

**WORK SESSION – SUSTAINABILITY – 6:30 – 7:30 P.M.**

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:30 p.m.**

**October 7, 2009  
reconvened on October 14, 2009**

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

**MEMBERS EXCUSED:** City Council Representative Eric Spear

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

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Prior to the meeting, a work session was held from 6:30 – 7:30 p.m. on sustainability with Mr. Rick Taintor, Planning Director and Mr. Peter Britz, Environmental Planner/Sustainability Coordinator in attendance. Mr. Taintor pointed out that sustainability was the major issue that was voiced in the Master Planning process. Sustainable products would be coming more frequently before the Commission and the Commission needed to be prepared for that. Mr. Taintor also stated that there was not a lot of information available as to what other communities are doing with regards to sustainability but he felt it was important to start the conversation.

The Commission discussed the definition of sustainability and each Commissioner shared what the word sustainability meant to them. This helped to determine the focus of the discussion.

In addition, there was discussion on changes to the zoning ordinance, the challenging balancing act between sustainability and preservation, the use of new technology and how rapidly it was advancing and its impact to the Historic District.

Mr. Taintor told the Commission that the Planning Department would be willing to assist the Commission as they moved forward with sustainability guidelines.

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Chairman Dika called the meeting to order at 7:35 p.m.

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**I. OLD BUSINESS**

A. Approval of minutes – August 5, 2009

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

Approval of minutes – September 2, 2009

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

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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 and replace first floor windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 53 and lies within the Central Business B and Historic A Districts. *(This item was postponed at the September 2, 2009 meeting to the October 7, 2009 meeting.)*

Ms. Maltese made a motion to postpone the application to a time uncertain. The motion was seconded by Ms. Roberts.

Mr. Wyckoff asked what a postponement indefinitely would mean. Mr. Clum said that the application would expire after a year and the applicant would have to reapply.

The motion to postpone the application to a time uncertain passed by a unanimous (7-0) vote.

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C. Petition of **Portsmouth Housing Authority, owner**, for property located at **140 Court Street**, wherein permission is requested to allow 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.

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D. Petition of **Robert W. Morin III Revocable Trust, owner**, for property located at **20 Partridge 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 101 as Lot 8 and lies within the General Residence B and Historic A Districts. *This item was postponed at the September 2, 2009 meeting to the October 7, 2009 meeting.)*

**SPEAKING TO THE PETITION**

Ms. Anne Whitney, architect for the project, was present to speak to the application. She stated that the proposal was straightforward with the windows of the old part of the house to be replaced. She explained that the entire windows would be coming out and they would be replacing the trim as well. The windows would be Marvin brand and the trim would be Azek with a two inch sill and a band mold around the trim. She also said that they would probably

have to replace the siding, shingles, and roof. The roof was currently three tab asphalt and they would like to use an architectural asphalt shingle.

Mr. Wyckoff asked what the molding material would be. Ms. Whitney said it would be a band molding around the window trim. She pointed out that the size of the molding varied around the house but she would use a two inch molded sill material.

Mr. Wyckoff asked that after the windows are installed, was it her attempt to match the casings of the windows to match the existing profile. Ms. Whitney said that they might not be able to match exactly the band molding because there were only a few choices in that material.

Mr. Wyckoff confirmed that all of the materials would have the same dimensions. Ms. Whitney replied that was correct.

Hearing no further questions, 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 Vice Chairman Katz.

Mr. Wyckoff stated that the materials were appropriate for the building and thought they would work well in this situation. He had a caveat about new construction windows in an antique house. He said that it was a shame sometimes that the frames are not rebuilt because so much is lost on the inside of the house.

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. Permission was also granted to replace the window sills and trim with Azek.

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**II. PUBLIC HEARINGS**

1. Petition of **John R. Maher, owner, and Skye Maher, applicant**, for property located at **240 Middle Street**, wherein permission was requested to allow new construction to an existing structure (install solar hot water system on roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 136 as Lot 10 and lies within the Mixed Residential Office and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Skye Maher, manager of the property, was present to speak to the application. She stated that she was delighted to be the person to come before the Commission with this application.

She said that she had spoken in support of Charles Lassen's application for solar panels before the Commission a while back. She also said that she and her husband own three old buildings in Portsmouth, two of which are in the Historic District. She appreciated what the Commission has done to the streetscape and what the streetscape has done for the city of Portsmouth. She pointed out that the city was intimately tied to its appearance and she appreciated that that was going to be in conflict with the city's wish to become a sustainable city. She also pointed out that the city of Portsmouth has declared itself an eco-municipality and adopted a framework to give us guidelines on what is sustainable or not. Ms. Maher said it would be difficult to make these two things work but she was a believer that they could find a way. She was encouraged by the attitudes expressed in the sustainability work session prior to this meeting.

Ms. Maher stated that the structure was a seven unit apartment building that was built about 1805. She explained that currently she was working with the Jordan Institute in Concord, an organization whose mission it was to reduce the energy consumption and carbon emissions in the built environment of New Hampshire. She pointed out that it was estimated that 59% of the carbon emissions in the State of New Hampshire was from the built environment. She added that the Jordan Institute was working with her to produce a ten year plan on the entire building in a respectful way in the Historic District.

Ms. Maher explained that their heating system was failing and in order to address that, they needed to address the hot water. It was their plan that the water would be solar produced.

Ms. Maher walked the Commission through her submitted plans and the photos submitted. The view from the corner of Middle Street and Austin Street would not show any new technology. From Austin Street, Ms. Maher drew on the plans what she thought would show of the panels. From the parking lot, the solar tubes would be visible and she felt the approximate height would be about five feet and the solar tubes are about seven feet long. She added that they would need a 42-45 degree angle. Ms. Maher said the panels would be located close to the back of the building and closer to the right edge of the roof.

