

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**April 4, 2012  
to be reconvened April 11, 2012**

**MEMBERS PRESENT:** Chairman Richard Katz; Vice Chairman Joseph Almeida; Members John Wyckoff, Tracy Kozak, Elena Whittaker, Planning Board Representative William Gladhill; Alternates George Melchior, Daniel Rawling

**MEMBERS EXCUSED:** City Council Representative Jack Thorsen

**ALSO PRESENT:** Nicholas Cracknell, Planning Consultant

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**I. OLD BUSINESS**

A. Approval of minutes – January 1, 2012

It was moved, seconded, and passed unanimously (7-0) to approve the minutes as presented.

B. Request for a one year extension of the Certificate of Approval for 30 Maplewood Avenue granted on April 6, 2011 – requested by 30 Maplewood, LLC

Ms. Whittaker made a motion to grant a one year extension of the Certificate of Approval. The motion was seconded by Mr. Almeida. There was no discussion. The motion to grant a one year extension of the Certificate of Approval passed by a unanimous (7-0) vote. The Certificate of Approval will now expire on April 6, 2013.

**II. PUBLIC HEARINGS**

1. Petition of **Strawbery Banke, Inc., owner**, for property located at **61 Washington Street**, wherein permission was requested to allow demolition of an existing structure (demolish rear addition) and allow exterior renovations to an existing structure (rehabilitate exterior of remaining structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7 and lies within Mixed Residential Office and Historic Districts.

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

**SPEAKING TO THE PETITION**

Mr. Lawrence Yerdon, president and CEO of Strawbery Banke Museum and Mr. Steve Bedard of Bedard Preservation were present to speak to the application. Mr. Yerdon said that the house

they would be discussing was Conant House. He introduced Mr. Bedard who would explain the project.

Mr. Bedard stated that they would like to remove the 1890's shed roof addition that was on the rear of the building because it was in deteriorating condition. It did not have much architectural significance and detracted from the rest of the house. He said that once the addition was removed, the original 1791-1795 building would be left. He explained that they would then like to restore the house to the original time period.

Ms. Whittaker asked what changes were proposed for the chimneys. Mr. Bedard said the chimney would go back to the way it was now. He explained that it was plastered over at some point to keep it from failing further.

Mr. Gladhill pointed out that there were no renderings of what the house would look like after the addition was removed. Mr. Bedard said that it was difficult to draw something that he was not sure what was there. He said that the restoration would reveal some surprises.

Mr. Wyckoff commended Mr. Bedard on a very thorough package. He commented on the molded window sills which was something that he very rarely saw. Mr. Bedard said that they were very similar to what was on the Leighton House on Court Street.

Mr. Wyckoff asked about the change to the entablature around the front door. Mr. Bedard explained that what was currently there was the third or fourth generation frame. He said he would be able to tell what the header looks like when they remove the clapboards. He asked for a leap of faith from the Commission on some issues because they would not know what they would find until they got into the structure. Mr. Wyckoff asked if all details would be replicated as found. Mr. Bedard said yes, and added that until they take the later material off and look at the air lines, they would not be able to determine some of the patterns.

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

## **DECISION OF THE COMMISSION**

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

Ms. Whittaker stated that this was one of those realities where they have gotten more information than they needed. She said that as long as the steps of the plan were completed, she was comfortable with that.

Ms. Kozak commented that it was a fantastic project and endeavor. She added that this was how it should be done.

Mr. Wyckoff said that he would be waiting to see the molded window sills. Mr. Bedard said that they were on the structure now and invited Mr. Wyckoff to go down and take a look.

Chairman Katz stated that it was suggested that a stipulation be added to the motion stating that all steps as outlined in the preservation plan dated March 5, 2012 are followed. Ms. Whittaker agreed to add the stipulation to her motion.

Hearing no other discussion, Chairman Katz called for the vote. The motion to grant a Certificate of Approval for the application as presented with the following stipulation passed by a unanimous (7-0) vote:

- 1) That all steps as outlined in the Preservation Plan, dated March 5, 2012 are followed.

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2. Petition of **Jeffery H. Marple, owner**, and **Scott J. Massidda, applicant**, for property located at **10 Market Square**, wherein permission was requested to allow a new free standing structure (install condensing unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 22 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Joe Massidda, one of the owners was present to speak to the application. He stated that he wanted to correct the record by pointing out that this was a replacement of a condensing unit and not the addition of a new structure. He said that he thought he only needed a permit to replace an old unit with a new unit. He pointed out that there are many units in the area and that the courtyard was very messy with units. They would install it in a neater way. Mr. Massidda introduced Mr. Phil Piatto who would be doing the installation work.

