

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**May 1, 2013  
to be reconvened on May 8, 2013**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Vice Chairman Tracy Kozak; Members Richard Katz, John Wyckoff, George Melchior; City Council Representative Esther Kennedy (arrived later); Planning Board Representative William Gladhill; Alternate Reagan Ruedig

**MEMBERS EXCUSED:** Alternate Dan Rawling

**ALSO PRESENT:** Nick Cracknell, Principal Planner

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**I. NEW BUSINESS**

A. Discussion on City Attorney's memo on the HDC's purview on building heights

This item was postponed until Attorney Sullivan arrived later in the meeting.

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**II. PUBLIC HEARINGS**

1. Petition of **Strawbery Banke, Inc., owner**, for property located at **72 Atkinson Street and 400 Court Street**, wherein permission was requested to allow new construction to an existing structure (install accessibility ramps) 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 Districts.

**SPEAKING TO THE PETITION**

Mr. Rodney Rowland, Director of Facilities and Special Projects at Strawberry Banke Museum presented their proposal to add an accessibility ramp to the William Pitt Tavern on 400 Court Street and the 1830 Leonard Cotton Tenant House on 72 Atkinson Street. Mr. Rowland guided the Commission through the plans for painted wood ramps that would match the ramp used for the Shapiro House.

Mr. Wyckoff asked if the houses needed ramps because of ADA regulations. Mr. Rowland said they were not required to comply because they were a historic site, but he said Strawberry Banke works with the non-profit Very Special Arts (VSA) of New Hampshire to ensure accessibility for everyone including those that are mobility impaired. Mr. Wyckoff asked if all the houses had ramps, and Mr. Rowland said ramps were preferred for all houses, but if there wasn't one, a

guide would come out with photos of the interior and speak with the patron. Mr. Rowland noted that the Community Development Department of the City of Portsmouth funded the ramp project.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to grant a Certificate of Approval for the application as presented and Mr. Melchior seconded.*

Vice-Chair Kozak said it was a very modest simple request. She said the ramps complimented the fences and structures, would be discreetly placed, and would be an asset to the museum.

*The motion passed unanimously with all in favor, 7-0.*

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2. Petition of **Strawbery Banke, Inc., owner**, for property located at **Washington Street**, wherein permission was requested to allow a new freestanding structure (move existing shed at 92 Marcy Street to Washington Street location) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 1 and lies within the Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Rodney Rowland, Director of Facilities and Special Projects at Strawberry Banke Museum presented their proposal to move a former ticket shed to the back for storage to a lot on Washington Street. Mr. Rowland noted that the shed was made by the North Bennett Street School and had been relocated numerous times. He said they might need to place the shed near their Puddle Dock entrance temporarily for a ticket booth while the new visitors' center was being constructed, but then it would be moved to a parking lot near Washington Street.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to grant a Certificate of Approval for the application as presented and Vice-Chair Kozak seconded.*

Mr. Wyckoff said the special and defining character, the historic architectural value of the property met the criteria.

*The motion passed unanimously with all in favor, 7-0.*

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3. Petition of **Galaro Properties, LLC, owner, and Alex McDonald, applicant**, for property located at **175 High Street**, wherein permission is requested to allow new construction to an existing structure (install garage door opening with door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 16 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Alex McDonald, co-owner of A&G Home Brew Supply and Earth Eagle Brewing came before the Commission with their request to install a garage door on the side of their building for efficient bi-monthly grain deliveries. Mr. McDonald said they currently hand carried their sacks of grain through a doorway and down a hallway. He said the building had garage doors originally, but were blocked in. He said they were located down in the alley on High Street and not highly visible.

Mr. Wyckoff asked if they were proposing to open up a patched opening and Mr. McDonald said that was correct. Mr. Wyckoff said he did not understand the 2/8 header in a concrete block building. Mr. McDonald said he believed they submitted the plan for a wooden beam to support the concrete block to avoid using a steel beam and the building inspector approved it pending HDC approval, but they would do whatever was required. Mr. Wyckoff asked if the header was going to be exposed and Mr. McDonald said he was not aware of it being exposed. Mr. Wyckoff said it was not the kind of header with a lintel he was used to, which usually had a lip on the bottom to hold the masonry. Chairman Almeida asked what size the opening was, and if there was a header block behind the block, not just on the face. Mr. McDonald said it would be an 8' x 8' opening, but he was not sure about the header. Chairman Almeida said this was a minor application, but they would need to address the header if it was exposed. Vice-Chair Kozak said if it was flush, it could be painted to match the building and wouldn't be noticed. Chairman Almeida said they would want a concealed header.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to grant a Certificate of Approval for the application as presented with the following stipulation:*

- 1) *That the header be concealed*

*Mr. Melchior seconded the motion.*

Vice-Chair Kozak said the building was tucked out of the way and this type of door fit the building in this back alley situation.

