

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

November 4, 2009

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

MEMBERS EXCUSED: Tracy Kozak, Planning Board Representative Paige Roberts, Alternate George Melchior

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

A. Approval of minutes – October 7, 2009

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

B. Request for Rehearing – 31 Richards Avenue, Robert A Ricci Revocable Trust and Elizabeth Batick-Ricci Revocable Trust, applicant – Certificate of Appropriateness granted on October 7, 2009.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a rehearing of the application. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Vice Chairman Katz felt there was more information presented in the request and it would be appropriate to grant the request.

Chairman Dika acknowledged that she made an error in citing the ordinance that evening but she did not think that it impacted the decision that was made but she felt the application should be reheard.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a rehearing for the application passed by a 5-1 vote with Ms. Maltese voting in opposition.

C. Request for Rehearing – 496 Middle Street, Middle Union Condominium Association, Alexandra Gamble, applicant – Certificate of Appropriateness denied on October 7, 2009.

Mr. Wyckoff stated that they were not presented with any information to grant a rehearing. He felt that the vote was fairly clear. Chairman Dika commented that the applicant has requested to have her contractor come and explain the project in detail.

DECISION OF THE COMMISSION

Vice Chairman Katz made a motion to grant a rehearing for the application. The motion was seconded by Mr. Almeida. Chairman Dika asked for discussion.

Vice Chairman Katz stated that he has some observations since the application was heard that he would like to bring up at a rehearing.

The motion to grant a rehearing for the application passed by a vote of 4-2 with Chairman Dika and Mr. Wyckoff voting in opposition.

D. Request for Rehearing – 127 Gates Street, Catherine J. Baker and Richard K. Horowitz, applicant – Certificate of Appropriateness granted on October 7, 2009.

Vice Chairman Katz felt that the applicant had a legitimate observation that he would like to present at a rehearing. He also said that he was very reluctant not to grant a rehearing for an applicant. He liked to give them an opportunity to restate their case.

DECISION OF THE COMMISSION

Ms. Maltese made a motion to grant a rehearing for the application. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Ms. Maltese felt the letter stated the exact reason for the rehearing; that the element might change in size and would need to be reviewed again. Chairman Dika added that she thought the applicant had talked with the Planning Department and may have a different take on the project.

Mr. Almeida thought that the Commission was very flexible with the applicant and that this would be the third or fourth time they will have voted on this application. He added that he thought they spoke in great detail to it. He said he would not vote for a rehearing.

Mr. Wyckoff stated that he was not in support of the rehearing as he did not see any new evidence that was not presented at the public hearing. He pointed out that they did take two different votes on it.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application passed by a 4-2 vote with Mr. Almeida and Mr. Wyckoff voting in opposition.

E. 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. *(This item was postponed at the October 7, 2009 meeting to a work session/public hearing at the November 4, 2009 meeting.)*

Chairman Dika stated that a site walk was held on October 31, 2009.

- Ms. Anne Whitney, Mr. John Mayer, and Ms. Skye Maher were present to speak to the application. Ms. Whitney stated that they did not have any new material to present this evening to the Commission but wished to discuss the prior submissions and hear their observations from the site walk.
- Ms. Whitney explained that the first page of the submitted plans showed the roof plan in the right hand corner of the page with the elevation of that directly below it. She pointed out

that there was an existing chimney that had been capped off and would eventually be removed. She also provided dimensions of the solar array. She showed and explained the other elevations to the Commission. Ms. Whitney said that according to Ms. Maher's calculations, it would be about 5'6" off of the roof.

- Ms. Maltese pointed out that the array was at the optimal degree. She asked what benefit would be achieved if the solar array was not positioned at the optimal degree. She said that at the site walk, it was her observation that the array was very prominent. It was not subtle in any way and it draws a lot of attention to itself. She hoped that they could make it less prominent. She wondered what they were able to achieve at lesser angles.
- Ms. Whitney stated that 42-45 degrees was the optimal angle. She agreed that the array was prominent from the Middle Street view. She said that it would not be possible to hide it. Councilor Spear wondered about the use of screening. Chairman Dika said that she had thought about a balustrade but this was not a typical place for one. Mr. Wyckoff added that putting a balustrade around the roof would change the style of the building. Ms. Whitney thought it might draw attention to it.
- Chairman Dika pointed out that after viewing all of the material that the Commission received on this subject, not one city or town allowed visibility from a main street.
- Ms. Whitney pointed out that the location would shift back about 18" closer to the rear of the roof. Ms. Maltese suggested varying the racks so that one might hide behind the other.
- Ms. Whitney explained that it was a three bay system with three sets of panels. She said that if it was arranged in a stepped approach, it would put it over five feet back. Each panel would be stepped back 30". She pointed out that it would be seen more on Austin Street. Chairman Dika said that the neighbors on Austin Street might not be pleased. Ms. Whitney pointed out that they have been notified of this application.
- Mr. Almeida asked if the foil tubes could be insulated in black material. Ms. Maher stated that she was told the foil should be exposed but she was willing to give up some of that benefit and go with insulating with a black material. She added that she was unwilling to lower the angle of the array for less efficiency. She was also in favor of installing the panels in a stepped approach.
- Mr. Almeida agreed with the applicant when she said at the last public hearing that she wanted the array to be visible. He said that he wanted to see some of it also and he thought they should be proud to be able to accommodate it in the historic district. He added that he would be supporting the application.
- Ms. Whitney stated that the applicant was still in the process of getting final engineering plans. They have been exploring the flat panel option as well. She asked the Commission if they would be open to approving either the tubes or the flat panels.
- Vice Chairman Katz commented that he liked the stepped approach and it went a long way to minimize the array. He pointed out that they were doing no damage to the building and it probably would not be in this configuration for a very long time since the technology was changing so rapidly. He felt they needed to dip their foot into this technology so he would be supporting it.
- Mr. Wyckoff felt the panels were relatively benign in the location. He agreed that the technology would change. He pointed out the big changes in satellite dishes as an example. He felt the stepped back approach was a good compromise.
- Chairman Dika asked if anyone from the public had any comments. Mr. John Grossman stated that he had studied many other historic districts to see how they handled solar panels and they came to the same conclusions as the Commission. He said that the Portsmouth Advocates felt the revision was supportable.