Ms. Whittaker stated that this was an alleyway that they have discussed at length. She pointed out that it was filling up back there but she wanted to know more specifically what else would be associated with the installation. Mr. Piatto explained that the condenser would sit outside with cooling lines attached to it. He explained in detail how the lines would be run.

Mr. Almeida asked if the condensing lines that would be running up the side of the building would be wrapped. Mr. Piatto replied yes. Mr. Almeida asked how high up the building would they go. Mr. Piatto replied about ten feet from the condenser. Mr. Almeida asked that at any point did they run horizontally. Mr. Piatto replied no.

Mr. Almeida said that he did not know how they could hold any applicant to any standard in that alleyway because they have allowed a lot of junk there. He said that he was surprised that the building owners did not see the value of the area. He felt they might be beyond the point of no return unless people started to care about it.

Mr. Massidda commented that when a restaurant is approved to go into a building, you have to accept that certain things are going to be required.

There was discussion about the two options proposed.

Mr. Wyckoff wondered if there was anyway to run the air from one condenser. He also wondered if the condenser could go on the roof. Mr. Piatto explained that it was not a flat roof. He said that the reason they were proposing multiple units was that if one unit went down, they would still have air conditioning.

Ms. Whittaker stated that the Commission’s frustration was not with the application but with the location of the units. Ms. Kozak asked if the vertical line could be run internally. Mr. Piatto said that there were limitations with the lines.

Mr. Wyckoff confirmed that there would be three lines coming down the exterior wall to the three condensing units. Mr. Piatto said yes. He explained in detail the way they would work.

Ms. Kozak wondered why they could not come through the floors to bring the pipes down internally. Mr. Piatto said the restaurant owners did not own the building so he was not sure what the restrictions would be to cut through the floors. Mr. DiZogglio, another owner, explained that the building did not quite line up which would make it difficult to run the lines.

Mr. Almeida asked if they would be able to feed the units electrically or would they have to come out with conduit. Mr. Piatto explained that the conduit would come out of the rear of the building and it was already in place.

Mr. Almeida pointed out that the applicant has presented two options. He wanted the Commission to be clear that option 2 would come out into the courtyard 6'3".

Chairman Katz asked the applicants if they had a preference of the two options. Mr. Piatto said he preferred option 1. Ms. Whittaker commented that it was more compact. Mr. Almeida asked if they would put bollards around it to protect it. Mr. Piatto said they were not required and they did not intend to use them.

Mr. Almeida asked that if they were to request a site walk could they bring the applicants back next week. Ms. Whittaker said that they have visited that location so many times she did not feel it was needed. Mr. Massidda said they were willing to have a site walk but he wondered if they could do it soon. Chairman Katz said the earliest would be next Wednesday. Mr. Wyckoff stated that he did not feel a site walk was necessary. It was determined that a site walk was not necessary.

Mr. Piatto reiterated that option 1 was their preference. Ms. Kozak asked the applicants if they would be adverse to option 2 because she thought a shorter arrangement would be less visible from the street. Mr. Massidda pointed out that it would not be visible from the street. One would have to come all the way into the alley to see it. Ms. Whittaker agreed with Ms. Kozak. Mr. Wyckoff and Chairman Katz agreed as well. Mr. Piatto said they were agreeable to go with option 2.

Hearing no other questions for the applicant, Chairman Katz asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

## **DECISION OF THE COMMISSION**

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

- 1) That Option 2 is the approved installation plan.

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

Ms. Kozak stated that this was just another bit in the big collection of mechanical and electrical accessories that support these buildings. She said the Commission would rather not see anything back there but it was better than having things on the front of the building. She hoped that every effort could be made to bring conduits and piping lines inside the building as much as was possible. She also said she appreciated the choice of two options and the flexibility of the applicants.

Ms. Whittaker said that condensers are getting smaller and smaller and she was looking forward to the day when they would get these locations back.

Mr. Melchior reminded the Commission that they felt bad when the Martingale building came down and a lot of that masonry deterioration was caused by the inability to control microclimate and the lack of care and maintenance throughout the recent history of the building. He said it would be a big problem in the future and he implored the Commission to begin to look at the zoning and find a solution.

Mr. Wyckoff said he would not be supporting the application. He felt that the applicants had not done the best that they could do for the building by choosing three residential type units without examining other options.

Hearing no other discussion, Chairman Katz called for the vote. The motion to grant a Certificate of Approval for the application as presented with the following stipulation passed by a vote of 5-2 with Mr. Wyckoff and Mr. Almeida voting in opposition:

- 1) That Option 2 is the approved installation plan.

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3. Petition of **DiLorenzo Real Estate, LLC, owner**, for property located at **33 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (changes to the exterior rear balconies) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 48A and lies within Central Business A, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Steve McHenry of McHenry Architecture was present to speak to the application. Chairman Katz informed the public that there were two work sessions held on this application.