Photo #4 showed a photographic representation of what she thought the panels would look like. Since she did not have a mock up, this was the closest she could get to it in size. This was also an illustration of the kind of tube she would like to use. She pointed out that she had a spec sheet that she would leave with the Commission.

Photo #5 showed the Middle Street view of the building. From that view, the solar panels would be visible. She pointed out that the panels would be behind the fire escape.

Photo #6 showed the tubes on a rack. The photo showed four tubes but they would be putting up three. Photo #7 showed the rack that they would be installing. Underneath the photo she showed a 22 foot span, 7 feet long, and a 5 foot profile.

Ms. Maher stated that this was a long term project for them but since they were working on the heating system, this was the first thing that needed to be addressed. She would also be replacing the roof beneath it but it would be with like materials. It was currently a white roof and she would be replacing it with a white rubber roof.

Ms. Maher said that if one were walking on Middle Street and on the same side of the street, she did not think you would see the panels. Walking on the other side of the street, she thought you could see them. She pointed out that this application brings an opportunity to talk about sustainability. She asked when do we begin to value the opportunity to collect our own energy over the value of the streetscape. She added that we were a contemporary city and not just a historic city.

Ms. Maher commented that she knows the Commission will struggle with this but once the zoning ordinance was accepted, they would be moving with those changes. More of these types of applications will come before them that deal with alternative energies. She pointed out that these are no longer alternative energies; these are the new energy sources. Wind and solar will be the new sources.

Ms. Maher asked the Commission to approve the application with the understanding that they would do their best to make the structure sturdy, useful, and as unobtrusive as possible. She asked the Commission to not relegate the old buildings to energy starvation just because they are old. They need the vitality more than some of the less leaky buildings. She hoped that they could find ways to work together and look at these energy sources as contemporary gifts.

Chairman Dika stated that she was disappointed that she did not ask for a work session. She felt this was an important application and the Commission had so much to learn and it would have been nice to have sat at the table and have some discussion. She added that the drawings were sketchy and since it was such an important application, more precise drawings would have been more helpful.

Mr. Wyckoff felt that Photo #4 was a helpful photo. He was not sure if it was to scale. Ms. Maher said that they would probably be wider and set back a little more. Mr. Wyckoff pointed out that they were stuck with that location but he wondered if there was any way to make the stand and the piping less obtrusive. Ms. Maher thought they could be painted but she was not sure if that would make them less obtrusive. She added however; that she did not really want to hide them. Mr. Wyckoff said that he did.

Ms. Maltese pointed out the two roof levels of the structure. She wondered what the difference in height was between the two. Ms. Maher said it was about 7 feet. Ms. Maltese asked if the apparatus would be removable. Ms. Maher replied yes. Ms. Maltese asked if the insulated tubing was only available in shiny silver. Ms. Maher introduced Mr. Michael Bliss, an installing expert, to help answer the question. Mr. Bliss stated that the UV protection was needed so depending on the insulation that was used, they could be a charcoal or black color.

Mr. Almeida asked Mr. Clum if there were any code requirements that would require a railing. Mr. Clum said a railing would be required if a service person would have to routinely service the equipment. He said for something like this, a railing would probably not be needed.

Mr. Almeida stated that there was a lot of positive discussion during the work session. He felt that the Commission wanted to cooperate with the applicant's proposal but he felt information

was missing. He said he would like to see scaled drawings, a roof plan, and dimensions. He added that if people were going to come in and look at this as model of a typical feature on our historic buildings, then they needed to do it right. Mr. Almeida said that they require a lot from the applicants and this was a very small amount of information. Vice Chairman Katz asked Mr. Almeida if he was talking about a roof plan to scale with the installation of the units to scale on that plan. Mr. Almeida said that was a minimum requirement in the ordinance.

Chairman Dika asked Ms. Maher if there was some hardship that caused her to come forward without that material. Ms. Maher said that she submitted the information some time ago and no one said that she needed more information. She added that they do have a failing boiler and they needed to get the hot water separated from it.

Chairman Dika asked Ms. Maher if she would be able to prepare additional drawings by next Wednesday. Ms. Maher thought that she could and said that the engineer who was working on the project was working on more specific documentation. She said that she would not be able to be at the meeting next week but she could have someone else present it.

Mr. Almeida asked if they could have a work session at this time to give the applicant an opportunity to learn what it was that the Commission needed from her. Mr. Wyckoff questioned whether a work session was needed. He said that they know what section of the house the panels are going on and that they are going to face south. He wondered whether they really needed to drag the application out for no apparent reason. He felt they could vote on it now. Ms. Kozak said that she would like the opportunity to discuss other photovoltaic alternatives that are available.

Mr. Melchior agreed with Mr. Almeida that they wanted to do this right. He said he would like to see more scaled detailed drawings. He said that he did not even know the dimensions of the roof.

Ms. Maltese stated that the Commission only has the right in the meeting to let her know if they find the application lacking. Ms. Maher said it was her understanding that the planner reviewed the application and that was where she expected to have comment. She also suggested that when an applicant is addressing sustainable energy sources that there might be a form that helped the applicant submit the appropriate information beforehand. She said she was not given that. She also said she was not sure she could have done any more than what she did given the speed with which she was trying to move on the boiler replacement.

Ms. Kozak asked what percentage of home heat they were looking to supply. Ms. Maher stated that they were not trying to supply heat; they were trying to supply domestic hot water for seven residential units.

Ms. Kozak asked if there was any other equipment on the roof. Ms. Maher said there was the stub of an old chimney. She would like to remove that.

Ms. Kozak commented that the applicant's proposal was a great system and was very efficient. She pointed out that there were other photovoltaic technologies. She explained in detail what

those alternatives were and how they worked. Ms. Maher replied that she had looked at other alternatives but the evacuated tubes seemed to be the most efficient. She said she was trying to reduce the footprint. She added that she included in the plans a spec sheet of a flat plate collector. She said that she preferred to use the tube system.