*The motion passed unanimously with all in favor, 7-0.*

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4. Petition of **City of Portsmouth, owner, and Priscilla Semprini Revocable Trust 2010, applicant**, for property located at **300 New Castle Avenue**, wherein permission was requested to allow a new free standing structure (install fixed pier, gangway, and float system) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as Lot 36 and lies within Single Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Allen Folsom with Riverside and Pickering Marine, representing the applicant said they submitted a standard dredge and fill permit through a license agreement with the City. Mr. Folsom described the dimensions of the pier and said the fixed pier would come from the concrete sidewalk slab onto an aluminum ramp to the float. He said the float would be in the flats during low tide so there were skids on the bottom and there would be an access gate. He said it was a replacement of a pre-existing pier that was removed for the New Castle seawall rebuild project. He said the Conservation Commission had recommended approval and the Wetlands Bureau approval was pending.

*(Councilor Kennedy arrived at this point in the meeting)*

Chairman Almeida asked Mr. Cracknell to explain that this dock did not fall into the float and dock exemptions category. Mr. Cracknell said this pier was a private dock on City property.

Mr. Gladhill asked what the definition of a historic dock was and Mr. Folsom explained that there has always been a dock there.

Mr. Wyckoff asked if there was a railing and Mr. Folsom said there would be a standard railing as shown on the plans.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to grant a Certificate of Approval for the application as presented and Vice-Chair Kozak seconded.*

Mr. Wyckoff said it had the compatibility of an exterior design for a dock.

Councilor Kennedy abstained from voting because she did not hear the whole presentation.

*The motion passed unanimously with all in favor, 7-0.*

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5. Petition of **Thomas J. Kaufhold, owner**, for property located at **53 Rogers Street**, wherein permission was requested to allow exterior renovations to an existing structure (removed existing siding, replace with composite siding) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 115 as Lot 1 and lies within Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Thomas Kaufhold, owner said he put an addition on in the back of the house ten years before, replacing the wood with composite siding and now he was before the Commission with a request to replace the wood siding on the remaining three sides of his property with composite. He said he planned to nail it without exposing the nails.

Mr. Wyckoff asked if this was on the sidewalk and Mr. Kaufhold said it was. Mr. Wyckoff said they had some problem with using that type of siding right on a sidewalk in the past, noting one house on Bow Street and a few other locations where they said it should be conventional siding nailed on.

Mr. Melchior said he would support the proposal with modifications using wood on the front and allowing hardiplank on the sides.

Chairman Almeida said it was more convincing when it was painted and asked if the hardiplank would be painted. Mr. Kaufhold said yes.

Vice-Chair Kozak added that many of the other applications were on primary ways or very significant buildings. She said this was a secondary way off Court Street, and the Portsmouth Advocate listed this as a contributing structure. Mr. Kaufhold said neighboring 54 Rogers Street just redid their entire house with composite siding.

Councilor Kennedy said she had a hard time switching the plan after they had asked others to keep wood on the front.

Mr. Katz said for the longest time they were very tolerate replacing slate and wood roofs with asphalt shingles, primarily and noticeably at Strawberry Banke and then they decided they would no longer do that. He said brick buildings on a throughway flanked this house where people were taking their dogs to the park or their children to school, and he thought it would be incongruent to say they had to put wood siding on the house when the rest of it was composite siding.

Mr. Wyckoff said the big difference was that the Bow Street house was right on the sidewalk.

Mr. Melchior said Councilor Kennedy had a point because Bow Street was not the only application, and they were liberal at first and then they retracted because the composite doesn't last and ends up looking worse than natural products after a few years in some cases. He said there were two incidents on Middle Street, which was further from the Historic District center and set back further from the sidewalk than this house where they required wood siding. He said it was not a game changer, but there was a loss of character in this neighborhood and worth keeping in mind when they did their work session later in the month.

Ms. Ruedig asked if the remaining wood siding was original and salvageable. Mr. Kaufhold said some of the left side might be. Ms. Ruedig commented that if the original wood lasted that long it might be worth repairing.

Chairman Almeida said he did not feel they were setting any precedence, however they decided on this application because each application was considered independently based on the location and building. He said they approved painted hardiplank on a major high quality renovation across the street and it was very well done.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Mr. Katz moved to **grant** a Certificate of Approval for the application as presented and Vice-Chair Kozak seconded.*

Mr. Katz said the house had this siding and whether the building was considered a contributing building or not, it was sometimes arbitrary and subjective no matter how hard they tried to quantify it.

Vice-Chair Kozak said the structure was on a secondary way, and considered a contributing, not a focal structure, it did not deviate with what they recently approved across the street, and it was compatible with the surrounding properties.

