

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

SEPTEMBER 2, 2009

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

MEMBERS EXCUSED: Planning Board Representative Paige Roberts

ALSO PRESENT: Roger Clum, Assistant Building Inspector

A site walk was held prior to the meeting at 6:30 p.m. at 14 Mt. Vernon Street.

I. OLD BUSINESS

A. Approval of minutes – August 5, 2009

Chairman Dika recommended postponing the approval of the minutes to the October 7, 2009 meeting to give the Commission additional time to review them.

B. Petition of **Streetscapes Properties, LLC, owner**, for property located at **110 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (remove fascia board and soffit for steel) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 53 and lies within the Central Business B and Historic A Districts. *(This item was postponed at the August 5, 2009 meeting to the September 2, 2009 meeting.)*

DECISION OF THE COMMISSION

Ms. Maltese made a motion to postpone the application to the October 7, 2009 meeting. The motion was seconded by Mr. Almeida. There was no discussion. The motion passed by a unanimous (7-0) vote.

C. Petition of **Susan P. Mennel Revocable Trust, owner, Susan P. Mennel, trustee**, for property located at **187 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove wood gutters, replace with aluminum gutters, cover fascia board and soffit with aluminum) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 1 and lies within the General Residence B and Historic A Districts. *(This item was postponed at the August 5, 2009 meeting to the September 2, 2009 meeting.)*

SPEAKING TO THE PETITION

Ms. Susan Mennel, owner of the property, was present to speak to the application. Ms. Mennel began by speaking about the first hearing that was held at the August meeting. She pointed out that a lot of the Commissioners in attendance this evening were not present at the August meeting. She stated that she left last month's meeting feeling like she had been treated rather abruptly. At the first meeting, she pointed out that the first hearing of the evening took an hour and a half and people were allowed to speak at length with no interruptions. She said that she was taken aback when a motion was made to postpone her application when she was still trying to determine what it was the Commission was questioning her on.

Chairman Dika stated that as Chairman, on behalf of the Commission, she apologized to Ms. Mennel. She said that she was sorry that Ms. Mennel felt that she was mistreated. She explained that what the Commission tries to do is get to the facts of the project and then make their decision.

Ms. Mennel felt there was also an issue with Nickerson Remick who would be doing the work. She pointed out that Nickerson Remick was a well insured local company. She said that it was extremely dangerous to work on ladders on Marcy Street. She pointed out that two contractors turned the job down because it was too risky.

Chairman Dika felt there concern expressed at last month's meeting about the quality of work that would be done since Nickerson Remick's specialty was working with vinyl. Ms. Mennel explained that this would be aluminum. She added that every time the gutters, soffit, and fascia have to scraped, painted, repaired, oiled, and cleaned someone has to get up on ladder. She did not want people risking their lives cleaning the gutters or painting the soffits. With aluminum, the gutters should be able to be cleaned from the ends of the house. She added that she wanted to use a company that has been in business for quite a while which Nickerson Remick has.

Vice Chairman Katz asked if the profile in the document that was submitted will be the molding that will go at the intersection of the soffit. Ms. Mennel replied yes. She said that the plan had always been to run the aluminum cladding up and across the bottom of the soffit and down to the side, not at a 45 degree angle. That would allow the bed molding to be nailed right over it. Vice Chairman Katz stated that the recent submission by the applicant answered the questions he had regarding that detail. Ms. Mennel explained that the oldest part of the house did not have a bed molding but they would probably put one on to keep it uniform.

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 Mr. Wyckoff.

Vice Chairman Katz stated that the applicant has demonstrated that she was proposing a good faith effort to maintain the original details on the trim and installation of the gutters.

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.

D. Request for a one year extension of the Certificate of Appropriateness for HarborCorp, LLC, Deer Street, Russell Street, and Maplewood Avenue – granted February 21, 2007.

DECISION OF THE COMMISSION

Mr. Almeida asked if the request was made in a timely manner. Chairman Dika pointed out that supporting material was submitted to the Commissioners for their review that indicated that the clock did not start ticking on the one year rule until a court ruling was made.

