public hearing.

- Ms. Wendy Welton, architect for the project, was present to speak to the application. She explained that there was a slight change to the site plan.
- Ms. Welton stated that a work session was held prior to this meeting for a proposed addition to the rear of the home. She explained that when they got information back from a surveyor, they found out that the house was not square and the property was not square. She also pointed out that the neighbor’s property was also not square and construction was already underway on their project.
- Ms. Welton said that they were proposing a two part roof. They would continue the roof line straight back from the house and would square the addition to the rear wall of the house.

- Ms. Kozak asked if in the new corner where the new door would be located, did the trim go into the corner. Ms. Welton said that it did not. She said that they have centered the door.
- Mr. Wyckoff asked if the door in the elevation was the proposed door. Ms. Welton explained that the door would be duplicated to match the existing door. She said it would be a bead board door.
- Ms. Kozak asked if the intent was to replicate the door surround on the existing doorway. Ms. Welton replied yes. Mr. Wyckoff said that they could make that part of the approval to insure that it would be in a colonial style.
- Ms. Welton explained that there was a sense of urgency in receiving approval as the neighbor's property was under construction and it made sense to construct things together since the properties were so close together.

At this point, the work session moved into a public hearing.

SPEAKING TO THE PETITION

Chairman Dika felt that the applicant had represented the proposal well enough during the work session.

Chairman Dika asked if anyone from the public wished to speak to, for, or against the application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Todd Spencer of 37 Sheafe Street spoke in support of the application. He explained that his house directly faced the applicant's house. He felt it was an appropriate sized addition. He talked with the applicant concerning the design and he had no concerns whatsoever with it.

Chairman Dika asked if anyone else 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 as presented with the following amendment:

- 1) That the front doorway of the new addition replicates the front doorway of the existing structure.

The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Wyckoff stated that he felt it was an appropriate design for a colonial house sitting on a small lot. He felt that the applicant has used all of the appropriate window styles. He thought the mass was good and felt it would be an appropriate addition to the neighborhood.

Ms. Kozak said that she was thrilled with the new roof line. She thought it would be hard to distinguish when this addition was built.

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

The motion to grant a Certificate of Appropriateness for the application as presented with the following amendment passed by a unanimous (6-0) vote:

- 1) That the front doorway of the new addition replicates the front doorway of the existing structure.

11. Petition of **Kathleen M. Beauchamp and Kent A. Logan, owners**, for property located at **21 Blossom Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace clapboards on front elevation with composite material, replace left side elevation with cedar shingles, replace windows on front and left side elevations) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 3 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project, was present to speak to the application. She stated that they were doing some repair work. She explained that the existing clapboards were replaced in 1991 and it has always been difficult keeping paint on them. They would like to replace the clapboards with cedar shingles. On the front elevation, Ms. Whitney explained that there have been water issues. She would like to take the siding off to get to the root of the water problems. When they replace the clapboards, they would like to replace them with hardiplank. She pointed out that it was the north side of the house which gets a lot of moisture. She was also going to rework the gutters as well as make some flashing and roofing changes. She felt this would help the water issues.

Ms. Whitney stated that they would be replacing the windows on the two elevations with Marvin clad windows that were simulated divided lights with spacer bars.

Chairman Dika asked if there were any questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Peter Rice of 196 South Street spoke in support of the application. He stated that Ms. Beauchamp has done a great job with her house and he did not anticipate her doing anything that was inappropriate to the area.

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 Mr. Melchior. Chairman Dika asked for discussion.

Ms. Roberts stated that she would be voting against the motion because of the change in material. She felt it was inappropriate to the district.

Ms. Kozak said that she would be supporting the motion but she understood Ms. Roberts’s concern. She added that there was always a close look at anything that substitutes for the original material on the house. She knows the area and this house was not located on a very heavily traveled public street. It was facing the front of the property but it was not facing the main street. She did not think it would be noticeable and was an appropriate renovation and fix to a problem.

Vice Chairman Katz commented that the Commission has been passing hardiplank for a great number of years and a lot of that time was with a Commission that was a lot harder than this one. He said that he thought hardiplank was here to say and he had no reservations about approving the application.

Mr. Wyckoff said that he felt that hardiplank was inappropriate on very old historic houses right on the sidewalk where it is close to public view. Mr. Wyckoff added, that in his opinion, hardiplank looks like old aluminum siding. In spots where hardiplank is away from the street it can be appropriate. He said that he would support the application in this case.

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 vote of 5-1 with Ms. Roberts voting in opposition.

12. Petition of **K.C. Realty Trust, Keith and Kathleen Malinowski, trustees**, for property located at **84 Pleasant Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove slate roof, replace with asphalt shingle roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 77 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. *(Permission was granted for this item as prior approval was granted for the adjacent property at 92 Pleasant Street. This approval completes the entire roof.)*

SPEAKING TO THE PETITION

Mr. Bruce Schlieper, representing the applicant, was present to speak to the application. Mr. Schlieper stated that he was seeking approval for the removal of the slate roof and the installation of the asphalt shingles that were previously approved at 92 Pleasant Street. He said that they would be matching the shingles and color that were approved for that project.