*The motion **passed** unanimously with all in favor, 7-0.*

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6. Petition of **BNG Inc., owner**, for property located at **14 Market Square**, wherein permission was requested to allow exterior renovations to an existing structure (replace asphalt shingles with aluminum standing seam panels) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 29 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Jeff Bryan representing Breaking New Grounds said they replaced the slate and copper on the Daniels Street side three or four years ago and they wanted to put an aluminum-standing seam roof over one area that had a couple layers of asphalt in some places. Mr. Bryan said it would be a savings to use patina green aluminum to match the patina copper. He said it would not really be visible from anywhere on the street.

Chairman Almeida said there was usually an edge detail associated with a metal seamed roof and asked if that would be visible from Market Square. Mr. Bryan said there would be parapet walls on both sides. He said the roof drained into a drain and not over the roof.

Vice-Chair Kozak said it was typical for historic copper roofs to have flat lock seaming, but the aluminum couldn't be welded. She said she was concerned that the seam would be too high, and would create a shadow line that would be atypical to the abutting roof. She asked if there were other options for the seaming. Mr. Bryan said he was a member of the National Roofing Contractors Association and reviewed various seam options and said the mechanical seam was almost bullet proof and one inch was the smallest profile.

Ms. Ruedig said she walked by the building that morning, and said it was almost impossible to see the slope of the roof anywhere.

Mr. Bryan said copper would go on shiny, but it would turn brown in about four rainstorms, and then take 20-30 years to turn patina green, whereas they could maintain the green look on the front of the building by using the patina green aluminum. Councilor Kennedy said she had observed many roofs and said she could tell the difference so she would be uncomfortable with the aluminum on the front, but would be okay with it in the back.

Chairman Almeida agreed that he would not like to lose the copper roof on the Market Square side. He asked Mr. Bryan if he would replace the copper roof in kind, and Mr. Bryan said the copper currently had tar over the seams and he would be replacing that with standing seam that would last 40-50 years. Councilor Kennedy said she had a problem with the proposal not being in their packet and not previewed if the material was changed. Mr. Bryan said he could replace the roof 100% in kind.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to **grant** a Certificate of Approval for the application as presented and Mr. Wyckoff seconded.*

Vice-Chair Kozak applauded the upgrade, restoring the copper on Market Square and with the aluminum at the back not being visible from a public way.

*The motion **passed** unanimously with all in favor, 7-0.*

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7. Petition of **The Hill Condominium Association, owner, and Ghamami Revocable Trust, Sheila Grant, trustee and applicant**, for property located at 405 Deer Street 7-6, (405 The Hill) wherein permission was requested to allow exterior renovations to an existing structure (remove chimney) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 26-7 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Ms. Sheila Ghamami, the applicant said the chimney came down after a major snowstorm with high winds around February 15, 2013. Ms. Ghamami said she called in a civil engineer and a general contractor and was advised to take the remaining chimney down because it was unsafe. She said she was contacted by Liz Good from the Planning Department for an after the fact approval for the building to remain without the chimney. Ms. Ghamami pointed out several area houses without chimneys.

Mr. Thomas Neve, a civil engineer who runs a private practice in Topsfield, Massachusetts said he visited the property on February 19, 2013 and found the chimney was blown off. Mr. Neve said the building was surrounded by walkways and it was a dangerous situation. He said they had a licensed general contractor take the structure down to the roofline and shingle the roof with the same kind of shakes that were already there. He said the base and the foundation seemed fine, but he questioned the structural integrity of the chimney with mortar deterioration below the ridgeline, and felt uncomfortable rebuilding the chimney so he was recommending the chimney not be rebuilt.

Mr. Gladhill said they were provided with a lot of photos of structures without chimneys, but many of them were from the late 1980's and 1990's when they wouldn't have needed chimneys for wood heat, however, this structure was on the National Register of Historic Places and it would have had a chimney. He said there were two hundred structures demolished and the Portsmouth Housing Authority saved a few of the best examples of the artisans and mechanics' buildings of that period and put them on the Hill for future generations to see a sampling of what used to be in Portsmouth. He said taking down the chimney would be a loss to the City's history. He said the photo in the National Register looked like it was the original chimney and asked Mr. Neve if the chimney that came down was the original. Mr. Neve said he could not be sure because he only saw it after it came down.

Mr. Wyckoff asked how many bricks came down and Mr. Neve said three-quarters of the chimney. Mr. Wyckoff asked if they looked for evidence of it collapsing. Mr. Neve said it collapsed, came off the ridge and scattered along the walkway below. Mr. Wyckoff said when all these buildings were preserved in the mid 1970's they were roofed with wood shingles, and he thought the chimneys were flashed and most of them were copper capped though they were no longer used. Mr. Neve said there was no evidence of any copper caps. Ms. Ghamami said there was a mantel, but fireplaces were boarded up and not being used since the building was moved in the 1970's and the chimney was open.