Mr. Almeida made a motion to grant a one year extension of the Certificate of Appropriateness. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Mr. Wyckoff commented that it was standard procedure to renew an approval after one year. He saw no reason to deny it assuming the attorney’s timeline was correct.

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

Due to litigation that concluded on October 8, 2008, the Certificate of Appropriateness was due to expire on October 8, 2009. The Certificate of Appropriateness will now expire on October 8, 2010.

E. Request for a one year extension of the Certificate of Appropriateness for Naber Market, LLC, 515-517 Middle Street – granted October 1, 2008.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a one year extension of the Certificate of Appropriateness. The motion was seconded by Councilor Spear. There was no discussion.

The motion to grant a one year extension of the Certificate of Appropriateness passed by a unanimous (7-0) vote.

II. PUBLIC HEARINGS

1. Petition of **Thomas M. and Lisa H. Conrad, owners,** and **Joe Nelson, applicant,** for property located at **383 Pleasant 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 103 as Lot 66 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Leon Fredette, contractor for the project, was present to speak to the application. He explained that the structure was a six unit apartment building where the windows desperately needed to be addressed. He said that the current budget would only allow for 11 windows to be replaced at this time. He pointed out that the nine windows on the front of the house and two windows on the side would be replaced.

Mr. Fredette said that the windows would be a JELD-WEN window with aluminum cladding, simulated divided light, with screens and hardware. He also said these were windows that he has installed at two other properties in the Historic District and were approved by the Commission. The light pattern would be 6/6. Mr. Fredette added that the window color was blue now but they were proposing to use a cream color that matched the window trim.

Mr. Almeida asked if all of the exterior trim would remain the same. Mr. Fredette replied yes and said that it was a replacement sash.

Ms. Kozak mentioned that there was usually a gap between the new aluminum cladding and the existing trim. She said that the Commission would like to see that continuous with a filler piece. Mr. Fredette indicated that there was an existing flange package that comes with the windows which makes for a cleaner look. He assured her that there would be no gap, and if there was, it would be properly caulked and sealed.

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. Almeida made a motion to grant a Certificate of Appropriateness for the application as presented. He also specified that additional permission be granted to replace the remaining windows with the same window specification if the applicant so chooses at a later date. The motion was seconded by Ms. Kozak. There was no additional discussion.

The motion to grant a Certificate of Appropriateness for the application as presented with the additional permission to replace the remaining windows with the same window specification if the applicant so chooses at a later date passed by a unanimous (7-0) vote.

2. Petition of **Sharon R. Ruse, owner**, for property located at **244 New Castle Avenue**, 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 207 as Lot 39 and lies within the Single Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Sharon Ruse, owner of the property, and Lynn-Del Chaquette of Upright Fence, were present to speak to the application. She stated that she was seeking permission to install a white cedar picket fence in front of the property. She explained that the fence was a 3'2" high classic baluster cedar fence that would be stained white.

Chairman Dika asked if the picture submitted was what the fence would look like. Ms. Ruse replied yes but pointed out that there would be no arch as depicted in the picture. It would just be a straight gate.

Ms. Maltese asked if the reason for the fence was purely decorative. Ms. Ruse replied yes.

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 as presented. The motion was seconded by Mr. Almeida. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was an entirely appropriate fence for a two story Federal style home.

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.

3. **Petition of George A. Dodge III Revocable Trust 2002 and Erica C. Dodge Revocable Trust 2002, owners**, for property located at **25 Penhallow Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace door on Sheafe Street side of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 43 and lies within the Central Business B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Erica Dodge and Mr. George Dodge, owners of the property, were present to speak to the application. Mr. Dodge explained that they would like to replace a door at 14 Sheafe Street with the door that was shown in the submitted photo.

Ms. Maltese asked for more detail on how this replacement would be achieved. She pointed out that the door was a different width and height than the existing door. She asked if there were any drawings showing how the door would be installed. Mr. Dodge explained in detail how he would fit the door into the existing opening.

Mr. Wyckoff asked if he would retain the arched top of the opening. Mr. Dodge replied yes, and explained that the building was originally constructed as a carriage barn. The three archways at one time had large doors that opened to accommodate carriages. He said that the door they are proposing to use was a shopkeeper's door. He felt that even though the doors were for different uses, they were from the same period. He said that they would install the doors in the same fashion that the original builders would have installed them.