Ms. Maher explained that she would have to make sure that what was beneath the roof was sound and secure enough to put the solar panels on. Ms. Maltese explained that the Commission would have no purview over the roof as long as there was not a material change.

Chairman Dika asked Mr. Maher if she was interested in coming back for a work session/public hearing next week. Ms. Maher said yes, but she would have to have someone to represent her since she could not be there.

Mr. John Maher asked for a list of specifics as to what the Commission would like to see and they would do their best to comply. He said they would be away until the first of November. He would like for his wife to make the continued presentation.

Vice Chairman Katz suggested the Commissioners give their lists of what they would like to see in the way of additional plans. Mr. Almeida stated the importance of treating all applications equally with regards to submitted plans. He explained that this decision and how the Commission handles it will set the precedence for everyone else who comes before them with a similar application. He said he wanted to make sure they do it right. He told Ms. Maher that the Commission would need a roof plan that shows dimensions of where it sits on the roof and how far it sits from the edge, exact height, exact angle, and length. Chairman Dika stated she would like to see the exact height as it relates to the other stories of the building. She said she would really like a model erected on the roof. Mr. Melchior added that what was commonly done was to float a balloon at a certain height to show the perspective. It might be something she could take a photo of.

Ms. Maher stated that she would have provided better information had she had known. She did not feel the application was specific enough. She said that she would provide all that the Commission has asked for. Mr. Clum pointed out that a pamphlet is generally handed out to applicants with detailed information and the information was also online for the public's use.

**DECISION OF THE COMMISSION**

Ms. Maltese made a motion to postpone the application to the October 14, 2009 for a work session/public hearing and site walk. The motion was seconded by Mr. Wyckoff. There was no additional discussion.

The motion to postpone the application to the October 14, 2009 for a work session/public hearing passed by a unanimous (7-0) vote.

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2. Petition of **Sheri M. Keniston, owner**, for property located at **569 Middle Street**, wherein permission was requested to allow a new free standing structure (construct 8'x12' storage shed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 147 as Lot 15 and lies within the Mixed Residential Office and Historic A Districts.

### **SPEAKING TO THE PETITION**

Ms. Sheri Keniston and Mr. Seth Levine, owners of the property, were present to speak to the application. Mr. Levine stated that plans were submitted and he asked if the Commission had any questions concerning them.

Chairman Dika said that it was a very thorough application.

Mr. Levine explained that it was a simple project. He planned to use OS bead board, decorative trim, non operational windows, and an operational door.

Mr. Wyckoff asked Mr. Levine why he has chosen to use the OS bead board. Mr. Levine said that clapboards were okay but from a practical standpoint, they did not protect as well and were more difficult to maintain long term. He added that his house was vinyl sided.

Mr. Wyckoff asked Mr. Levine how his design differed from the photo submitted. Mr. Levine said it would not have the ventilation cupola and it would have square windows with a 6 over 1 window pattern to match the main house.

Mr. Melchior asked how far the shed would be off of the ground. Mr. Levine said it would be about 8-10 inches off the grade. He added that it would not have a poured foundation or set on concrete tubes.

Ms. Maltese asked the height of the shed. Mr. Levine said it would be 10 feet at the peak. He explained that the wall was 8 feet and the door would be a standard height. He was planning to have storage overhead in the shed.

Hearing no other questions, Chairman Dika asked if anyone from the public wished to speak to, for, or against the application. Seeing no on 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 the applicant had provided an impressive amount of documentation and they had a good idea of exactly what will be built. He also pointed out that it was a shed in a back yard that would not be very visible.

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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3. Petition of **Robert A. Ricci Revocable Trust and Elizabeth Batick-Ricci Revocable Trust, owners**, for property located at **31 Richards Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (construct new railing system) and to allow a new free standing structure (remove fencing, install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 128 as Lot 2 and lies within the General Residence A and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Butch Ricci, manager of the property, was present to speak to the application. He explained that his application was twofold; one was to replace the existing railing system that was out of code, and one was to replace an existing fence.

Mr. Ricci explained that they would like to bring the existing railing system up to code. It would make it safer for the tenants also.

Mr. Wyckoff commented that he had never seen the bottom rail tapered in one direction before. Mr. Ricci said it was a design that dealt with melting snow.

Ms. Roberts asked about the corner posts. Mr. Ricci said they would use the same railing system that was there now but use a 4” x 4” post and center about 8 feet on center. It was a standard detail.

Mr. Ricci stated that the fence was currently in place. He said that he spoke to Rick Hopley at length about the fence. He was told that as long as he was replacing an existing fence, in kind, non structural and under \$3,000 in value, a building permit was not needed. He had the area surveyed, determined where the fence was going to be, and installed the fence. Mr. Ricci then said that the Planning Department raised the issue that part of the property was in the Historic District so they suggested adding the fence to the current application. He reiterated that he talked with Mr. Hopley about it, he had the property surveyed, and the fence was on their property. He also said that there was a long history that goes with the fence that he hoped would not be brought up this evening but that was the story on the fence.

Chairman Dika asked if anyone was upset about it. Mr. Almeida said that it looked like the fence was replaced in kind.

Chairman Dika asked if there were any other 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. Tom Morgan of 39 Richards Avenue stated that he lived on the other side of the fence. He explained that there was more to it than what the applicant had stated. The old fence was 50 feet in length and was entirely out of the Historic District. The new fence was 80 feet long and it comes about 25 feet into the Historic District. Mr. Morgan said that the applicant was putting a fence in the Historic District that was not there before. He added that to say he was replacing a fence was inaccurate.