- Chairman Dika commented that her greatest concern about the new technology was whether the old technology would be replaced with updated systems when it becomes available.

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

SPEAKING TO THE PETITION

Ms. Whitney stated that she was recommending that the Commission approve the application as presented with the following agreed upon changes: that the array would be stepped back 30” toward the Austin Street side and that either vacuum tubes or flat panels could be used. She added that the sizes of the two were very similar. Mr. Wyckoff pointed out that the applicant would be willing to use black insulation even if it was less efficient. Ms. Whitney said that was correct.

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

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. John Grossman of 170 Mechanic Street and representing The Portsmouth Advocates spoke in favor the application. He felt that the second roof plan was far more acceptable. He agreed with Mr. Almeida that the array should be visible and something that the district should be aware of so they can evaluate the future. He said that The Portsmouth Advocates have researched how other historic districts have handled this issue and next week they will post those comments and links on their website.

Chairman Dika commented that she thought it would be good to have The Portsmouth Advocates come and speak to the HDC soon.

Hearing no other discussion, Chairman Dika closed the public hearing and awaited a motion.

DECISION OF THE COMMISSION

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

- 1) That the three unit solar array will be installed in a “stepped” pattern nearer the rear of the roof per drawing submitted by architect.
- 2) That either vacuum tubes or flat panels are used.
- 3) That the foil tubes are wrapped with black insulation.

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

Ms. Maltese stated that the proposal spoke directly to conserving the property values of the historic district to strengthening the district and the welfare of the citizens. She said she would be supporting the motion.

Chairman Dika said that they were making history this evening because two very important philosophies were coming together. She added that how we generate energy was very important;

however, she pointed out that they have the district to protect so they do not want to damage the appearance of the historic district.

Mr. Wyckoff pointed out that people need to do everything they can through conservation which was a more efficient way of saving energy than adding additional energy sources.

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 stipulations passed by a unanimous (6-0) vote:

- 1) That the three unit solar array will be installed in a “stepped” pattern nearer the rear of the roof per drawing submitted by architect.
- 2) That either vacuum tubes or flat panels are used.
- 3) That the foil tubes are wrapped with black insulation.

II. PUBLIC HEARINGS

1. Petition of **Parade Office, LLC, owner**, for property located at **195 Hanover Street**, wherein permission was requested to allow amendments to a previously approved design (remove various doors, replace with windows, remove window on Pedestrian Way elevation, replace with doors, change masonry base, reduction of depth of one story storefront) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

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

SPEAKING TO THE PETITION

Mr. Josh Anderson of Cathartes Private Investments and Matt LaBonte of Pro Con Architecture were present to speak to the application. Mr. Anderson stated that as the first floor occupancy of the hotel was getting less murky, they were before the Commission to request changes to the some of the windows and doors.

Mr. Anderson explained that Mr. Wyckoff and Ms. Kozak recently reviewed a mock up of materials on site. He said that the review resulted in a change in the color of the mortar and he showed the Commission the new mortar color.

Mr. LaBonte explained the various changes to the structure which included changing various doors to windows and some windows to doors.

Chairman Dika asked about the masonry change. Mr. LaBonte explained that where they swapped a door for the windows, they had to add the granite back in.

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 Ms. Maltese.

Mr. Wyckoff stated that the masonry openings were the same and they were just swapping windows and doors.

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 (5-0) vote.

2. Petition of **699 Middle Street Condominium Association, owner, and Chris Wright, applicant**, for property located at **699 Middle Street**, wherein permission was requested to allow new construction to an existing structure (install furnace vent pipe) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 148 as Lot 35 and lies within General Residence A and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Chris Wright, representative for the applicant was present to speak to the application.

Chairman Dika pointed out that she thought the pipe already existed. Mr. Wright said that was correct and they did not know that it was within the HDC's purview until it was pointed out by the mechanical inspector. The pipe was over 4' high.

Chairman Dika commented that it was very silvery in color. Ms. Maltese asked why the pipe needed to be that high. Mr. Wright stated that code required it.