Ms. Maltese stated that she did not have a problem with the style of doors but it was more how it was going to be done. She felt like she needed more details.

Mr. Almeida felt that the door that was selected was great and he thought they could just add a stipulation that the new door have a similar casing to the existing door. He felt they didn't need to overcomplicate it. Mr. Almeida thought the applicant was perfectly capable of putting the door in properly. Ms. Maltese stated that she was okay with that.

Mr. Almeida thought they should specify that the casing detail will match what is existing there now. Mr. Dodge stated that they had no plans to embellish the casing or change any of the moldings.

Mr. Wyckoff said that he was in agreement but he felt they were getting into a slippery slope area of incomplete applications. He pointed out that they started out the meeting with someone whose feelings were hurt because the Commission required additional information from her. He just wanted the Commission to keep that in mind.

Mr. Dodge reiterated that he would not be changing any part of the door opening. He added that currently, it is a very dangerous door because it opens out into the street. He felt for safety reasons, it should open in.

Mr. Melchior pointed out that if an applicant with an incomplete application cannot answer the Commission's questions, then the application should be postponed until the applicant can supply the information requested. If the applicant can answer the questions in lieu of an incomplete submission, then the Commission could accept it. Chairman Dika thought that was an excellent point to consider when reviewing incomplete applications.

Mr. Dodge added that he was considering replacing the concrete threshold and putting in a granite threshold.

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. Almeida made a motion to grant a Certificate of Appropriateness for the application with the following stipulation:

- 1) That if an appropriate granite threshold is found, the Commission gives its approval to install it.

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

Ms. Maltese stated that under Section 10-1004, she found that the application encourages the designs which compliment and recognize the City's architecture.

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 if an appropriate granite threshold is found, the Commission gives its approval to install it.

4. Petition of **Portsmouth Housing Authority, owner**, for property located at **140 Court Street**, wherein permission is requested to allow a new free standing structure (storage shed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 38 and lies within the Mixed Residential Office and Historic A Districts.

Request To Postpone

DECISION OF THE COMMISSION

Ms. Maltese made a motion to postpone the application to the October 7, 2009 meeting. The motion was seconded by Ms. Kozak. The motion passed by a unanimous (7-0) vote.

5. Petition of **Oleg Y. Kompasov and Hilary G. O’Neil, owners**, for property located at **97 South 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 102 as Lot 45 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Hilary O’Neil, owner of the property, and Iain Moodie, contractor for the project, were present to speak to the application. Ms. O’Neil explained that they were before the Commission a while ago and received approval for an addition and new windows on the back of the house. She said they would now like to replace the windows on the front and side of the house with the same window specifications.

Mr. Wyckoff asked if the windows were replacement or new construction windows. Mr. Moodie said that they were new construction windows. Mr. Wyckoff felt they represented a bit of a problem with regard to gaps. He thought that the Andersen Woodright windows had different sill angles.

Mr. Moodie said that the gap was a concern of theirs as well. One of the solutions he came up with was to try to increase the thickness of the trim on the front and bring it out flush.

Mr. Wyckoff asked why he was using new construction windows instead of replacement windows. Mr. Moodie explained that there was not much to insert them into. The current windows were hung onto the sheathing and there was no real frame around them. The sills were rotting and collapsing.

Mr. Almeida stated that this was an industry wide common problem. He complimented Mr. Moodie on doing an excellent job of constructing the new sill and the trim around the window. The problem now was the lower sill. There was considerable discussion on how close the gaps to eliminate the double sill look.

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 as presented with the following stipulation:

- 1) That material will be added underneath the window to replicate the existing sills.

The motion was seconded by Mr. Almeida. Chairman Dika asked for discussion.

Mr. Wyckoff stated that the window was an appropriate style and he felt that the applicant understood the Commission’s concern and would do the best he could to replicate the other windows.

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 stipulation passed by a unanimous (7-0) vote:

- 1) That material will be added underneath the window to replicate the existing sills.