Chairman Almeida said this was the original Jeremiah Hart house. He said the house was moved to Deer Street in 1972, and asked if the masonry would have been kept in place or if it would have been reconstructed. Mr. Gladhill said it was not moved that far from its original location on the corner of Maplewood and Deer streets, and Mr. Wyckoff said it could have been moved with the masonry. Ms. Ruedig agreed that the central chimney was a character-defining feature of the historic house.

Mr. Melchior agreed and said the maintenance of the home was the homeowner's responsibility and failure leading to demolition was called demolition by neglect. He asked if they had discussed opening the walls to see what the masonry looked like below the roof line and discussed rebuilding the chimney. Mr. Neve said he did not inspect it from above himself, but the contractor did and said it was in rough shape. Mr. Melchior said Mr. Neve was the engineer and the decision was made based on the engineer's decision. He said the building was moved to this location for the sole purpose of preservation and they could have taken a moment of pause and opened up the wall to make an informed decision. Mr. Neve said he was conservative in his way of doing business and it would have taken considerable work to determine if the chimney had structural integrity from the foundation to the ridge. Mr. Melchior said they only had to open up a few small holes in wallboard that they could patch to take a sample of the chimney structure.

Chairman Almeida said it was also possible to send a camera down the chimney for inspection. He said the Hill was one of the centers of gravity of the Historic District and special attention was given to preserving it in 1972 and anyone having anything to do with it from now to the end of time had a responsibility to preserve it. He said there might be several buildings in the Historic District that did not have chimneys, but this building could not be compared to other buildings that were not as significant. Ms. Ghamami said 400 on the Hill did not have a chimney and Chairman Almeida said that perhaps it should. He said she had a very special piece of property and a responsibility to owning it.

Mr. Neve said he had a professional opinion that it would be negligent to just repair the existing chimney instead of major reconstruction and there was a significant financial hardship involved.

Chairman Almeida said they would need a restoration mason, but concrete block could be used until it penetrated the roofline, and they could reuse the historic bricks that fell. Ms. Ghamami said she had her repairman remove them. Chairman Almeida said in that case the Historic Commission would have to approve the brick they used as well.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Councilor Kennedy moved to **deny** the application as presented and Mr. Wyckoff seconded.*

Councilor Kennedy said she was recommending they deny the application because of the historical significance, and defining the character of the surrounding properties. This was a mini museum, and anyone buying property in the Historic District should be aware of his or her responsibilities.

Vice-Chair Kozak agreed and said part of the process of owning a house in the District involved maintenance and it was a financial burden because materials and structures would fail, but restoration was for the long term. Chairman Almeida agreed, adding that the properties were worth a lot more because of it. He said this was part of a condominium association and the association should be stewards of maintaining the properties as well. Vice-Chair Kozak told the applicant that she might have a good chance of receiving grants through the New Hampshire Preservation Society because of its historic significance.

*The motion to **deny** passed unanimously with all in favor, 7-0 for the following reasons:*

- 1) Located within “The Hill”, in the heart of the City’s Historic District, the Jeremiah Hart house (c. 1800) is identified as a “focal” building in the Historic Survey Form. Moreover, the structure is a rare example of a late 18<sup>th</sup> century small urban house.
- 2) “The Hill” is a critically important “center of gravity” within Portsmouth’s Historic District and the structure, which was relocated from its original location in 1972, must remain in its original exterior as intended when The Hill was established.
- 3) Within the context of the surrounding buildings on The Hill, chimneys were a predominant feature of the buildings. The chimneys maintain the historical and architectural significance of this structure and the surrounding properties on The Hill.
- 4) The center chimney is a key character-defining feature of this structure and it gives the structure much of its historical significance. Thus, it must be repaired and rebuilt. Per the requirements of the Zoning Ordinance, such reconstruction shall require HDC review and approval.

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8. Petition of **Joseph Rizzo, owner**, for property located at **240 Union Street, #2**, wherein permission was requested to allow exterior renovations to an existing structure (replace patio door, replace wood paneling with stone veneer) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 21-2 and lies within Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Joseph Rizzo said he was proposing to replace a patio door that had some water damage and replace wood paneling with a stone veneer below all the windows that also received water damage.

Mr. Gladhill asked why the applicant wasn’t replacing the door in kind instead of replacing it with another that didn’t fit the style as well. Mr. Rizzo said it was a custom-made door with single pane glass and he wanted to upgrade for better energy efficiency.

Mr. Rizzo said the house was originally used as a carriage house and the openings were now covered with the panels. He said the panels below the windows did not seem that well constructed and he was not sure what was behind them.

Vice-Chair Kozak said she understood wanting to use the cultured stone veneer for maintenance and durability, but thought the stone was a mismatch to the brick and asked if he had explored other options, even composite panels. Mr. Rizzo said he understood her point, but he didn't feel wood or composite would be appropriate and would prefer masonry of some fashion.

Chairman Almeida agreed that the cultured stone was inappropriate against the brick.

Mr. Wyckoff also agreed that the stone was very inappropriate to a New England structure. He said the panels could be rebuilt with Azek or composite.