Chairman Dika explained that if there was any part of the lot in the Historic District then the whole lot was in the Historic District. She asked if this fence was a problem for him as an abutter. Mr. Morgan replied yes and said he came tonight to speak against it. He also stated that he had a survey with him that documented what he just told the Commission.

Mr. Morgan pointed out that this particular streetscape, 31 and 39 Richards Avenue had a great deal more significance than many people are aware of. It was the subject of a painting that hangs in the Metropolitan Museum in New York City. He passed out copies of the painting by Frederick Childe Hassam. Hassam came to Portsmouth in 1916 and painted the picture. It was the only picture he painted in Portsmouth and not too many Portsmouth residents are aware of it. He said that the painting was famous all over the world.

Mr. Morgan stated that he has lived at 39 Richards Avenue since 1985 and the part of the fence that is now in the Historic District was never there. He said that if you looked at the painting, there was a whole series of fences and they were quite a bit different from what has been erected.

Mr. Wyckoff asked if the front fence depicted in the painting was there currently. Mr. Morgan replied no and said that when he bought his house in 1985, he found a segment of the fence leaning up against the house. Mr. Wyckoff asked him if he planned to put that section back up. Mr. Morgan said absolutely but he would have to come before the Commission first.

Ms. Maltese asked Mr. Morgan if he was objecting to the fence overall, or the front 30 feet of fencing. Mr. Morgan said he would like to restore the streetscape to what was shown in the painting. He pointed out that the fence that was currently erected was much higher than the fence in the painting. He added that he did not mind the height at the back of the property. Ms. Maltese pointed out that there have been other alterations over the years such as the addition of a driveway. Mr. Morgan explained that what he was looking for was a fence like the one in the painting.

Chairman Dika asked the Commission that if Mr. Ricci had come before them for a work session, would they have accepted this particular fence without a discussion. Ms. Maltese pointed out that there was an existing fence. Mr. Almeida said that if the applicant replaced the fence of a design and style that was already there, that was what they needed to determine. Vice Chairman Katz asked if it had been determined that the new fence was the same length of the old fence. Mr. Wyckoff replied that it wasn't. Mr. Morgan added that he submitted a survey done by a licensed land surveyor in 2002 showing the fence as 50 feet long and in the rear of the property.

Vice Chairman Katz thought a work session should be considered. Ms. Maltese felt the issue belonged with the legal department.

Mr. Ricci pointed out an 8 foot piece of end post that was proof that the fence went all the way to the back of the property. He said that the reason part of that fence came down; they did not know how, but at one time, Mr. Morgan was using the driveway with a dump truck to access his backyard. Mr. Ricci said that they were trying to be good tenants but that did not work. He stated that the fence that he has put back was identical to what was there. It was the exact same height, the exact same length and the exact same type of fence as to what was there before, before the section in the back mysterious fell down. He added that all he was doing was replacing a fence that was exactly as what was there before.

Ms. Maltese commented that this sounds like a legal discussion and not an HDC discussion. She said they had a 2002 survey and not a 2008 survey. She said she was hearing two different opinions.

Mr. Ricci pointed out that they had the property surveyed about two months ago. They had the property surveyed because Mr. Morgan said it was his fence and therefore they could not touch it. The reason they had it surveyed was because they were going to put in their own fence. Once the survey was done, it was determined that it was indeed, their fence.

Mr. Almeida stated that the photographs clearly show that this is the exact same design of fence and the post goes all the way to the rear of the property. He said that he did not have a photograph of what was the existing condition toward the front of the property but it was clear that the fence went all the way to the back.

Mr. Wyckoff said the question was did the fence go all the way to the front of the property. He asked Mr. Ricci if it did. Mr. Ricci replied that at one time it did. He added that if you look down Richards Avenue, you will see many fences that come right to the property line by the sidewalk. They brought it right to the same point. He said that it had fallen down a while ago but they have replaced it back to where the existing posts were.

Mr. Morgan reiterated that he has lived there for 24 years and the closest that fence came to the street was 35 feet. He said that he did not erect the fence, did not make any claims on the fence and did not own a dump truck. He pointed out that the fence was Mr. Ricci's and it fell down. Mr. Morgan said that the applicant has not presented any evidence that the section of fence that is 30 feet and sits closest to the street existed. The Commission was just going by Mr. Ricci's word when he gave them a survey. He added that he could give them photographs. He felt they should ask Mr. Ricci for some type of evidence that the fence was there.

Mr. Morgan also said that the fence historically about 100 years ago was 3 ½ feet off of the ground. What Mr. Ricci has erected was 6 feet off of the ground and it has created a hazard to pedestrians on the sidewalk. Chairman Dika stated that was not the Commission's purview. Mr. Morgan said that he understood that but scale was within their purview. Chairman Dika said that if there was an existing fence there, the Commission was not likely to approve two different styles of fence on the same fence line.

Ms. Maltese stated that if there was an existing fence of that height, even if the HDC had not approved it, the applicant has shown them pictures of a fence that height; therefore, it was an existing condition. Mr. Morgan pointed out that in the rear it was and that section of the fence was outside of the Historic District. He said his understanding of the ordinance was that it applied to structures. Chairman Dika explained that the lot was in the District; therefore, the structure was in the District.

Mr. Morgan asked where they go from here. Chairman Dika said that she wanted to see 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**

Ms. Maltese 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.

Ms. Maltese stated that she thought the railing system improvements were understandable for improving the current conditions and getting them up to code. She felt that the fence was a replacement of a fence that was previously there.

Mr. Wyckoff said that he was not in favor of the motion because they were looking at a fence where someone recollected that the fence went to the street sometime in the past and a boundary survey by a certified surveyor that says otherwise, that the fence was only 50 feet long. I did not think that the fence from that point on should not be approved. He had a right to replace the fence in kind on the back of his property but the front section of the fence was inappropriate. He would not approve a suburban stockade fence in the Historic District.