Chairman Dika commented that this was an interesting project because they have actually seen what it will look like because part of the roof was already done.

Hearing no questions for the applicant, Chairman Dika 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 as presented. The motion was seconded by Mr. Melchior. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was an extension on the same building that had already been approved and it was appropriate to continue with the same material.

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 (6-0) vote.

III. WORK SESSIONS

A. Work Session requested by **Peter H. Rice and Meghan Milne, owners**, for property located at **196 South Street**, wherein permission was requested to allow demolition of an existing structure (demolish rear shed addition) and allow new construction to an existing structure (construct new rear addition). Said property is shown on Assessor Plan 101 as Lot 67 and lies within the General Residence B and Historic A Districts.

- Mr. Peter Rice, owner of the property was present to speak to the application. He explained that he would like to remove the rear shed addition off of the back of the house. It was poorly constructed and was not flashed properly so the plates and sills were totally rotten. One of the floor joists was collapsing and the roof was leaking in numerous places.
- Mr. Rice said they would like to build a gable addition off of the back of the house. He pointed out that it would be a non-conforming structure and would need to go before the Board of Adjustment.
- Vice Chairman Katz stated that he would like to see the eaves reconciled with one another other.
- Mr. Melchior said that he did not have a problem with the massing and he felt the scale was appropriate. He also discussed how to achieve continuity with the eave lines. Mr. Melchior pointed out that the addition was starkly different from the main house. He asked Mr. Rice if that was by design. Mr. Rice explained that the materials would be consistent. He said that the asbestos siding would be removed and replaced with clapboard.
- Mr. Wyckoff said he thought there might be a mud sill on the house under the asbestos siding.
- Mr. Rice explained that they would like to make all of the window patterns the same and would like to propose a two over two pattern.
- Mr. Melchior asked if the foundation would be red brick. Mr. Rice said that he did not anticipate using brick as he did not think it was in keeping with the house. He said that he had not thought out that detail yet. Stucco and a thin veneer stone were suggestions.
- Mr. Wyckoff asked if the tree in the front of the house would be taken down. Mr. Rice said that the tree belonged to the City. Mr. Wyckoff commented that it had been hit many times by motorists.

- Mr. Rice asked if 4 ½” spacing on the clapboards was acceptable. Mr. Wyckoff thought that was a bit much and suggested 4”. Mr. Rice said that he would like to propose having the rough side of the clapboard facing out as he likes how it holds stain and paint.
- Mr. Rice said he would like to go for a public hearing the next time he was before the Commission but he added that if the Commission thought there were a number of outstanding issues, he was amendable to another work session.
- Vice Chairman Katz said that he would like to see some refining of the eaves and he wondered if the foundation appearance would be an issue. Mr. Wyckoff suggested a frieze board. Ms. Kozak suggested corner posts on the free standing porch.
- Mr. Rice asked the Commission what they thought of the French doors. The Commission was fine with it as long as it was simulated divided light.
- Chairman Dika asked the Commission what they thought of the idea of having the rough side of the clapboards out. Mr. Wyckoff said that it did hold stain and paint better but it was more of a country look. Chairman Dika said that the Commission consistently asks for smooth side out. Mr. Wyckoff added that if he got pre-primed, pre-finished cedar clapboards, they would last.
- There was detailed discussion on what type of bulkhead would be acceptable.
- Mr. Melchior stated that he would like to see an elevation showing how the new addition would tie in to the existing house for the next meeting.
- Mr. Rice said that if he could get enough detail together, he would like to do a work session/public hearing. Vice Chairman Katz explained that it was good to get the major considerations resolved before that.

B. Work Session requested by **Unitarian Universalist Church, owner**, for property located at **292 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (fence repair and removal, install hand railings, lighting, and signage). Said property is shown on Assessor Plan 116 as Lot 8 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

- Ms. Martha Petersen, landscape designer for South Church was present to speak to the application. She stated that she took a site plan of the proposal to the Department of Public Works and the chief planner for their review.
- Ms. Kozak pointed out that the Commissioners in attendance at the site walk earlier in the evening got a good description and narrative of the project.
- Mr. Wyckoff stated that his biggest problem with the proposal was the removal of the front fence.
- Ms. Kozak said that the landscaping proposal was great but one of the most defining elements of the property was the gate which she was glad to hear they were keeping. But it would be obvious that the fence was missing.
- Vice Chairman Katz said that a case could be made that if this was the original fence and gate, then maybe a mistake was made on the part of the architects because of the wide expanse of stairs and only a small entrance to get to them.
- Chairman Dika did not think that the Commission has ever had discussion on the demolition of a fence such as this one. Mr. Wyckoff pointed out that there are so few fences like this left. Many of them have been rebuilt.