Mr. McHenry stated that they would like to enlarge and replace two existing balconies on the north elevation. He explained that the larger balcony was on level 3 of the building and the balconette was on level 4. The ideas was to cut down the depth of the balcony on level 3 so that it was shallower and move it up to replace the balconette on level 4. They would then create a new balcony in the similar style on level 3. He then guided the Commission through the submitted plans.

Ms. Whittaker stated that she did not recall the width of the new balcony as being so wide. Mr. McHenry said that this was the same dimensions as was shown at the second work session. She was concerned that there would be a collection of big runs on the backs of the buildings. She did not think the width of the proposed balcony was appropriate for that size building.

Mr. Almeida recalled that one of the issues at the last work session was how far out the balcony extended and that had been reduced.

Ms. Whittaker said that she did not have a problem with the balcony on the third floor. Mr. Almeida added that the width of the balcony that currently existed was a better width but he felt the other one was appropriate.

Ms. Kozak had a question about how the fascia trim would break with the balcony structure. Mr. McHenry pointed out page 2 of the existing condition photo and said that the intent was that it be in the same location.

Hearing no other questions for the applicant, Chairman Katz asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Ms. Kozak. Chairman Katz asked for discussion.

Mr. Wyckoff noted that Mr. McHenry took their advice and adjusted the size of the balcony. He felt it was appropriate to have the balconies on the back of the building.

Ms. Kozak added that this was a new addition to an older building and so there was a little more leeway that can be entertained with these balconies.

Hearing no other discussion, Chairman Katz called for the vote. The motion to grant a Certificate of Approval for the application as presented passed by a vote of 6-1 with Ms. Whittaker voting in opposition.

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4. Petition of **AHI Holdings, LLC, owner**, for property located at **121 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace nine windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 1A and lies within Central Business A, Historic, and Downtown Overlay Districts.

Ms. Whittaker stated that she would be recusing herself from the discussion and vote.

**SPEAKING TO THE PETITION**

Mr. Daniel Innis and Mr. Doug Palardy, owners of the Ale House Inn were present to speak to the application. He stated that they were seeking approval to replace nine windows in the building. The windows faced to the west and the north and were subject to a lot of weather energy. He pointed out that the seals have broken and the windows have fogged up. He explained that they would like to replace them with the same look but wanted to go with a vinyl product instead of aluminum.

Mr. Wyckoff pointed out that the proposal was for a purely vinyl window. He noted that the building had brick openings with relatively modern windows currently. Because they were dark in color and the fact that they faced the river, he was willing to consider the window proposal.

Mr. Melchior stated that most of the time, the Commission would say no to these types of windows but they would be replacing an extruded shape with an extruded shape and so he looked at it as a replacement.

Mr. Gladhill commented that he did not have a problem with the window proposal.

Mr. Almeida stated that he could not support the application. He could not support a vinyl window in a brick building. He pointed out that this was a prominent building on the waterfront and he felt they could do better than the proposed window.

Ms. Kozak commented that she was on the fence and could be convinced. She wanted to know more about how the windows would sit in the brick openings.

Mr. Palardy explained that the windows would sit directly against the brick. There would be a caulking mixture that would go between the brick and the window and they are screw mounted into place. He added that they would be in the same location and so the appearance would not change at all.

Mr. Rawling said that he would be reluctant to approve a vinyl window.

Chairman Katz stated that the instances where vinyl windows are approved were very few. He asked the applicants if they explored other alternatives. Mr. Innis replied no and said that only half of the windows in the building need replacing. He was concerned with the look of the building with multiple window types in it. Mr. Almeida pointed that if they selected the appropriate window for the building, the Commission could issue a blanket approval could be given for the entire building.

Chairman Katz asked the applicants if they would be willing to postpone the application so that other windows choices could be examined. Mr. Palardy said they would open to that but added that there were lots of components to the building and the reason they chose this window was so that it would look like the other windows in the building.

Mr. Almeida stated that if they put a historically appropriate window in then the other windows would stick out like a sore thumb. He thought they would be the envy of all of the other tenants and so when their windows needed replacing, they could follow suite.

Mr. Wyckoff pointed out that this was an industrial building and half of the openings were created, they were just cut into the brick. He asked Mr. Melchior what the original window in a building of 1900-1910 vintage would have been. Mr. Melchior stated that his definition of appropriate was to not go backwards in time; however, if they were original windows they would be a heavy iron steel window.

Chairman Katz stated that this discussion might be better served in a work session. Mr. Innis said that they could come back next week with alternatives.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to postpone the application to the April 11, 2012 meeting. The motion was seconded by Ms. Kozak. The motion to postpone the application to the April 11, 2012 meeting passed by a unanimous (7-0) vote.