Vice Chairman Katz felt the fence from the existent fence to the back of the property was appropriate. The fence section going up to the street he had serious reservations about as to whether it was ever there and the appropriateness of the design. He said he would not support the motion.

Ms. Roberts said that she had mixed feelings about the appropriateness of the fence. She said it came down to the issue of the boundaries and what was there and to what extent they were really placing in kind.

Ms. Maltese said that she had to look at the information the property owner has brought forth. If it was a legal matter, then it should be handled outside of the HDC. She did not think it was appropriate to have two design structures for the fence. She felt it was more appropriate to have the full fence with one design.

Mr. Wyckoff pointed out that the Commission has many times approved a board fence stopping and then a picket fence beginning. He used the property on the corner of Washington Street as an example. It was fairly common for a solid board fence to be on the sides and rear of a property with a more formal design on the front. Mr. Wyckoff stated that he would have no

objection to stopping the stockade fence at its former location and then starting with a more appropriate fence leading up to the sidewalk.

Chairman Dika said that her recollection was different than Mr. Wyckoff's. She recalled trying to get the owner to choose one style and change the other style.

Mr. Almeida stated that Mr. Wyckoff was correct and the Commission has approved fences of more the one design. He wondered if the height was the bigger issue with the section of fence that was on the front of the property.

Chairman Dika wondered whether they could modify the motion to leave out the front section of the fence and then ask Mr. Ricci to come for a work session. Mr. Almeida thought maybe there was a simple way to modify it rather than remove it. Chairman Dika commented that she was getting the sense that it was the style of fence that was in question. Vice Chairman Katz replied absolutely. He asked if she could think of a time when a stockade fence was approved that was in view of the streetscape.

Ms. Kozak said that she was looking at it as a replacement in kind in part and in good faith as what has been presented to them as accurate information. The post was still there. If that is true, then she saw no reason not to approve it. If the post was not there, then the information was inaccurate and the ruling would be invalid.

Hearing no other discussion, Chairman Dika called for a roll call vote. Ms. Maltese, Mr. Almeida, Ms. Kozak, and Chairman Dika voted in favor of the motion. Vice Chairman Katz, Mr. Wyckoff, and Ms. Roberts voted in opposition. The motion passed by a 4-3 vote.

Vice Chairman Katz informed the abutter that he had recourse by appealing for a rehearing.

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4. Petition of **James T. Ball, owner**, and **Timothy Finelli, applicant**, for property located at **297-299 South Street**, wherein permission was requested to allow a new free standing structure (install gate across driveway) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 23 and lies within the General Residence B and Historic A Districts.

#### **SPEAKING TO THE PETITION**

Mr. Tim Finelli, new owner of the property, was present to speak to the application. He stated that he was asking permission to put a gate across the driveway to serve as a barrier for his child and pet. He said it would look similar to a lot of the other fences in the Historic District.

Ms. Maltese asked if the fence was automated in any way. Mr. Finelli replied no.

Chairman Dika asked if the gate opened in or out. Mr. Finelli said that it would open toward the street.

Mr. Almeida asked if the posts would be the same as in the photograph. Mr. Finelli replied that it would have a beveled top with no cap.

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 Ms. Maltese. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was a standard wooden fence. The balustrade was appropriate for the style of house.

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

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5. Petition of **Middle Union Condominium Association, owner, and Alexandra Gamble, applicant**, for property located at **496 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace clapboards with composite material) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 21 and lies within the Mixed Residential Office and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Alexandra Gamble, owner of the property, was present to speak to the application. She explained that she would like to replace the existing cedar clapboards on her home with Hardiplank. She said that the exposure varied but she wanted to make it a consistent 4 inch reveal. Also, she was interested in a graduated reveal at the base of the structure and wanted to get the Commission’s opinion on that.

Mr. Wyckoff stated that it was impossible to do the graduated reveal with hardiplank and also, he did not think it was appropriate for this style of house as it was not quite old enough.

Mr. Almeida asked if the clapboards would begin and end at the window casing head and bottom. He explained that if she ran 4 inches consistently she might not match up around the window casings. The reveal would need to be adjusted to accommodate that.

Mr. Wyckoff asked Ms. Gamble if she had priced primed wooden clapboards. He had a problem with Hardiplank on this house because it sits so close to the sidewalk. He felt it was an artificial factory look. He explained that he was against a project on Bow Street that proposed the same material.

Ms. Maltese pointed out that they did not approve the Hardiplank on any of the original portions of the Bow Street structure. It was approved for the rear of the building that was on the water. She said Ms. Gamble's house sits the same way on the street as the Bow Street structure.

Mr. Almeida said the Bow Street property was in such a prominent location. He did not feel this was as prominent of a location. He did agree that Middle Street was an important corridor.

Chairman Dika asked Ms. Gamble why she wanted to use the Hardiplank. Ms. Gamble answered because it was a sustainable material and it was low maintenance. She has always tried to maintain the house's historical integrity but she also wanted the house to be there for a long time.

Vice Chairman Katz asked the Commission if they remembered tapered clapboarding that came before them a while back. He said that the problem with Hardiplank was its constant section all the way up and down. It lends to another problem where it is very difficult to hit the top and bottom of windows. He understood Ms. Gamble's wish for a product that was low maintenance. He also understood that some clapboards do not hold paint very well. Vice Chairman Katz suggested looking into the material that was approved for the building next to the Rockingham building. There was some disagreement among the Commissioners as to whether it would be an appropriate material.

Mr. Almeida thought that there could be a successful installation of Hardiplank with this project but there would have to be a lot of attention to detail. It could not project out beyond the corner boards. It would have to align with window heads. He was not sure how they could regulate that.