6. Petition of **68 State Street, LLC, owners**, for property located at **68 State Street**, wherein permission was requested to allow amendments to a previously approved design (install exterior lighting, replace window with mechanical louver, replace window with fire protection devices, install copper flashing at one eave line) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 13 and lies within the Central Business B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Jennifer Ramsey, representing the applicant, was present to speak to the application. She explained that since they submitted the application, they have received approval from the Fire Department to relocate some of the components that were shown in the submitted plans.

Page 1 showed the addition of outdoor wall lanterns and the removal of windows E and F to be replaced with wood raised panels. She explained that they have some equipment that needs to be mounted in that recessed entryway.

Page 2 showed the back elevation and showed the addition of two outdoor wall lanterns, one at the garage door and one at the man door.

Ms. Ramsey stated that they would like to replace the two or three courses of shingles with copper flashing on the Courtyard elevation to help expedite the drainage from the roof deck into the gutter. This change was showed on Page 3.

Page 4 showed the west elevation. They would like to replace on first floor window with an air intake louver. The fixed louver would fill the entire opening and would be painted to match the existing trim color. She explained the equipment that would be relocated and why they were in those locations.

Mr. Almeida asked if there would be an exposed electrical conduit on the face of the building. Ms. Ramsey replied no.

Ms. Maltese asked if there were any alternatives to the telephone entry access call box. Ms. Ramsey said that it needs to be on the outside of the building to access it as it is a security feature. She pointed out that 58 State Street has one on the front of the building.

Ms. Kozak asked if the call box was recessed. Ms. Ramsey replied no, it was flush mounted.

Ms. Maltese stated that these were small alterations and if approved, she wondered if this would give another year of approval for the project. Mr. Clum said that the construction was ongoing and the approval is updated on a daily basis as they do inspections. It was only when a project stops or hasn't started at all that an applicant needs to ask for an extension.

Ms. Maltese asked that if this was approved this evening and construction stopped tomorrow, would there be another year of approval. Mr. Clum responded yes.

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 Mr. Almeida. Chairman Dika asked for discussion.

Ms. Kozak felt these were very minor changes that would not impact the overall presence of the building or the details of the building. She felt the substitution of the two windows with panels was a good thing to add a little more mass to the first floor. Overall, she felt it was a very modest proposal and should be approved.

Chairman Dika commented that Ms. Maltese’s question was very interesting. She said the Commission was aware that there have been delays in some of the major approved projects and had concerns about it but she thought this was a minor application.

Mr. Wyckoff stated that it was not a minor thing to take out a window and fill it in with louvers. He thought that that particular code requirement for a parking garage was something that they should have been aware of from the very beginning. It should not be tucked in after the fact. That disturbed him but he still planned to support the 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.

7. Petition of **Robert W. Morin III Revocable Trust, owner**, for property located at **20 Partridge Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace window units on the second floor) of a two-unit apartment. Said property is shown on Assessor Plan 101 as Lot 8 and lies within the General Residence B and Historic A Districts.

Request To Postpone

DECISION OF THE COMMISSION

Ms. Maltese made a motion to postpone the application to the October 7, 2009 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

Ms. Maltese asked Chairman Dika if she could clarify a previous statement. She said that she was not insinuating that the applicant for 68 State Street was doing a minor change in order to extend an approval. She said that what makes her nervous was that large projects can, instead of asking for a year extension, do minor alterations and continue that another year. She felt that should be addressed in the future. She thought Mr. Wyckoff brought up a good point that if something is a code issue and may have been known in the beginning, that it should not be extended.

III. WORK SESSIONS

A. 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. *(This item was postponed at the August 5, 2009 meeting to the September 2, 2009 meeting.)*