Mr. Rizzo said he was not a big fan of the paneling system that was there and said it was put there in the 1970's and it was not even historic. Chairman Almeida said there was historic and then there was appropriate to a historic building. Mr. Rizzo asked about other options than the panels because the area received a fair amount of abuse and he needed something more durable.

Mr. Wyckoff said there was probably regular framing and sheathing behind the plywood which would need to be removed, but replacement panels could be flat panels with a molding around them, and he could use a durable Azek material, which could be painted to match the trim. He said it could be more water tight than stone, which could get water behind it.

Councilor Kennedy said carriage houses and barns were historic and she agreed that the panels would maintain the appearance of an opening and he could use paneling.

Councilor Kennedy said she was interested in hearing more about the door. Mr. Rizzo said it was an Anderson A series with the same opening. He said he would not be opposed to the panels.

Chairman Almeida asked what was causing the water damage. Mr. Rizzo said the house was on grade with the building right on the ground and a lot of water flowed down from the hill. Chairman Almeida asked if there was there a gutter, and Mr. Rizzo said there was.

Ms. Ruedig said it would be preferable to preserve the look of what was there when it was a carriage house. She suggested a few rows of bricks at the bottom.

Chairman Almeida said he liked the original door design with the divided lights and the panel on the bottom and hated to see it replaced with an aluminum-clad door. Mr. Rizzo said the condition of the door was terrible. Mr. Wyckoff said all the windows were Anderson casement, and the applicant chose an Anderson door that matched. He said the current door was custom, but constructed and installed beyond someone's ability so he could see how it failed and it was not historic so he could accept the proposed door. Mr. Gladhill agreed that the door was not historic, but the design fit well with the rest of the building whereas a new patio door didn't and it could be seen from the front of the street.

The Commission and applicant discussed options for the door. Chairman Almeida said they discussed many modifications to the design, and they could approve the door application and make stipulations for the panels, or they could postpone the entire application. Mr. Rizzo agreed to postpone and would come back with an alternative plan for the panels.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Mr. Gladhill moved to **postpone** the application to the June 5, 2013 meeting so that additional options could be explored and submitted. Vice-Chair Kozak seconded and all were in favor, 7-0.*  
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9. Petition of **KHP Properties, owner**, and **Jay Prewitt, applicant**, for property located at **428 Pleasant Street**, wherein permission was requested to allow demolition of an existing structure (demolish rear additions, construct new two-story addition) and allow exterior renovations to an existing structure (replace siding and trim, replace windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 55 and lies within General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Brendan McNamara project designer came before the Commission on behalf of the applicant. Mr. McNamara said the application would follow a restorative approach on the front portion of the property as was discussed in the previous work session. Mr. McNamara said for a turning easement off Webster Way the plan was approved by the Board of Adjustment as shown.

Mr. McNamara discussed the option of additional windows. Councilor Kennedy said she would like to keep the existing window pattern. Mr. Wyckoff agreed. Vice-Chair Kozak asked Mr. McNamara if he had a preference. Mr. McNamara said there was a benefit of adding light from more windows, but keeping the pattern of two windows as had been there for 200 years worked well and there were cost benefits as well. Mr. Wyckoff thanked him for keeping the two-window pattern. He said it helped reduce the massing look. Chairman Almeida applauded the selection of high quality wood windows.

Mr. Wyckoff asked how the recessed deck would be drained. Mr. McNamara said there would be an internal drain and safety scuppers from the side through soffits.

Mr. Gladhill asked if they had only one egress for all of these apartments, and was that acceptable to the insurance company, or would they have to come back later with a request to add to the second floor later. Mr. McNamara said they addressed the issue with a full residential sprinkler system throughout the building.

Mr. Gladhill asked if there would be screens around the mounts for the gas and electric meters near the existing basement windows. Mr. McNamara said they would remove the chain link fence and replace it with a lower hedge that would screen three condenser units as well.

Chairman Almeida asked if he was using a full brick or a veneer brick facing on the addition. Mr. McNamara said it was 1/2" – 5/8" thick cut from a baked brick.

Chairman Almeida asked if the exposure of the clapboards would be the standard 4", and Mr. McNamara said it would. Chairman Almeida said it was not unusual for a historic home to have exposure as low as 3 1/2". Mr. Wyckoff said the applicant made every attempt to restore the look after removing the asbestos siding and he was comfortable with leaving it at 4".

Ms. Ruedig asked about the change in the stairs that go to the front door. Mr. McNamara said it was just a flip so the first floor units could access their door off the rear porch and the second and third floors units could access from the front door walking along the east side of the building. He said the stairs were in poor shape and had to be rebuilt anyhow.