Chairman Dika asked why he was not using the chimney. Mr. Wright said that there was not room to get into the chimney from that location.

Mr. Almeida asked if it was a gas fired furnace. Mr. Wright replied yes. Mr. Almeida asked if the code required a gas furnace be vented 6' off of the surface of the roof. Mr. Clum said that he did not know the details of the installation, but he knew that the mechanical inspector said that was the way it had to be. Mr. Wyckoff commented that it was probably this way because it was not power vented.

Mr. Wyckoff pointed out that if the pipe were painted flat black it would be less obtrusive. Mr. Wright said they would be happy to paint it black. Mr. Wright stated that the tree in front of the house helped to obscure it.

Mr. Almeida pointed out that the Commission was not setting precedence for 6'-8' pipes sticking out of roofs. He felt that painting it black was a good compromise.

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 with the following stipulation:

- 1) That the pipe is painted flat black.

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

Mr. Almeida wanted to make sure the proper paint was used.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness with the following stipulation passed by a unanimous (6-0) vote:

- 1) That the pipe is painted flat black.

Mr. Wyckoff commented the when third floor units are going in, the Commission needs to review the ventilation. The said they would have to keep their eyes open on buildings like this one and ask architects for mechanical plans.

3. Petition of **RRJ Properties Limited Partnership, owner**, for property located at **99 Bow Street**, wherein permission was requested to allow amendments to a previously approved design (misc. window and door changes, add arched openings on Bow Street elevation, add stairway, install railings, add fire separation on north elevation, remove arched opening on north elevation, replace with windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 54 and lies within the Central Business A, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Attorney Malcolm McNeill, representative for the applicant, was present to speak to the application. He thanked those Commissioners who attended the site walk. He said that the project was approved on January 12, 2006. In the interim, the project was delayed because of litigation. Once construction started and as the project has proceeded, there have been various code and tenant issues that have arisen with regard to the changes proposed this evening.

Attorney McNeill pointed out that the building’s footprint, overall size, business use, height, scale and massing have not changed since the original approval.

Chairman Dika asked how many of the Commissioners were serving on the board when the original approval was granted. Four members were present.

Mr. John Merkle, architect with TMS Architects spoke next. Mr. Merkle was the original architect for the project in 2006. He stated that he had additional drawings for the Commission to review and passed them out. Chairman Dika asked if these drawings would replace what was recently submitted. Mr. Merkle explained that they were essentially the same drawings with additional details added to them.

Mr. Merkle pointed out that the elevations showed what was approved in 2006 on the top sheet and what was being proposed on the bottom of the sheet with a “cloud” around the item proposed to be adjusted.

Mr. Merkle explained on the water side, there was an arched opening with a stairway behind it. At one point, it was thought that the Riverwalk would extend to the end of this building. The stairway was to provide a public access back to Bow Street. In light that the Riverwalk was not going to happen anymore, the stairway now goes nowhere. Mr. Merkle said that they would like to eliminate that stairway and close it in with operable windows and doors behind a glass rail. Toward the center, a fire separation wall needed to be built to satisfy a code requirement.

Chairman Dika asked if there were any questions up to this point in the presentation. Hearing none, she asked Mr. Merkle to proceed.

On the Bow Street elevation, the archway on the left side of the building would lead to a new stairway that would be built underneath the existing building footprint. The stairway would now serve as a required means of egress from the wharf level. Mr. Wyckoff asked about a detail on the arch. Mr. Merkle replied that the arch would be clearer when they looked at the west elevation.

Mr. Merkle explained that they were now proposing that the main entrance be in the Martingale part of the structure. He pointed out that the Martingale originally had retail space on the first floor but that is now no longer the case. To the right in the new section, what was to be an entrance for two retail components, they are now proposing just a single entrance.

Mr. Wyckoff asked about a sign projecting over the arched opening. Mr. Merkle stated that was just a suggestion. Mr. Wyckoff was concerned with the storefront window where the door used to be. He said he would rather see a double hung window there. He wondered if the storefront window was absolutely required. Mr. Merkle explained that it was an awkward thing to design around. There was a change of levels there. Ms. Maltese was not convinced that a smaller window in the location would make sense. Mr. Wyckoff stated that it was not a deal breaker for him.

The west elevation showed the arch on the Bow Street side as well as several additional arched openings on the exterior wall. The arched openings would provide light and ventilation to the new stair that led to the wharf level. Mr. Almeida asked if the arched opening and stairs would be open to the public. Mr. Merkle said it would not be for public access. He also pointed out that the windows have been reduced in size and are of a slightly different profile.

Chairman Dika asked why they were discussing these changes separate from the work session proposing to remove the north and south brick walls. Mr. Merkle explained that they were not proposing to change anything with the work session.

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 Ms. Maltese.

Mr. Wyckoff stated that there was no significant change to the massing of the structure. He said that he was happier with these openings than the original openings and felt the two arches were a great improvement. He was also pleased to see the public walkway down to the river included in this building. Mr. Almeida and Chairman Dika agreed that the changes were an improvement.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

4. Petition of **RKDolla, LLC, owner**, for property located at **198 Islington Street**, wherein permission was requested to allow amendments to a previously approved design (remove chimney, add vents, add AC units, reconfiguration of various patio doors and windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 137 as Lot 20 and lies within the Central Business B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Carla Goodknight of CJ Architects was present to speak as a representative for the applicant. She stated that she had a variety of changes that were driven primarily by Planning Department directives.