- Chairman Dika reminded the viewing public that a site walk was held a few months ago regarding this project.
- Ms. Martha Petersen, landscape architect for the project spoke about the project. She said that her goals for the project were about safety, serenity, order befitting a historic, urban church, simplicity to reflect the classic architecture, and sustainability.
- Ms. Petersen explained that she had revisited the design, the evolution of the site, the Commission's concerns, and the realities of what was there. She said her original proposal was to remove the fence on State Street and retain the fence on Church Street and Court Place. After looking at it again, she felt it did not make sense to do that because a big factor in the design was to open up the churchyard and make it accessible, inviting, and make it available to people who pass through this part of town and who attend events at the church. She said she was now proposing to remove all of the barriers except for the granite pillars, the gate, and the wrought iron arbor. She added that the only part of the fence that she was proposing to retain were two sections on the southwest corner of the property. These fence pieces would be perfectly restored, repaired, and placed on the corner of Court Street and Court Place. She said that the reason for doing that was to respectfully acknowledge that there was a fence around the church at one time and there would be a narrative sign and a photograph indicating what the church looked like when there was a fence around it.
- Ms. Petersen stated that the project was all about change. She pointed out that there have been changes in the way the streets and sidewalks are maintained, there have been changes in the level of paving that has been installed, and there have been changes to the boundaries where the fence was originally placed. She continued to say that 200 years ago, there was a reason the fence was put around the church. She felt the fence did not seem significant when weighed against the hardship that it would be both liability-wise and cost-wise. Ms. Petersen said that she got a more updated quote on the complete restoration of the fence which was \$175,000 - \$200,000. She explained that the philosophy of the church was to remove barriers.
- Chairman Dika commented that this might run counter to what the historic district was about which was preserving history.
- Councilor Spear stated that he was not present at the last work session. He asked Ms. Petersen to give him some history of the fence. She explained that the fence was 200 years old, it was English, made of wrought iron, and much of it was corroded and has disintegrated where the paving and granite curbs have been disturbed. She said it was placed there when the church was built.
- Ms. Kozak said that she totally understood where Ms. Petersen was coming from with regards to openness and accessibility and having it mesh with the vision and the philosophy of the church. However, she said she had to look at it from a historic point of view. The building was a historic monument and she firmly believed that the fence was part of the building. She could not imagine losing the fence and would have a problem with its removal.
- Mr. Wyckoff agreed. He said it would be a shame to lose what Ms. Petersen has started with the paving and trying to open the space up because of the fence but he was afraid that was what would happen. He added that he wished she had not decided to remove the fence.

- Ms. Maltese stated that the ordinance says the Commission is charged with preserving historic resources. She agreed with Ms. Kozak and felt the fence was very much a part of the building.
- Chairman Dika asked if any sections were in good condition. Ms. Petersen said that some sections could be restored. There were more sections than not that were broken and bent out of shape. The sections on Church Street have disintegrated at the base. She informed the Commission that she had two men from a forge in Rowley, MA come and look at the fence closely. Chairman Dika asked if they did a report. Ms. Petersen said no, but that they could do a report. They have inspected the fence twice in eight years. Chairman Dika stated that the Commission would have to have a report.
- Mr. Wyckoff asked that if the fence were removed, what would happen to the curbs. Ms. Petersen said they would have to be reset.
- Ms. Maltese commented that it sounded like the Commission was asking for a historic structures report on the fence and that would be quite a financial endeavor for the applicant.
- Ms. Petersen pointed out that the fence was in very bad shape on Church Street and every year the plows hit the fence. If the fence was to be completely restored and then that continues to happen, what recourse would the church have. Ms. Maltese thought the church would have to work with the City on this.
- Ms. Maltese did not think a full report was necessary if the comment is that the fence has to stay. She did not think it was fair to make the church go through an expenditure when the result was going to be the same.
- Mr. Mark McNabb, a past trustee of the church, spoke about the project. He stated that the fence line on Church Street was a problem. It was in the travel lane. He did not think it was possible to repair the fence on Church Street. He pointed out that there was a point when old buildings cannot stay up any longer and permission is sought to demolish them. When that happens, the conditions are taken into consideration. He pointed out that the reality with most slate roofs is that the trusses of some buildings cannot support the weight of slate anymore. But cost has always been considered in the possible removal of slate roofs. He used the North Church as an example. He said that the fence was a similar situation except that it just happens to be a fence. If a building were in the condition of this fence it would be condemned.
- Mr. McNabb explained that South Church needs about 2 million dollars for a full renovation. He said that they did not know how they were going to go about doing that. He added that they were trying to find a way to deal with how the church has changed, how a city street has grown into a fence. Mr. McNabb thought this might be the most important fence in the city. This was a hardship case. He asked the Commission to think about it as if it were a building.
- Ms. Petersen said that she met with the traffic and safety committee to get the parking space approved and they talked for a long time about the width of Church Street. She explained that this was not a typical normal passage. The committee told Ms. Petersen that they could have nothing extending into Church Street so that might impact the project on that side.
- Chairman Dika said that when the proposal first came to them, the proposal was to remove the front section of the fence and leaving the side sections. It occurred to her at the time that the front section was the most important. She wondered if there was any