Chairman Almeida asked about the 50-year architectural, weathered wood shingles. Mr. McNamara said the roof was very high so it was hard to see it. He said the weathered wood shingle would look like aged brown wood, but it wouldn't look like a brown roof. He said they would use a copper drip edge and the recessed deck would be a 10-foot copper pan. Mr. McNamara said there would be no gutters.

Chairman Almeida asked about chimneys and Mr. McNamara said they appeared to be in good shape, but they would repair them as necessary, and would reuse the existing brick if they needed to be rebuilt.

Mr. Gladhill asked about the close proximity to building next door. Mr. McNamara there was more space between the buildings than it appeared, but they would install a fireproof sub layer.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Mr. Arthur Clough who lives across the street said the 1800 building was a single-family house with one working toilet for the last 100 years, and he felt it was misclassified as four apartments unit. He said the proposal wouldn't only change the building exterior, but also change the neighborhood by allowing four condominium units that had not sought variances to allow sufficient parking. He said the overall size would be monstrous.

Councilor Kennedy said she appreciated Mr. Clough's comments. She agreed they needed to monitor growth in the south end to keep the historical nature. She said she had the same concern about units, but she was not sure if this district had any purview over what was inside the house though she would take it forward to City Council. Councilor Kennedy said however, the building needed work and they had made progress keeping the windows.

Mr. Clough said the applicant could have considered making it a two unit dwelling, not request any variances and resolve the parking. He said some of the decisions by the Board of Adjustment

were in question so there were some neighbors considering legal action. He asked that more questions be asked before giving approval. Councilor Kennedy said she appreciated his comments, and concerns, but reiterated that the HDC only had purview over the exterior and the historical features.

Mr. Richard Nylander of 17 Franklin Street said he would limit his remarks to the HDC purview. He said he was pleased with the smaller windowpanes that were more suitable to the Federal building style. He said he was also pleased with the approach to the door; however, he wondered if a flat profile would maintain the local rhythm of the streetscape view better.

Mr. Nylander said he understood the large addition on the back was needed to make three units, but he had concern about the massing, and had concerns with the visual impact of the large massing. He said he hoped the applicant would retain as much of the interior as possible because it was incredible.

Ms. Clare Kittredge said she also thought the proposed building was too big, and thought it should be restored instead of expanding a non-conforming use. She agreed that the house was mischaracterized as a four unit, and parking would be aggravated.

Mr. McNamara said the occupants may have been related to one another, and workers may have rented space at one time, but the house has four kitchens and the property was taxed, bought and sold as a four unit.

Chairman Almeida said they were very familiar with the proposal and the changes though the work session. He said he has been following the property application through the BOA and City records prepared by the assessor listing it as four units. He said the HDC had no purview or authority over the use of the building.

## **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to **grant** a Certificate of Approval for the application as presented and Vice-Chair Kozak seconded.*

Mr. Wyckoff said the applicant had gone out of his way for compatibility of design details, textures, and he felt that the scale of the two-story addition on the back was entirely appropriate. He said the architectural values were being preserved and the defining character was respected. Mr. Wyckoff said he was also happy with the choice of windows. He said parking was not in their purview, though there was a site plan with parking. Mr. Wyckoff said he lived in a congested neighborhood with a single-family home next to him, which was rented out to five separate people with five cars with only parking for one or two cars, and it had been his observation that parking demands would find their own spaces if parking was not professionally engineered.

Vice-Chair Kozak said she could appreciate all the concerns surrounding the development of the project, but most of them were not applicable to their purview so she would only talk about the architecture, which she thought was a grand restoration of property that was sadly in need of

attention. She said they spent a lot of time talking about the addition on the back and the current configuration was in keeping with the pattern, placement and scale of rear additions that were already in the district.

Councilor Kennedy said she spent more time on this building over the last four weeks than she had any other because she was able to look at it from one of her guest rooms. She appreciated the citizens for getting involved because in the beginning they were looking at a much larger building with different parking. She said she appreciated that the builder and the new owner listened to what people said and made many changes. She said this was a great project showing a community at work and it was a win-win for everyone.

Chairman Almeida said the project was consistent with their six purposes and the Commission did a thorough review of the four criteria.

*The motion passed unanimously with all in favor, 7-0.*

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**I. NEW BUSINESS**

**A. Discussion on City Attorney’s memo on the HDC’s purview on building heights**

This item was delayed until Attorney Sullivan’s arrival from another meeting.

Chairman Almeida asked Mr. Cracknell to introduce the issue and Mr. Cracknell said there were some questions regarding definitions of height measurements.

Attorney Robert Sullivan said there were questions on whether the HDC could regulate height because some people had the view that property owners within the Historic District had the right to build to the maximum height allowance in the zoning ordinance. However, he said the ordinance gave the HDC the task of considering height, mass, scale and setting and the HDC had the authority to reduce height so long as it followed those criteria before they issued a Certificate of Approval. He said that was why the height allowance and the HDC criteria as listed in the ordinance were supposed to be read together.