Chairman Dika asked who the contractor was for the project. Ms. Gamble said his name was Travis Murray. Mr. Almeida stated that he understood the applicant's desire for the Hardiplank. He pointed out that the house sits very low onto the sidewalk. Ms. Gamble said the snow in the winter was quite a problem because the snow plow comes through and packs the snow against the house. The front of the house takes quite a beating and the snow piles up on the corner of the house. Mr. Almeida thought that further damage could be done to the structure for that reason. Vice Chairman Katz agreed.

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. Mr. Clum pointed out that the application included the graduated reveal.

Vice Chairman Katz amended his application to grant a Certificate of Appropriateness for the application with the stipulation that the reveal be a nominal 4" throughout the section of the wall rather than graduated at the bottom. The motion was seconded by Ms. Kozak.

Vice Chairman Katz said that the lack of any real distance from the sidewalk to structure causes the structure to take a tremendous beating. He thought a more durable application would go a long way to alleviate the problem. He felt that they should encourage a homeowner who is attempting to improve a house.

Ms. Maltese stated that she would rather see an application that addressed those bottom areas in some way to protect against the snow rather than outfitting the entire house in Hardiplank.

Ms. Roberts said that she would be voting against the application. She was opposed to the use of composite materials instead of the original wood. She felt it was highly inappropriate for a building of its age, location, and nature.

Mr. Wyckoff commented that he has put on a lot of pre-primed cedar clapboards, painted, and he had no trouble with them peeling. The trouble with cedar was when they were selling them as raw cedar. He added that his house was right on the street. He had snow piled up against the first story windows of his house and the siding has lasted very well. He also said that if the Hardiplank was not installed and caulked well, there would still be rot.

Chairman Dika felt it would be a tricky to do a good job with the Hardiplank on this particular structure.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application with the stipulation that the reveal be a nominal 4" throughout the section of the wall rather than graduated at the bottom failed by a vote of 3-4 with Mr. Almeida, Ms. Kozak, and Vice Chairman Katz voting in favor and Chairman Dika, Ms. Maltese, Mr. Wyckoff, and Ms. Roberts voting in opposition.

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6. Petition of **Richard K. Horowitz and Catherine J. Baker, owners**, for property located at **127 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove wood gutters/downspouts, replace with aluminum gutters/downspouts) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 97 and lies within the General Residence B and Historic A Districts.

#### **SPEAKING TO THE PETITION**

Mr. Richard Horowitz, owner of the property, was present to speak to the application. He stated that the reason they wanted to replace their wood gutters was that they have had a tremendous amount of water damage. He said that three years ago, they replaced all rotted wood and repainted and are now having to repeat the job. They feel that the problem was caused by overflow of the gutters. They were told that they did not have sufficient volume in three areas. There was extensive runoff over the gutters whenever it rains or snows heavily. Mr. Horowitz explained that they would like to replace the wood gutters with 32 gauge seamless aluminum gutters. He pointed out that there were a large number of houses in the immediate area with aluminum gutters and downspouts.

Mr. Wyckoff stated that he had great sympathy for the applicant's problem. He said it was fairly common. He pointed out that the proposed gutters had a return and what was required to deal with it. Mr. Horowitz said that his contractor noted that. He asked if that would be a requirement if it turned out to be a problem. Chairman Dika stated that they would want to see that detail done.

Mr. Almeida said that if someone asked him to find an example of gutters in the Historic District, he would have used this house as an example of what a gutter should look like. He added that he was wrestling with the application.

Mr. Horowitz stated that he liked the wood gutters as well. They did not want to replace them but it was becoming costly in terms of property damage and so they felt they had no choice. Mr. Almeida asked if they looked at composite material. Mr. Horowitz asked if the composites were the same volume as wood because that has been a problem. Mr. Almeida said that they made it in other sizes as well. Mr. Horowitz said he did not know they existed.

Mr. Almeida asked if the current downspouts were just a wooden box. Mr. Horowitz replied yes. Mr. Almeida asked if there was anything inside of it. Mr. Horowitz replied no. Mr. Wyckoff stated that was the problem.

Mr. Wyckoff stated that they could have the same system with the downspout inside. Mr. Horowitz said the bigger problem was volume. His roofer recommended that they change the gutters.

Mr. Wyckoff said that he would like to see the downspouts on the Gates Street side encased in wood.

Chairman Dika wondered if they needed a work session. Vice Chairman Katz wondered why they were spending so much time on this when they have approved these as a matter of course all the way down the line.

Mr. Wyckoff suggested that after the gutters were installed, that a piece of 1"x2" could be placed underneath the aluminum gutter all around the perimeter. This would make it look like a wooden gutter. Considerable discussion followed.

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

Vice Chairman Katz stated that the applicant had presented an application that was very similar to many that have come before the Commission. The applicant has assured the Commission that the contractor will address the returns appropriately and replicate the returns as they are now.

Mr. Wyckoff said that he would like to amend the motion to state that the front downspout be enclosed with wood. Vice Chairman Katz asked if that would be amendable to the applicant. Mr. Horowitz stated that the downspout was big already. Mr. Wyckoff said that this downspout was right on the sidewalk on a very historic street.

Ms. Maltese pointed out that the downspout was 3”x 4” so the box would have to be even larger.

Mr. Almeida seconded the amended motion. Mr. Horowitz pointed out that half of the houses on the street have aluminum downspouts right on the street. He said that they would not be the only ones. Chairman Dika agreed but it would not be a preferable position.

Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the with the following stipulation:

- 1) That the front downspouts are encased in wood.

The motion passed by a unanimous (7-0) vote.

Mr. Horowitz asked for a vote without the encased wood. He thought it would be too wide.

Vice Chairman Katz retracted his motion. Vice Chairman Katz made a motion to approve the application as presented. The motion was seconded by Ms. Kozak. There was no discussion.