way to preserve the front section and remove the sides. Ms. Petersen replied that it seem awkward to remove just part of the fence. Mr. McNabb added that removing part of the fence felt like they were losing the whole fence line. It confirmed the problem they were in.

- Ms. Maltese stated when she looks at the fence; the fence is part of the whole building. She said she was not able to separate the two. For her they are a whole package.
- Vice Chairman Katz commented that there are several things going on – aesthetics, preservation, and philosophical considerations of the site. He said he was struck by Ms. Petersen’s comment about how she wanted to make the building more inviting. He pointed out that a fence either keeps things out or keeps things in. Vice Chairman Katz said that they were really not to consider the cost. He said that they could keep them from taking the fence down but they could not force them to repair it or maintain it. He felt the Commission should maybe be looking outside of the box and finding some way to resolve it. He said that he did not see a resolve at this time given the hard and fast attitudes that had been expressed. He added that he could accept the applicant’s attitude that the fence has served its function in both a physical sense and simply because it has gone past its usage.
- Ms. Petersen said her way of thinking was that the fence and the exterior of the church have been extremely disrespectful, unsightly, and unsafe for a long time. She added that if a fence starts falling down and there is no way to repair it, that does not seem to honor the historic significance and dignity of the building either.
- Chairman Dika mentioned that she spoke with Attorney Bob Sullivan concerning whether the Commission could consider cost in its deliberations. She said that Attorney Sullivan felt it was within the Commission’s purview to consider cost, especially when it was prohibitive cost.
- Mr. Wyckoff stated that there was a significant amount of money going into the other design features such as a retaining wall, paving, and landscaping. Because of that, he felt it was hard to justify not repairing the fence. He said he would rather see the building sit the way it is now with the fence than with what was being proposed today. He would rather see nothing done except for maintenance.
- Mr. Almeida commented that he was hard pressed to find anything that would be a good enough reason to take the fence away. He felt it was critically important to the building. He said that it stood the test of time for 200 years. He agreed with Mr. Wyckoff concerning the fact that there was a considerable cost to the project that they had before them. He felt it was such an important feature that it was sad to consider changing any of it.
- Chairman Dika asked the Commissioners if anyone felt comfortable with the removal of the fence. Vice Chairman Katz said he was open to considering it. Chairman Dika said that she was trying to find some sort of compromising position but she was not sensing one.
- Mr. McNabb asked if the Historic District Commission would consider approval of its removal and storage until such time that the funds could be raised and the fence could be restored and replaced. Chairman Dika remembered one instance where they allowed someone to take down a balustrade that had been damaged and put into storage because the person could not afford to deal with it. Mr. Wyckoff pointed out that it was an after

the fact approval. The balustrade was removed first because of a fire and the rest was removed after that.

- Ms. Maltese also pointed out that if the church changed hands, the Commission could not guarantee the preservation of the fence.
- Mr. McNabb asked if the Commission would feel differently if a homeowner came in with a 200 year old fence. The Commission said no, not with this fence.
- Vice Chairman Katz asked about safety concerning the fence. Mr. McNabb explained that some sections have fallen down. Some of the sections weigh 300 pounds. Vice Chairman Katz asked if they were worried about liability. Mr. McNabb said some in the church are worried about liability but he was more worried about it from a moral standpoint and would not want to see someone get hurt.
- Chairman Dika reiterated that the feeling of the Commission was that they would like to see the fence preserved or replaced.
- Ms. Petersen talked about the large beech tree with roots protruding out of the ground. She also said there was a curb on the northwest corner that made it impossible for someone to come in off of the street and get around to the side door. For many people who attend church and other events, there is no way to come in the front door.
- Ms. Petersen recalled from the last work session that the signage, the lighting, and the benches were not really questioned.
- Ms. Petersen also sought the Commission's comments concerning the shed that was part of some improvements to the 206 Court Street property. She explained that the shed would be more like a hutch and would be used to store garden equipment. The Commission had no concern with it.
- Chairman Dika pointed out that with the fence proposal; they were really deadlocked with regard to moving forward. She explained to Ms. Petersen that she would not get approval from the Commission as the proposal stands now.
- Ms. Petersen asked if a section of the fence falls down and it is not repaired, what happens. Ms. Maltese replied that she thought the Commission could do nothing about that. Mr. Wyckoff thought the legal department might get involved.
- Mr. McNabb asked if there would be any reconsideration for the fence on Church Street. Mr. Melchior replied no and suggested discussions with the city.