Ms. Goodknight explained that the lower level parking area had been extended to provide a better circulation pattern and more space in the lower parking level. They have added a large garage vent on the back side of the structure and pointed out that it would not be visible from Islington Street or any public area. She pointed out some doors that had shifted slightly to the right. They were now proposing to remove the chimney since it was not suitable for their mechanical ventilation.

Chairman Dika asked the Commission if they had any problem with the chimney removal. Ms. Maltese said she did and asked if it could remain even though it would not be used. Ms. Goodknight explained that it was a very large masonry mass down through the building. Chairman Dika felt the chimney was an architectural feature of the building. Ms. Maltese asked if the chimney was being removed because it was not a functioning chimney. She too felt the chimney was an architectural feature of the structure. She pointed out that other applicants have removed interior chimneys but have left the exterior chimneys. Ms. Goodknight stated that the initial intent to remove it was because of its weight and its disrepair. It was their initial plan to rebuild a faux chimney, however, the mechanical engineer now did not think that direction was appropriate.

Ms. Goodknight asked if it would be acceptable to replace the chimney in kind with a thin set brick to eliminate the structural issues. Mr. Wyckoff pointed out that they have approved chimneys where the stack was removed and rebuilt with a veneer around it. He thought that was acceptable. Ms. Goodknight said that was their original intent to house the mechanical equipment but now that has changed. She added that they could continue to follow through with the plan and recreate the chimney. Mr. Wyckoff said that they could stipulate in the approval that the chimney be replaced in kind.

Ms. Goodknight explained that the garage doors had been changed due to a request by the Technical Advisory Committee. She said they had a concern about cars being able to maneuver in the space. Mr. Almeida thought it odd that the TAC would make architectural recommendations. Mr. Wyckoff pointed out that they also did on the 68 State Street garage door design.

Ms. Goodknight showed an access door and air conditioning units that were on the AR & T side of the building. She said that the air conditioning units served the existing apartments in the house. The remainder of the units would be on the roof of the new building. Mr. Almeida asked about the specifications for the access door. Ms. Goodknight said it would be the same door that was previously approved on the garage.

Mr. Wyckoff asked how the new building would be heated and how it would be vented. Ms. Goodknight said they would use power vented gas furnaces with venting out the back walls.

Ms. Maltese asked if the air conditioning units could remain where they were before. Ms. Goodknight said that they had proposed the rooftop location but the distance was so great through the building to run lines that they were now proposing to tuck them in around the corner. Mr. Wyckoff wondered if it would be appropriate to ask for screening for two of the units because they were quite visible. He said if it were fencing, it would have to be something that was removable for maintenance reasons.

Ms. Maltese asked if it was necessary for the air conditioning units to be in that location. Ms. Goodknight explained that was where the mechanical engineers had placed them. Ms. Goodknight was amendable to fencing them. Ms. Maltese was concerned that the fencing may draw attention to them. Ms. Almeida and Mr. Wyckoff were not pleased with the location either. Mr. Wyckoff felt a picket fence would obscure them and not draw the eye to them. Ms. Goodknight stated that they could do a white picket fence in Azek material. Ms. Maltese said that she did not understand the reasoning for the white picket fence. She wondered if Ms. Goodknight would like to come back after exploring other location options.

Ms. Goodknight asked if the Commission could approve the other changes. Mr. Clum suggested that the applicant remove the air conditioning units from the application to move forward. Chairman Dika agreed and said that the applicant would have to reapply for the units at a later date.

At this point in the public hearing, there was considerable discussion concerning the relocation of a bank of windows and the reasons for the relocation.

Hearing no other 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 with the following stipulations:

- 1) That the three AC units are removed from the application.

- 2) That a faux chimney is built to replicate the original chimney, with the same dimensions and using similar brick, mortar, and flashing.

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

Mr. Wyckoff stated that the changes were dictated by the tweaking of the design. He did not feel they were changing the building and felt that it was compatible.

Ms. Maltese said that she disagreed. She thought the new design of the garage door changed a very different feature onto the building. The new location of the windows does not continue the work that was done. She felt it worked against it. It was taking a step backwards.

Vice Chairman Katz commented that a lot of the historically appropriate structures have awkward features. He asked if the structure fits in its environment, with the neighborhood and did it do damage to the historic context and he did not think so.

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 stipulations passed by a vote of 5-1 with Ms. Maltese voting in opposition:

- 1) That the three AC units are removed from the application.
- 2) That a faux chimney is built to replicate the original chimney, with the same dimensions and using similar brick, mortar, and flashing.

5. Petition of **Janine Contillo and Michael J. Vitale, owners** for property located at **442 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace five windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 78 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Michael Vitale, owner of the property, was present to speak to the application. He stated that he was proposing to replace five windows in his house. He said they would be replicating what was there. He pointed out that the proposed windows have been approved throughout the neighborhood.