The motion to grant a Certificate of Appropriateness for the application as presented failed by a vote of 2 – 5 with Ms. Kozak and Vice Chairman Katz voting in favor and Mr. Almeida, Ms. Maltese, Mr. Wyckoff, Ms. Roberts, and Chairman Dika voting in opposition.

Mr. Horowitz asked if the Commission could return to the first vote. He said he was not trying to make a problem but half of the houses on the street had aluminum downspouts. Mr. Wyckoff said that they have already discussed the proposal. He explained that they could retract their vote again. Chairman Dika asked the applicant if he would be willing to enclose the downspouts. Mr. Horowitz said he really did not have any other choice. It was that or pay another \$10,000.00 to replace them again. Mr. Melchior reminded the applicant and the Commission that there was an appeal process.

Mr. Horowitz said that he would appreciate it if the Commission would re-vote so that he could decide which way to go.

Vice Chairman Katz retracted his second motion and restated his original motion. The motion was seconded by Mr. Wyckoff.

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

- 1) That the front downspouts are encased in wood.

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7. Petition of **Argeris N. and Eloise M. Karabelas, owners**, for property located at **461 Court Street**, wherein permission was requested to allow new construction to an existing structure (construct pergola) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 7 and lies within the Central Business B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Rick Becksted, contractor for the applicant, and Mr. Todd Harrington, architect for the project, was present to speak to the application. Mr. Becksted stated that they would like to build a pergola, made of solid mahogany, with the exception of two pressure treated posts that would be enclosed in mahogany. There would be one ledger board attached to the structure but other than that, it would be a free standing structure.

Ms. Roberts asked if there would be any hardscape change. Mr. Becksted said that the patio would expand a bit but would be of the same materials, red brick.

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 noted that the applicant had one of the best presentations that she had ever seen. She added that the area where they were proposing the pergola, the materials, and the structure itself was very appropriate.

Mr. Wyckoff stated that it was a great improvement to the way it was now. The oval cut out mirrored a detail that they have seen on many carriage houses and such in the area. He felt it fit the neighborhood perfectly.

Mr. Almeida asked what happened to the recently approved conservatory that was going to go in that space. Mr. Becksted said that the applicant decided not to build it because the building is now surrounded by multi-level condominiums with balconies that look down into the applicant's backyard. The applicant was looking for a little privacy when she sits in her backyard.

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 **Susan S. Lohse Revocable Trust, owner, Susan Lohse, trustee, and Neil F. Gallagher, applicant**, for property located at **478 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace wood decking on porch and stairs with composite material) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 74 and lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Neil Gallagher, representative for the applicant, was present to speak to the application. He stated that the proposal was to replace wood decking which has been a maintenance problem for a number of years. He was proposing a composite decking very similar to Trex. Mr. Gallagher pointed out that the steps were located at the back of the house and not visible from the street.

Ms. Maltese asked if he would just be replacing the decking and not the railings. Mr. Gallagher replied yes, the railings and the risers were in good shape, it was just the flat surfaces.

Mr. Almeida asked if he would be using the wood grain or the smooth finish. Mr. Gallagher stated that he was proposing the wood grain finish as it was a bit rough for better traction. He showed the Commission a sample of the material.

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 granted by Ms. Kozak.

Mr. Wyckoff commented that it was a very minor application, replacing boards with boards.

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

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9. Petition of **Deer Street Associates, owner**, for property located at **157 Deer Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove brick veneer, replace with vinyl siding and composite trim) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 17 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Ms. Jennifer Ramsey, representative of the applicant, was present to speak to the application. Ms. Ramsey stated that the photo in the submitted plans showed the exposed cement blocks on the rear of the building. The Inspection Department issued a demolition permit to remove the brick veneer since it was determined to be a dangerous situation. She said they now would like to clad it in a vinyl siding and azek trim.

Ms. Ramsey said that they were looking to match what was next door at the Centrix Bank. She explained in detail how they would affix the vinyl siding to the building. The color would be heritage cream.

Ms. Kozak asked if it would be just the rear of the building. Ms. Ramsey replied yes.

Mr. Wyckoff asked Ms. Ramsey how they intended to attach the vinyl siding to the cement blocks. She explained that the contractor intended to use a method of strapping to the block and apply the vinyl siding to that. Mr. Wyckoff did not think the 5/4" corner board would be sufficient. Ms. Ramsey said that she made it clear to the contractor that it would be very important to the Commission that the corner boards are proud of the clapboard conditions. Whatever he needed to do to make that work was the direction he had been given.

Mr. Almeida pointed out that the back of the building hides itself. He commented that he drives by the building every day and he did not know this condition existed. Ms. Maltese said it did not hide when you were in the historic cemetery located behind it.

Mr. Almeida questioned why they would want to mimic clapboard on a masonry building. He asked if the brick ties failed. Mr. Clum said that the brick ties were not galvanized, they were zinc plated and they did fail.

Chairman Dika asked if they considered other materials. Ms. Ramsey stated that they were hoping that painting the cement block would work but that was determined to not be a good solution. The next solution was to match the neighboring building.

Mr. Almeida stated that there were a lot of very important things happening in this end of town and to put vinyl siding there was not a good alternative. Mr. Wyckoff felt it was an inappropriate siding. He pointed out that the Centrix Bank was a two story structure and it worked better than one continuous 100 foot long one story block of building.

Ms. Ramsey commented that in the late 1990s, the applicant proposed a more dressed up approach to this building and he was told by the then Commission that this location was more industrial and did not deserve that level of detail on it. She explained that the applicant just wanted to make the back of the building look nice enough for the location that it was in. And to keep the cost down. Ms. Ramsey said that they would be willing to entertain other options.

Mr. Wyckoff asked if vertical siding would make more sense for a long building. Ms. Ramsey thought the applicant would be amenable to that if they could do it in a vinyl product.