B. Work Session requested by **John C. Lamson, owner**, and **Iain and Katherine Moodie, applicants**, for property located at **14 Mt. Vernon Street**, wherein permission was requested to allow demolition of an existing structure (demolish structure) and allow a new free standing structure (construct new single family dwelling). Said property is shown on Assessor Plan 111 as Lot 26 and lies within the General Residence B and Historic A Districts.

- Chairman Dika pointed out that a site walk was held prior to this evening's meeting at this site.
- Chairman Dika invited interested members of the public to come forward to better hear the presentation. She said she would take public comment at the end of the presentation.
- Mr. Iain Moodie, the new owner of the property, was present to speak to the application. He explained that the structure needs a complete rehab. He did not see how it would be financially responsible to salvage it.

- Mr. Almeida asked if there has been consideration as to what would be built in its place. Mr. Moodie said it would be a slightly smaller footprint and a slightly different shape. He said that he wanted to get the concerns of the Commission and the neighbors out in the open so that he could design properly. He added that the plan was to make it a functional single family home than a two family which it is currently.
- Chairman Dika explained that on other occasions where there has been a request to demolish a structure; they have requested a structural engineer's report. She asked the Commission what their feelings were about the property.
- Mr. Almeida thought that a structural engineer's report would just confirm what they have already seen. He did not see the need for it.
- Mr. Wyckoff stated that the applicant made the decision to purchase the house in its present condition. He felt because of that, financial consideration should not be given to the project.
- Vice Chairman Katz did not think the Commission should be delving into way an applicant bought a particular piece of property. Mr. Wyckoff agreed. Chairman Dika said that the Commission should be determining whether this was a contributing structure in the neighborhood and in good enough condition to be reestablished as a residence.
- Mr. Almeida said that if the building were to come down there was an opportunity to make a huge improvement on the street.
- Vice Chairman Katz stated that if the current building was down and a new structure was proposed, he did not see how any current zoning would allow just about anything to go there as far as setbacks are concerned. He felt a lot of variances would need to be secured and as a result, the abutters would have a tremendous amount to say about it. He felt it was important to have some idea what the applicant has in mind to replace the existing structure.
- Chairman Dika asked the Commission if they considered the structure to be a contributing structure to the streetscape. Ms. Kozak and Mr. Wyckoff replied yes. Mr. Almeida said no. He questioned whether the structure was built as a residence. He felt it was built as an outbuilding. Ms. Kozak pointed out that it did have a scale and a proportion that enhances the neighborhood's historic quality. Mr. Almeida replied that it fits in but he would not say that it enhances it. Chairman Dika and Vice Chairman Katz agreed. Chairman Dika said that she would like to see a similar structure on the site.
- Mr. Moodie bought the property knowing that it was distressed and needed work. He said that he has worked in construction for 30 years and always in historic districts. He was perfectly willing to keep it part of the streetscape. His original plan to move it back on the lot is now not feasible. He would like to redesign it to improve the streetscape, keep it as small as he can, and keep it similar to what it was now. Mr. Moodie suggested widening the structure in the back. He pointed out that the property has been ignored for a long time.
- Mr. Melchior felt the proposal should be considered. Mr. Almeida thought that new construction would be a much better product for everyone as far as values go; the stability of the structure, and the streetscape. He said that something major has to be done.
- Mr. Wyckoff stated he was open to the idea but he would want to hear from the abutters since it was such a close neighborhood.