Mr. Almeida pointed out that the trim on the house was not consistent. He clarified that the windows would not have new casings and sills. Mr. Vitale stated that was correct. Mr. Vitale also said that if rot was found, they would repair and replace it and the windows and trim would remain the same as they are now.

Mr. Almeida thought they needed additional information. Mr. Wyckoff pointed out that the double sills project out beyond the casings. Mr. Almeida said that how the window is place in the opening and how far it will project out was very important information. Mr. Wyckoff agreed and added that some windows are more appropriate than others.

Vice Chairman Katz asked if they were trying to reinvent the wheel. Mr. Wyckoff agreed and said that there was a problem with all of these windows where they have a screened unit that projects out beyond the sashes. It usually projects out about an inch.

Hearing no other 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. Chairman Dika asked for discussion.

Mr. Wyckoff stated that he would support the motion for the reasons he had already mentioned and that the applicant was using a 6 over 6 pattern that was appropriate for the building.

Ms. Maltese mentioned that the comments of Mr. Almeida and Mr. Wyckoff were important to consider going forward. She thought details made all of the difference and if there was a bar that could be set at the best level for these homes, they should require those details.

Mr. Almeida stated that because the storm windows would be removed, it would be a vast improvement.

Mr. Wyckoff commented that certain brands of windows are not compatible and each brand is different. Mr. Almeida suggested having local window representatives come in and show their products. Ms. Maltese pointed out that certain brands would weed themselves out.

Chairman Dika asked Mr. Wyckoff to write a detailed description sheet explaining what a window proposal should include. Mr. Wyckoff stated that he would do that.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

6. Petition of **Unitarian Universalist Church, owner**, for property located at **292 State Street**, wherein permission was requested to allow new construction to an existing structure (install railings, install lighting) and allow new free standing structures (install benches, install memorial wall) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 8 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Martha Petersen, landscape architect for the project was present to speak to the application. She pointed out that she inadvertently left out the removal of one section of fence and one pillar to accommodate a parking space from the application and wondered if she would be able to include it with this application. She pointed out that they did discuss the removal of that portion of fence at the work sessions. Ms. Maltese recalled that the Commission was not in favor of any section of

fence being removed. Mr. Almeida said that regardless of the section of fence, he did not think it was advertised and he felt there might be others who feel strongly about the fence. Chairman Dika told Ms. Petersen that she would have to reapply for that item.

Ms. Petersen stated that she was requesting the installation of four handrails. The handrail would have only one horizontal rail between the vertical posts. Mr. Wyckoff asked how many steps there were where the handrails would be going. Ms. Petersen replied six. Mr. Wyckoff asked Mr. Clum if balusters were needed. Mr. Clum explained that they would not be needed if there was no falling hazard adjacent to the rail.

Ms. Maltese asked why the handrail option was chosen. Ms. Petersen explained that it had been approved at a site on Court Street. She said that she had brought a picture of a similar rail at the Museum of Fine Arts in Boston to the work sessions for the Commission's review. She also explained that code required the rail must be round rather than flat. She showed the Commission on the submitted plan where the rails would be located. After looking at the plan, she realized she would need to install five railings instead of four as originally stated.

Mr. Wyckoff asked if there was a door on the east side of the building where the minister would be parking. Ms. Petersen replied no and explained that the minister would use the door on the back side of the building on Court Street.

Ms. Maltese asked the other Commissioners what they thought of a modern handrail sitting on this structure. She did not feel that it incorporated the architectural features of the building. Ms. Petersen stated that having one long running handrail seemed to make it less obtrusive. She felt having it powder coated would help. She also explained that the rail needed to wrap around to meet code. She was not happy with it either but this seemed to be the best option. Ms. Maltese said that she understood but she was hoping there was another option.

Councilor Spear said the question to ask, was Mr. Clum happy about it because this was a code issue. Mr. Clum responded by saying that it did not make any sense for the Commission to approve something that the code would not allow the applicant to build and that would put the church at risk of litigation should someone fall. He explained that the code requires round cross section hand rails for the purpose of grasping and holding.

Mr. Wyckoff asked if there was a code requirement pertaining to the distance between the handrails. Mr. Clum stated that on a monumental stair like this one, they would normally be put on the route of main entrance which on this building, was between the two columns. Mr. Almeida asked if you only need to provide it in one location. Mr. Clum replied yes. Mr. Wyckoff stated that he was trying to see about minimizing the hand rails. Ms. Petersen explained that there were handrails in the middle that did not meet code but there has been a great call for more hand rails. The steps were steep and at night it was difficult to negotiate them.

Mr. Almeida pointed out that the building has not had anything done to it for a long time and as a result it appears that they have an amazingly preserved piece of 18th century architecture. He said that obviously some of these changes have to be made.

Mr. Wyckoff thought that option 2 with bronze coloration was the best design. Mr. Almeida suggested that if the vertical sections were square, it would give it a more traditional look. Vice

Chairman Katz liked Mr. Almeida's suggestion. He felt that over time, the rails would disappear into the landscape. Mr. Wyckoff agreed. Ms. Petersen asked that if the vertical posts could not be made square, would she have to come back to the Commission. Chairman Dika replied yes. Ms. Petersen felt it could probably be done.