- Chairman Dika said that the Commission was feeling very distressed by the loss of the fence. She asked the Commission if they felt the fence in the front of the building was more critical than the fence surrounding the building. Mr. Wyckoff stated he was not bothered by the fence removal in the back where the parking was being proposed.
- Vice Chairman Katz asked what the reason for removing the fence was. Ms. Petersen explained that the primary reason was that the church would like to be more open and welcoming to the community and it feels very closed by having a large tree hovering over the front space and the other reason was that there are many sections of the historic fence that are severely damaged that would have to be replicated.
- Mr. Melchior said that the fence was very much a part of the architecture.
- Mr. Wyckoff felt that the fence could be repaired. He thought the fence was close to 200 years old. Ms. Kozak added that you do not find fences like this one anymore.
- Ms. Petersen commented that the church had spoken to Peter Hapney a number of years ago and he said the fence could be repaired for probably about \$150,000. She agreed that the fence was repairable.
- Mr. Wyckoff pointed out that cost was not the Commission's concern. Vice Chairman Katz did not see how they could ignore it. Ms. Roberts pointed to the ordinance. Ms. Kozak added that maintenance of any historic building costs money. Mr. Wyckoff said that he would rather see the fence stay the way it was and that would cost nothing.
- All of the Commissioners in attendance had an issue with removing the fence.
- Ms. Roberts asked about the plans for seating, lighting, and walls. Ms. Petersen explained that the lighting did not involve any fixtures attached to the building. Ms. Roberts said that they are trying to encourage dark sky friendly lighting in the City. Ms. Petersen said that none of the lighting would be directed outward. She said that down lighting would be proposed in the two corners. In the two proposed trees, there would be down lighting from inside the trees down onto the planted bed and the hardscape surface. She added that there would be a light on the front of the building and also up above. There would also be "well" lights. Ms. Petersen showed the Commission some pictures of the proposed lighting.
- Ms. Petersen said that she hoped to get two good sized trees to replace the loss of the large tree that was currently there.
- Mr. Wyckoff felt that what Ms. Petersen was proposing would accomplish what the intent was which was to make the church look more friendly and welcoming.
- Ms. Petersen commented that currently the church yard was high maintenance. She said that it was difficult for them to maintain. She added that the combination of the broken fence and mud much of the year was not befitting such a classic building. The church was used by many community groups and there was not a safe place to gather outside the church.
- Ms. Roberts asked about the seating. Ms. Petersen pointed out that there was a combination of existing benches which she would place along the sides of the property but she would possibly use wooden teak benches in the front area.
- Ms. Petersen stated that they would be removing the metal sign that was at the front of the church and replace it with two signs on the building, one in front and the other by the side entrance.
- The rod iron rail on the steps would be removed and possibly replaced with a bronze or brass pipe rail. Vice Chairman Katz pointed out that the current rod iron rail did not match the fence around the building.

- The Commission felt the hardscape, the lighting, and the signage were fine but it was the loss of the fence that was the issue. Chairman Dika said that she suspected that some people would not be very happy about the removal of the large tree either. Mr. Wyckoff commented that it was planted too close to the building; it was interfering with the steps and was going into the foundation. Ms. Petersen stated that it was hard to recommend its removal but it was more responsible to do something sustainable by planting trees that would not out grow their space.
- Ms. Petersen said that they were thinking of ways to re-use the wood from the tree.

C. Work Session requested by **Unitarian Universalist Church, owner**, for property located at **206 Court Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove two steel posts) and allow new free standing structures (install fencing, construct shed). Said property is shown on Assessor Plan 116 as Lot 34 and lies within the Mixed Residential Office, Historic A, and Downtown Overlay Districts.

- Ms. Petersen explained that the fence they were proposing was a board fence with a molded molding across the top similar to the one used at Strawberry Banke. She said that the fence would be attached to the corner of the building.
- Mr. Wyckoff said he could see a potential problem with the location of the door and the handicap ramp that was part of the project. He explained that they would need more detail on the ramp. Ms. Petersen said that the ramp would be part of another application.
- Ms. Petersen stated that they would like to put a small shed on the site to store snow shovels and small tools. Mr. Wyckoff asked if garage cans would be stored in it. Ms. Petersen so they would probably use the same method that the church currently used to dispose of its trash and she was not entirely certain what that method was at the present time.
- Chairman Dika told Ms. Petersen that they would need a rendering of the shed. She also said they would need the detail for the shed door.
- Chairman Dika asked Ms. Petersen what her part of the proposal would be. Ms. Petersen said that her part was minimal grading, some drainage, the shed, the fence, and the planting.

IV. ADJOURNMENT

At 9:10 p.m., it was moved, seconded, and passed unanimously (6-0) to adjourn the meeting.

Respectfully submitted,

Liz Good
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on August 5, 2009.