- Ms. Maltese said that she was willing to look at designs the applicant brings forward past the demolition of the building.
- Chairman Dika asked if any Commissioners were against the demolition no matter what the applicant's proposal would be. No Commissioners spoke in opposition.
- Chairman Dika asked the Commission what they thought would be an appropriate building on the site. Ms. Maltese said that she was open to seeing option not on that current foundation. Ms. Kozak felt that the scale was the important thing. Chairman Dika agreed with Ms. Kozak and added that she would not want to see a very large building there. Mr. Moodie said that the intent was to go to 2 ½ stories. At the most, it would be a 3-4 feet increase in ridge height. Chairman Dika said she might not like that.
- Mr. Wyckoff suggested that once the applicant has an idea of what he wants to put on the site, he should go through the Planning Department to make sure it meets zoning requirements.
- Mr. Melchior asked if the Commission needed any official documentation to support the possibility of demolition. Chairman Dika felt no, that the Commission has seen that it is not a sturdy building.
- Chairman Dika asked the public if they wished to speak to the application.
- Mr. Bob Maranahas of 39 Mt. Vernon Street stated that in order to rehab the building, you would have to take 95% of the building away. He had concern that it maintains the streetscape and the scale.
- Vice Chairman Katz asked Mr. Clum about current ceiling height requirements. Mr. Clum said that there was some latitude in the codes for historic structures and they could probably stretch it to ceiling heights of 6'8."
- There was considerable discussion concerning an appropriate height for a new structure.
- Ms. Willow Maranahas of 39 Mt. Vernon Street stated that she was offended that demolition was the first topic discussed at the site walk. She also did not like the idea of moving the house back on the lot to accommodate parking spaces. She felt that would change the whole streetscape. She thought the structure could be saved and felt they were in too much of a hurry to destroy small structures like this.
- Chairman Dika interjected that the Commission shared her same concerns.
- Mr. Moodie assured Ms. Maranahas that he was trying to improve the property. It was his intent to live there with his family. He pointed out that everything about the site has problems and he was going to try to alleviate as many problems at once. He added that he welcomed input from the neighbors and it will help design what goes on that site.
- Ms. Nina Shore of 18 Mt. Vernon Street said that she lived next door and the house has been a thorn in her side for the last three years. She liked what Mr. Moodie was saying. She said that she supported the demolition but would like to see the building stay close to the footprint. She felt if the building was moved back on the lot, it would affect her privacy. She added that she would prefer to have a family living there instead of tenants.
- Ms. Mary Lou McElwain of 259 South Street stated that she was in agreement with Mr. Maranahas with regard to size, scale, and the streetscape.
- Mr. Calvin Wels of 291 South Street said that the applicant's backyard abutted his property. He pointed out that if the structure were moved back on the lot it would affect their privacy. He pointed out that there was a nice maple tree in the applicant's backyard that he would like to see stay. Mr. Moodie explained that unfortunately, the tree was damaging the property and it was just too tight to have such large trees. He said he

would have no choice but to remove the tree. Ms. Maltese pointed out that the removal of trees were not within the Commission's purview.

- Mr. Wyckoff asked what the width of the lot was. Mr. Moodie said it was 28 feet wide at the front and 30+ feet in the rear.
- Ms. Maltese asked that any plans submitted show existing measurements and proposed measurements.
- Ms. Kozak said that she would appreciate seeing any information on the origins of the house. Mr. Moodie thought it was built in the early 1900's. Chairman Dika suggested looking at the survey that Ms. Dorothy Vaughan did which was available at the library.
- Mr. Almeida commented that he thought it was great to see the neighbors come out and speak to the proposal. He said that he did not know Mr. Moodie and he was not an advocate for him but he felt he wanted to do the right thing with this building that has been neglected all these years. He said he hoped the neighbors embrace that and move forward with him. He added that they needed to be open to the changes that need to be made with this building.

Chairman Dika asked the Commission if they would be interested in participating in a work session with the Planning Director, Rick Taintor, to discuss sustainable products such as green roofs, solar panels, etc. The Commissioners said yes. Chairman Dika said she would talk with Mr. Taintor and come up with some possible dates.

IV. ADJOURNMENT

At 9:30 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 7, 2009.