Attorney Sullivan said he only knew of one dispute that was brought to litigation in 30 years regarding height, which was brought up about ten years ago by Mr. Larry McManus who owned a vacant lot on Market Street. He said Mr. McManus proposed a building that was within the maximum allowed height in the zoning ordinance, but the HDC determined it was too tall. He said Mr. McManus wanted the court to look at the highest building down the street at 100 Market Street, but the HDC said it was not one of the nearest surrounding properties that someone would see when they were looking at the properties. He said although they never got a definitive answer from the court because the lot was sold and the lawsuit was withdrawn, he thought a strong case had been made that buildings that cannot be seen near a site were irrelevant.

Vice-Chair Kozak said she brought up the question of defining surrounding properties and having a written explanation available for applicants. Attorney Sullivan said the term was not

defined in the ordinance and was probably not definable. He said one of the complexities of the HDC administration was that many of the decisions they had to make were inherently and unavoidably subjective. He said one of the main purposes of the ordinance was considering the surrounding properties and the test was what could be seen in the streetscape within immediate proximity of a proposed site.

Chairman Almeida said it was clear that the HDC had the authority to make a final determination on height. Attorney Sullivan said that was correct and he felt confident they could support the HDC’s decision to require a building be lower than the maximum height allowed when appropriate even if there was a lawsuit.

Mr. Katz asked if an aggrieved applicant who felt he suffered a financial loss could sue the City and the members of the HDC that voted to deny his petition. Attorney Sullivan said anyone could sue anyone for anything, but there was no chance the lawsuit could be won if the members voted in good conscience following the criteria in the ordinance. He said the City also had a legal department for representation and five million dollars of liability protection by the Local Government Center for members of the Commission.

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10. Petition of **North Mill Realty Trust, owner, and 3S Artspace, applicant**, for property located at 319 Vaughan Street, wherein permission was requested to allow exterior renovations to an existing structure (add windows, doors, entry canopies, cladding, and landscaping) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 9 and lies within Central Business A, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Ms. Ruedig recused herself from the discussion and vote.

Mr. Steve McHenry of McHenry Architecture, with Mr. Brandon Holben, project architect, 3S Art Space board member, Ms. Lisa Holben, and Executive Director, Mr. Chris Greiner returned after several work session changes. Mr. McHenry said he always thought, “He who defines the context, wins the argument”, but they wouldn’t need to have that argument because they were taking an existing structure and expanding it in minor ways. He said they were re-cladding the building to make it more energy efficient and give it a completely new feel, though the history of the area did influence their design decisions and materials chosen. He said prior to redevelopment, it was a dense urban area that was very industrial ranging from shipbuilding with rail access to food processing and lumberyards.

Mr. Holben presented a Power Point presentation of the design details and materials. He said they were proposing an oxide metal siding, weathered wood boards, translucent cladding at the entrances, and a vegetative climbing wall used as fencing and screen elements. He said the design would harken back to the industrial and shipbuilding waterfront buildings of the past. He said there would be outdoor landscaping, lighting, and walkways to enhance the streetscape.



Chairman Almeida said Mr. Holben went through the presentation quickly, but the changes resulted from several work sessions that went deep into the details.

Mr. Gladhill asked about the mechanical units shown at the top. Mr. Holben said it was a preliminary plan, but they would return if anything changed. Chairman Almeida said they were very small units and dispersed over a large area.

Councilor Kennedy said she liked the industrial looking design that suited the location.

Chairman Almeida asked how clear or translucent the poly-carb on the tower would be and Mr. Holben said they were proposing clear poly-carb. Chairman Almeida said they had created something that was very sculptural and the building itself was a work of art.

Chairman Almeida asked if additional mechanical systems like electrical and gas meters would be discreet, and Mr. Holben said they had utility closets that would be screened. Chairman Almeida asked if they would be underground and Mr. Holben said they weren't sure about the utility pole yet because there were indications that parking lot work would be done, but he imagined the lines would run underground and there would be no lines crossing to the building.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to **grant** a Certificate of Approval for the application as presented and Vice-Chair Kozak seconded.*

Councilor Kennedy said the design preserved the integrity of the district with the surrounding commercial look, it was compatible in height and it enhanced other property values in the area.

Vice-Chair Kozak said there was always a question of how contemporary architecture fits in the Historic District, particularly in the Northern Tier where there was not a lot of surrounding properties of historic vintage for context, but she said this project related well in terms of scale, height, proportions and materials such as rusted metal and weathered shipboards. She said it tied the City together in a brand new way.

Mr. Gladhill agreed that the proposal related to the contextual setting by the use of materials and colors with rusted metal referencing industry and weathered wood referencing ship building to tie into the history of the area. He also said he hoped the use of the building for contemporary art would bridge areas of the City and it would bring more people up to the Northern Tier.