Ms. Maltese thought that the applicant might be able to come up with other options that could be presented at next week’s meeting. Ms. Ramsey said she could come back next Wednesday.

**DECISION OF THE COMMISSION**

Ms. Maltese made a motion to postpone the application to the October 14, 2009 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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10. Petition of **51 Islington Street, LLC, and Arthur E. and Joan T. Jones, owners**, for property located at **51 Islington Street**, wherein permission was requested to allow amendments to a previously approved design (eliminate townhouse structure, addition of at-grade landscaped parking, minor adjustment to front building footprint, change of various windows to patio doors, addition of two inverted decks with brackets, addition of downspout locations) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 33 and lies within the Central Business B and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Jennifer Ramsey, representative of the applicant, and Attorney Paul McEachern were present to speak to the application. Ms. Ramsey explained that a member of the Parker Street Association was present earlier but had to leave because of the lateness of the hour. She wanted the Commission to know that she was enthusiastically in favor of the proposal.

Ms. Ramsey said that the alterations to the original approval were a result of subsequent approvals of the Technical Advisory Committee and Planning Board meetings.

Ms. Ramsey explained that the removal of the back building was deemed to be appropriate from the Planning Board because it addressed their concerns and requests with the site. The Planning Board had concerns about the traffic that would be generated by the proposal, how it affected the neighborhood and the density to the site. They also had concerns that the on street parking was inadequate, how parking would be handled between and during the parking phases, and general off site parking. She added that the Technical Advisory Committee had the applicant add additional sidewalks to entirely circle the site, widen the sidewalks by a foot, shorten the buildings to improve the turning radiuses and the visibility at street intersections, and also to widen Parker Street to make it a two way street instead of the one way that it currently is. Ms. Ramsey said that these changes affected the below grade parking structure. Given all of those changes, they no longer had a parking garage that functioned properly. So they decided, and the Planning Board and neighbors were enthusiastic about it, to build the front building and have a parking lot concealed by landscaping behind it. Those changes were shown on pages 1 and 2 of the submitted plans.

Chairman Dika stated that it was disappointing because the HDC approval for phases C and B was so contingent on phase A. It now changed the whole feeling of the project to remove phase A from consideration.

Ms. Maltese added that this was a substantial change. Chairman Dika interjected that it has changed how she sees the building that is on the street. It was a very large five story building.

Ms. Ramsey responded by saying that the Islington Street building was designed to be complimentary to the Islington Street frontage, the buildings across the street, and the scale of the buildings on Islington Street. She recalled that the Commission was in agreement with that. She also pointed out that the back building was designed to complement the Tanner Court neighborhood so the two buildings were a part of the neighborhoods and the areas that they faced.

Mr. Wyckoff asked if they were giving up some of their property on Tanner Court. Ms. Ramsey replied yes and added that they were giving up quite a bit of their property on all four sides of the property. He thought it seemed to be more on Tanner Court and Parker Street. Ms. Ramsey said that was correct. Ms. Ramsey said it would be up to the City to determine whether parallel parking spots would be added to Tanner Court.

Ms. Maltese stated that the Commission looked at each building as it related to its own area. They were a unit and there was a step down that transitioned into a different type of neighborhood that is now no longer there. She was surprised that this application did not come as a work session because it was the removal of a huge structure.

Mr. Almeida agreed and said that this was a 50,000 square foot building disappearing that the Commission spent a year working on. It now gave a whole new feel to the back side of Tanner Court. He felt it should be discussed around the table.

Attorney Paul McEachern stated that this project has been two years in the works. This was not the only City board. He explained that in the hierarchy of boards, the site review process of the Planning Board was the last board to review it. He said that he would hate to see after two years, the applicant in the middle of a dispute between two boards. He added that it was true that it was a significant change but in terms of the Islington Street corridor, there was no noticeable change. The residents are much happier with this proposal. He was hoping that they would look at it as not a new project but look at it in view of the process that it has been through. If it did not violate the tenants of the HDC's purview then he hoped they would keep it on its way. Attorney McEachern said that he was fine with a work session at the next meeting. He continued to say that the applicant has satisfied every board at every stage of this project and to wind up back at the beginning was discouraging. It was a wonderful project and it would be attractive from all sides.

Mr. Wyckoff commented on the use of trees to enhance the streetscape. He thought they did a nice job on the back on Tanner Court. He agreed with Attorney McEachern. The changes that he saw were very minor. We wondered how if they approved the building before, how can they not approve it again just because their feelings were hurt that they dropped one building. He did not think they needed to drag the applicant out with the Commission's ideas of how to make the front building smaller.

Ms. Maltese clarified that she was not trying to redesign anything. She pointed out that there was considerable discussion about how phase B and C would work with phase A. She felt they should discuss it again. She understood the applicant's frustration but she had been charged as a Commissioner to look at it with certain eyes and its not parking and safety issues. Mr. Almeida stated that it was not his intention to slow the process down.

**DECISION OF THE COMMISSION**

Ms. Maltese made a motion to postpone the application to a work session/public hearing at the October 14, 2009 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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In other business, the Mahers of 240 Middle Street stated that they would like to come back before the Commission for a work session/public hearing at the November 4, 2009 meeting. Ms. Maltese said that she thought that would work. Mr. Melchior suggested a site walk as well.

Ms. Maltese made a motion to reconsider the postponement of the public hearing #1 to the October 14, 2009 meeting. The motion was seconded by Vice Chairman Katz. The motion passed by a unanimous (7-0) vote.

Ms. Maltese made a motion to postpone public hearing #1 to a work session/public hearing at the November 4, 2009 with a site walk to be scheduled prior to that meeting. The motion was seconded by Vice Chairman Katz. The motion was seconded by Mr. Wyckoff. The motion passed by a unanimous (7-0) vote.

**III. ADJOURNMENT**

At 10:35 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 November 4, 2009.