Ms. Petersen continued her presentation and stated that there would be an extension of the bottom two steps. She said a retaining wall would be removed and the steps would be extended around to the front of the building, making six steps rather than four. Ms. Maltese asked why this was being proposed. Ms. Petersen stated that the retaining wall was dangerous and in order to get a uniform grade throughout, steps would need to go along the front. Ms. Petersen also pointed out that the large tree in the front would be removed because the roots were damaging the building. She said in some places, the roots protrude as much as 10 inches above the ground in places. The proposal was to bring the grade into uniformity.

Mr. Wyckoff wondered if anyone else had looked at the plan because drainage might be an issue. Vice Chairman Katz wondered why the application was a problem with some Commissioners. It seemed very straightforward to him. Ms. Maltese said that it was a problem for her because the scale would change, the amount of steps going up to the building would change, and they're in the front of the building. She felt it would change the massing of the front of the building. Vice Chairman Katz asked if adding two steps would negatively affect the historic fiber of the building. Ms. Maltese stated that she thought it would affect negatively the defining features of the building. Chairman Dika added that she could not tell because they did not have a drawing. Ms. Petersen said it was her understanding that the steps would not be something the Commission would consider. Mr. Almeida stated that technically, they did have a scaled drawing on the plan. He felt he had enough information however; it would change the look of the building.

Ms. Petersen continued to say that she was also proposing lighting. There would be well lights at the bottom steps, down lights in three trees, and two motion detectors.

Ms. Maltese had concern with the lighting that was attached to the building. Ms. Petersen said that they could attach the lighting to trees that were close by or to a post. Mr. Wyckoff pointed out the plans showed that the motion lights would be mounted on posts. Ms. Maltese said she would like to see the lights mounted on posts in the garden area.

Ms. Petersen talked about the proposed benches. She asked if the manufacturer could change as long as the same material and look was the same. Ms. Maltese said that would be fine.

Ms. Petersen pointed out that a sign would be posted on the building to replace the free standing sign that would be removed. Mr. Clum commented that the Commission generally does not address signage.

Ms. Petersen stated that the last proposed item was a memorial of some sort but she did not have a detailed drawing of it. She thought she would need to come back. Chairman Dika replied yes and pointed out that a memorial wall would be a first for the Commission to review.

Mr. Clum suggested that the applicant remove items # 5 and #6 from consideration.

Ms. Maltese asked if a sculpture would need to come before the Commission for review. Mr. Clum did not think so. Ms. Petersen explained that this would probably not be a sculpture but would be a wall of some kind.

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 with the following stipulations:

- 1) That items #5 and #6 (signs and memorial wall) are removed from the application.
- 2) That the vertical posts of the railing system shall be square.

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

Ms. Maltese stated that she was in favor of the light upgrades and the benches. She said that she was willing to agree to the hand rails with the change to the square vertical posts although she felt they would be quite apparent. She felt the two additional steps would change part of the architectural value already in place. The building was not designed with six steps, it was designed with four. She said that adding steps may feel small but changing them was huge for her. She said she could not support the motion because of the steps.

Mr. Wyckoff said he would support the motion because the building had been extended 150 years ago, an extension of 24 feet, to its full length now with the same style and design. He felt if they thought it was good enough in those days, he was willing to go with it.

Mr. Almeida commended the applicant for being willing to leave the old iron fence and gates and that went a long way in preserving the look of the building.

Vice Chairman Katz noted that it was difficult to have to decide between maintaining a history of a building and trying to meet the demands of the changing needs of this congregation. He thought the changes to the steps were handled very sensitively and the use of the materials fit the criteria. He added that he would 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 with the following stipulations passed by a vote of 5-1 with Ms. Maltese voting in opposition:

- 1) That items #5 and #6 (signs and memorial wall) are removed from the application.
- 2) That the vertical posts of the railing system shall be square.

7. Petition of **Unitarian Universalist Church, owner**, for property located at **206 Court Street**, wherein permission was requested to allow new free standing structures (construct fence and

attached storage shed) and allow new construction to an existing structure (install lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 34 and lies with the Mixed Residential Office and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Petersen, representing the applicant, stated that they would like to construct a custom privacy fence six foot high with an attached storage hutch. She pointed out the drawing that was submitted. She explained that the fence would be constructed similar to the fences in Strawberry Banke. The hutch would be 4' x 8' in size and will be an integral part of the fence. The height of the back of the storage hutch would be 7'10".

Mr. Almeida pointed out that the application was very complete with all appropriate details.

Mr. Wyckoff asked for clarification as to which way the door to the hutch would open. Ms. Petersen said that the door would swing outward.

Ms. Petersen stated that they received Board of Adjustment approval to place the hutch at the property line. She also said that the lighting fixtures would be the same as at 292 State Street. The motion sensor light would be attached to the hutch.

Mr. Wyckoff asked if there would be a change to the door on the main building. Ms. Petersen said that if there was, the architect would present that to the Commission at a later date.

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. The motion was seconded by Mr. Wyckoff.