*The motion **passed** unanimously with all in favor, 7-0.*

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11. Petition of **244 Marcy Realty Trust, owner, and Firepoint Properties, applicant**, for property located at **244 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, doors, and light fixtures) and allow new construction to an existing structure (remove metal canopy, construct new entry canopy) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 51 and lies within General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

Ms. Sarah Hourihane from DeStefano Architects came before the Commission along with the contractor, Dave McAllen from Green Horizon and Brian Cressy and Justice Ryans from Firepoint Properties, representing the owners.

Councilor Kennedy said she drove by the property and there was siding removed and a hole in the back where a window may have been taken out, and wondered how that started without coming before the HDC first. Ms. Hourihane said the existing building had aluminum siding and trim was removed to expose the existing wood siding and trim. She said their understanding of the HDC's list of exemptions allowed for the removing of the siding and trim to expose what was already there. Mr. Cracknell said that was true.

Ms. Hourihane said the new owner was restoring the recently purchased 1790 home to its existing beauty. She said they already removed the siding and trim to expose the wood underneath, but they were asking for approval to replace the windows, light fixtures, storm doors and side entry canopy to be more in keeping with the original house.

Ms. Hourihane reviewed the window selection, and said the windows had a low energy panel that clipped over the window so no storms were needed. Chairman Almeida said the Brosco window was one of the most historically accurate single pane windows, and understood the use of the energy panel was a good idea for energy efficiency, but he preferred the window panel in black instead.

Chairman Almeida also said he preferred the choice of 6/6 windows, but Ms. Ruedig disagreed and thought the 2/2 would be more historically appropriate, but said 6/6 windows wouldn't be out of the question. Mr. Wyckoff agreed with Ms. Ruedig that 2/2 lights would look more authentic, especially with the Victorian brackets. He said he also disagreed with the energy panels because they tended to obscure the true divided light windows. Chairman Almeida noted that the application was for 2/2 windows. Councilor Kennedy said she was in favor of the door in the back and the 2/2 windows.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to **grant** a Certificate of Approval for the application as presented and Mr. Melchior seconded.*

Vice-Chair Kozak said the application was primarily a restoration rehabilitation project that was in keeping with the original design and motifs of the building, and it was compatible with surrounding properties.

*The motion **passed** unanimously with all in favor, 7-0.*

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12. Petition of **Timothy M. and Beth Finelli, owners,** and **Matthew Beebe, applicant,** for property located at **297 South Street,** wherein permission was requested to allow demolition of an existing structure (demolish existing garage) and allow a new free standing structure (construct new garage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 23 and lies within General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Matthew Beebe returned to the Commissions after two work sessions. He said they were asking to remove and replace a poorly built 1940's or 1950's three-bay shed that was built on the earth with no real foundation except for a small amount of rubble stone on the east side. Mr. Beebe said a cement slab was poured and some other improvements were made over time, but it was deteriorating and needed a complete replacement to meet the homeowners' need for parking and storage. He said the proposal was different in appearance then the plan approved by the BOA in February, but the footprint and the height would remain the same.

Mr. Beebe said they were planning to use a fiberglass door on the west side and they would use wood siding and primarily wood trim, but wanted to use Azek historic sills and surrounds. He said they were open to using either SDL insulated glass, aluminum clad windows, Anderson or they could consider using the Brosco wooden windows without the energy panel.

Mr. Wyckoff asked Mr. Beebe what window they decided upon using. Mr. Beebe said he would like it if the Commission would stipulate both so the homeowner could make a choice. Chairman Almeida said he could go either way. Mr. Wyckoff said he understood the Anderson windows would cost nearly three times as much, and Mr. Beebe said the painter might make up the difference if they chose the Brosco, which required painting.

Chairman Almeida asked if the garage door would be custom or purchased. Mr. Beebe said it would probably be an overhead custom door of painted cedar.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

No further discussion was added and Chairman Almeida closed the public hearing.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to **grant** a Certificate of Approval for the application as presented with the following stipulations:*

- 1) That either Brosco or Andersen fibrex windows were used.*
- 2) That the garage doors would be wood.*

*Vice-Chair Kozak seconded and the motion **passed** unanimously with all in favor, 7-0.*

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**III. ANNOUNCEMENTS**

It was announced that there would be a joint meeting with the Planning Board to discuss the Form Based Zoning charrettes with two consultants doing a presentation from 6:30-8:30 p.m. on May 2, 2013.

It was also announced that Form Based Zoning charrettes would be held on June 6 and June 10.

Councilor Kennedy said the City Council passed an amendment that all information for work sessions needed to be given to board members for review before the meetings, and all information would be put online. She said all the plans would be available for view on a new website, [planportsmouth.com](http://planportsmouth.com).

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**IV. ADJOURNMENT**

*At 10 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.*

Respectfully submitted,

Jane Kendall,  
Acting Recording Secretary  
Historic District Commission

These minutes were approved at the Historic District Commission meeting on January 8, 2014.