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5. Petition of **Dorothy A. Ferrari Revocable Trust 2006, Dorothy A. Ferrari, owner** and trustee, and **Mike Prete, applicant**, for property located at **171 Islington Street**, wherein permission was requested to allow a new free standing structure (replace chain link fence with wooden fence) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 138 as Lot 12 and lies within the Central Business B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Mike Prete, owner of The Kitchen restaurant was present to speak to the application. He stated that he would like to remove the existing chain link fence and replace it with a shorter wooden fence.

Ms. Whittaker said that her major objection with the application was about having four foot fence on the front of the property. She pointed out that there were no other fences on the front of the property. She understood why the applicant wanted it but she did not think it was appropriate.

Mr. Rawling stated that he was delighted to see something happening to the space. He thought that seeing through the fence might lure people into the space. He added that while it was an opportunity, it seemed to be missing an opportunity to do something more.

Mr. Prete said that they were trying to improve the outdoor space. He said that patrons would be able to look over the fence. Ms. Whittaker disagreed and said that sitting patrons would be looking right at the fence.

Mr. Almeida complimented that applicant for making great improvements to the property and that the removal of the chain link fence was a step in the right direction. He pointed out that the fence would provide a buffer from the cars going by but people walking by could still walk by and see in. Mr. Prete said that they gave the fence height a lot of thought.

Mr. Wyckoff had questions about the top cap and the posts. Mr. Almeida directed Mr. Wyckoff to page 4 of the plans with some of those details. Mr. Wyckoff stated that there still were some details lacking and he was uncomfortable with the design. There was additional discussion regarding the proposed construction of the fence.

Chairman Katz asked each Commissioner how he/she felt about the application. Mr. Melchior, Mr. Almeida, and Ms. Kozak spoke in support of the proposal. Ms. Whittaker, Mr. Wyckoff, and Mr. Gladhill stated that they could not support it. Mr. Rawling, who would not be voting, stated that he supported the improvement but thought an open fence would be more inviting.

Hearing no other questions or comments for the applicant, Chairman Katz asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

**DECISION OF THE COMMISSION**

Ms. Kozak made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Mr. Almeida. Chairman Katz asked for discussion.

Mr. Almeida stated that this was a very unique use on Islington Street. He felt it was an improvement to the building and the surrounding area.

Mr. Wyckoff commented that he was not comfortable with the top of the fence and he did not think it was a minor detail.

Hearing no other discussion, Chairman Katz called for the vote. The motion to grant a Certificate of Approval for the application as presented passed by a unanimous 4-3 vote with Ms. Whittaker, Mr. Wyckoff, and Mr. Gladhill voting in opposition.

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**III. ADDITIONAL BUSINESS**

A. Debrief session – Joint meeting with City Council, Planning Board, Economic Development Commission, Historic District Commission held March 26, 2012

Chairman Katz stated that he would like to have a short discussion on the Commissioners thoughts on the joint meeting.

Mr. Wyckoff stated that the meeting involved land planning and so he wondered what he was doing there. Chairman Katz asked Mr. Wyckoff if the meeting was worthwhile and should they continue since there were more meetings scheduled. Mr. Wyckoff said he was not sure. Mr. Gladhill thought they should continue because the Historic District Commission was a land use board. Mr. Almeida stated that he found it useful. He felt it was a very broad discussion but he felt it could potentially have a great affect on the historic district. He welcomed more discussion.

Chairman Katz commented that more interaction, primarily between the Planning Board and the Historic District Commission could be very helpful. He felt the Board of Adjustment should have been included. Mr. Almeida agreed also. Mr. Cracknell added that the goal of the evening was to talk about design and not use and he gave a detailed explanation of the context sensitive approach.

Mr. Melchior stated that he was not present at the meeting but he asked if it was useful from an educational standpoint or was it useful from a productivity standpoint. He said that generally, groups of that size are very unwieldy if you are looking for an end result. He said that at past meetings like this one, it was too many people. He felt the intent was good but the group needed to be narrowed down. If the groups were smaller, it could be more focused and establishing the goals and objectives, then you could open it back up to the larger group. Mr. Cracknell said he would carry forward Mr. Melchior's suggestion.

Ms. Kozak wondered if it would be a good idea to reengage the study circle concept since these were significant changes and could benefit from more input.

On another topic, Mr. Almeida suggested that the Commission find a time to discuss their own guidelines that they continue to wrestle with. There was detailed discussion concerning this. As a result, the date of May 9 was agreed upon for a work session to discuss guidelines.

#### **IV. ADJOURNMENT**

At 9:05 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 June 6, 2012.