Mr. Almeida stated that it was a very straightforward application with a well designed hutch.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

Ms. Maltese noted that the time was 10:10 p.m. and there were still two public hearings and three work sessions to be heard. She wondered how they should handle it. Vice Chairman Katz stated that he did not think it was fair to those who have been waiting to adjourn for the evening and reconvene next week. He pointed out that they have been in this situation before and they have handled it by continuing on to the end.

Mr. Clum said that in the past, the decision to cut off the meeting at a certain time was made at the break. Ms. Maltese said that was good information to know.

8. Petition of **Strawbery Banke, Inc., owner, and Mombo, LLC, applicant**, for property located at **66 Marcy Street**, wherein permission was requested to allow demolition of an existing structure (remove section of stairs) and allow exterior renovations to an existing structure (replace with railing system and lattice) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7 and lies within the Mixed Residential Office and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Shannon Alther from TMS Architects was present to speak to the application. He explained that on the south side of the property, they would like to take the right hand set of steps away; leaving the center steps, and adding a railing to that area. On the east side, they would replace the lattice in kind.

Mr. Almeida asked if the lattice would be vertical board. Mr. Alther replied yes.

Chairman Dika asked if there were any additional 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.

Mr. Alther asked the Commission if they could get permission to replace an exterior door on the north side of the building. Chairman Dika pointed out that it had not been advertised so they would have to come back for another public hearing.

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. Almeida. Chairman Dika asked for discussion.

Ms. Maltese stated that she did not think that the changes hindered the building in any way and may actual put more focus on the formal front.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

9. Petition of **Betty Belcher and Seth Morton Associates, LLC, owner, and Michael Pouliotte, applicant**, for property located at **207 Market Street**, wherein permission was requested to allow exterior renovations of an existing structure (remove storm doors, replace existing door with new custom door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 1 and lies within the Central Business A, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Michael Pouliotte was present to speak to the application. He stated that they were proposing to remove two existing solid panel doors and two storm doors and replace with custom, French style

glass doors. He said they would match the existing moldings of the door that was located at the center of the building. The doors would be painted green and would have a thumb latch to match the center door. The doors would swing inward with the door on the right being the active one. Mr. Almeida asked if the storm doors would be permanently removed. Mr. Pouliotte replied yes.

Mr. Wyckoff asked if they would be glass doors. Mr. Pouliotte replied yes and ¼” safety glass would be used.

Mr. Almeida asked if he would be making the doors. Mr. Pouliotte replied yes. Mr. Almeida stated that he really liked the design and said it was high quality construction. Initially, he thought the door was a bit too detailed for the building but he said it reminded him of the doors one would see in the Back Bay area of Boston. He thought it was a beautiful door.

Chairman Dika asked if there were any additional questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise she declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

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

Vice Chairman Katz stated that he was really looking forward to seeing this door when it was in place. He thought it would be a really nice addition.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

III. WORK SESSIONS

A. Work Session requested by **Iain and Katherine Moodie, owners**, 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.

- Mr. Iain Moodie, owner of the property, was present to speak to the application. He stated that he has done everything he can to try to appease the neighbors but the lot did not allow for too much creativity.
- Mr. Almeida asked what the overall height of the proposed structure was. Mr. Moodie said it was 26’6” from grade to the ridge. That allowed for 2 ½ stories. He said that the height of the existing structure was 25’6”. He mentioned that one abutter did not want the house looming over theirs so he had taken off the third floor dormers. By doing that, he has not been able to reduce the length of the building.
- Mr. Moodie explained that there was every style of house on the street so it was difficult to come up with one design that would fit with all of them.

- Mr. Moodie said that he really needed a parking space. His tenants have been getting notes on their cars for parking on South Street.
- Ms. Maltese stated that he may not be able to make everyone happy.
- Mr. Wyckoff asked if the plans were just conceptual plans. Mr. Moodie replied yes. Mr. Wyckoff thought the windows were out of proportion and way too wide. Mr. Moodie said that could be adjusted. Mr. Wyckoff pointed out that they would need a lot more detail.
- Chairman Dika stated that she had a problem with the height. Mr. Wyckoff agreed. Mr. Moodie said he would like to increase it another 18". Chairman Dika and Mr. Wyckoff indicated that they did not have a problem with that.
- Mr. Moodie asked about the possibility of a metal roof. He stated that he had a metal roof that was a solar collector for solar heating. He said it was invisible and could be used beneath shingles and slate. He commented that he did not like asphalt shingles.
- Mr. Moodie pointed out that the site had limited light and he would like to use skylights on the north side. Mr. Wyckoff was open to the idea. Mr. Moodie said that three trees would have to come out because two of them were damaging two houses and the third one would be in the way of this design.
- Mr. Moodie told the Commission he would come forward with an application next month with this design.

B. Work Session requested by **David J. and Vasilia Tooley, owners**, for property located at **166 New Castle Avenue**, wherein permission was requested to allow demolition of an existing structure (remove garage) and allow new construction to an existing structure (construct new and lies within the Single Residence B and Historic A Districts.

- Ms. Jennifer Ramsey was present to speak to the application. She reminded the Commission that there was a site walk held on the property on October 31.
- She said that they were looking to remove the existing garage on the property and rebuild it with a connector to the main house. At last month's meeting, there was concern about the view of the house from New Castle Avenue. To remedy the solution, they lowered the garage mass by a foot and moved the entire garage structure three feet toward Fernald Court. Ms. Ramsey showed them a perspective view as well as existing and proposed elevation drawings of the home and new garage. She explained that two windows would be removed. The ridge height would now align with the original gable structure that faced New Castle Avenue. Mr. Wyckoff thought that really helped the whole building.
- Ms. Maltese commented that the site walk was very helpful and she was much more comfortable with the project.
- Mr. Almeida thought it was very nice. He had a question concerning the garage door casing and the window casing that butted up against each other. He thought it was a very awkward detail when you try to construct it. Ms. Ramsey agreed and offered alternatives.
- Mr. Almeida also pointed out that there was no window on the rear elevation. Ms. Ramsey said that the owner wanted to get some much needed storage and so shelving would be impacting the back wall.
- Mr. Wyckoff asked if the garage doors would be wood. Ms. Ramsey stated that they could be if the Commission preferred it.

C. Work Session requested by **RRJ Properties Limited Partnership, owner**, for property located at **99 Bow Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing north and south brick walls, reconstruct new brick walls on existing footprint). Said property is shown on Assessor Plan 106 as Lot 54 and lies within the Central Business A, Historic A, and Downtown Overlay Districts.

- Attorney Malcolm McNeill was present to speak to the application. He stated that they wanted to proceed with a work session on the proposed demolition. They did not feel it would create a substantive change to the building. He thanked the Commission for attending the site walk on October 31. He also said that Mr. Jeff Nawrocki of JSN Associates, Inc. was present to address his report. He explained that the building was in tough shape and it was now not possible to retain it as was the original plan.
- Mr. Nawrocki stated that he was the owner of JSN Associates, Inc. which was a structural engineering company located in Portsmouth. He has been in business for 22 years and they are the structural engineers for the project. He explained that these conditions were not noticed until the finishes were taken off of the building. They quickly realized that all of the floors were in such bad shape that they needed to be removed and replaced. The north wall was basically pulverized and there was nothing left to work with. The south wall was in a little better shape than the north wall but they did not feel it was something they could work with.
- Mr. Wyckoff asked if there wasn't a project going on and the building was sitting there by itself would it still stand. He thought that it probably would; however, it has been clearly demonstrated that it was in trouble now. Ms. Maltese questioned that if it stayed up, would it be usable. She said she was comfortable with the removal of the walls.
- Mr. Wyckoff stated that he did not need any convincing of its condition. He thought there was no other option and pointed out that they were trying to recreate the original structure.
- Chairman Dika stated that she was not as sure. She asked if there was any way to save the north wall. Mr. Nawrocki replied that in his opinion, there was no way; that the brick has disintegrated.
- Chairman Dika asked how easy it would be to construct a building in between the two structures that are already in place. Mr. Butch Ricci said that should make it a lot easier.
- Chairman Dika asked if the south wall could be saved. Mr. Nawrocki said he did not think so especially with the first floor that would be coming out.
- Attorney McNeill said that it was a very small area that was left that was being affected.
- Mr. Mark McNabb also explained that the entire roof was being demolished for a brand new roof system.
- Councilor Spear pointed out that the north wall very thick and he wondered if the interior of the wall was deteriorating as well. Mr. Nawrocki said that there was very poor interconnection of anything. He also said he did not know the extent of the powdered brick but he expected to find more as they went deeper into the walls.
- Mr. Almeida commented that the current state of the walls are not code compliant and in the event of a seismic activity, they would lose the building. Mr. Nawrocki pointed out that none of the buildings are prepared for that but this building was so much worse off that even something so small would affect it.
- Chairman Dika asked Mr. Nawrocki if he had prepared a report on the conditions. She said that the Commission would require, if approval was given, some sort of historic study of the building including lots of photographs.
- Attorney McNeill asked if it would be a quasi 106 report. Chairman Dika said yes.

- Ms. Maltese asked if the Commission could require a historic structures report. Mr. Clum said he would have to consult with the City attorney. Attorney McNeill pointed out that it was quite extensive of a project to put together a DHR 106 report. Chairman Dika said that a quasi report would be sufficient. Chairman Dika explained that they received a similar report concerning the Eagle Photo building when it came down. She wanted them to show the interesting parts of the building.
- Mr. Almeida pointed out that they were not losing the building, they were recreating it.
- Mr. Ricci said that they had very much wanted to preserve the building.
- Mr. John Ricci showed samples of the brick that would be used for the project. He said they were trying to replicate the brick as much as possible.
- Mr. Almeida suggested that they try to minimize the joints as much as possible. There was detailed discussion about the bricks and the mortar to be used.
- Mr. Wyckoff asked about the plans for the existing bay window. Mr. Butch Ricci said that it would stay, both on the north and south walls.
- Mr. Almeida said that he would like to see them replicate the window details as well.
- Attorney McNeill asked who he would talk to about the quasi 106 report. Chairman Dika said she would talk with Mr. Clum about it and someone would be in touch.
- Mr. McNeill stated that they would move forward with a public hearing.

IV. ADJOURNMENT

At 11:05 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 January 6, 2010.