

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**April 16, 2014
reconvened from April 2 & 9, 2014**

MEMBERS PRESENT: Chairman Joseph Almeida; Vice Chairman Tracy Kozak; Members Richard Katz, John Wyckoff, George Melchior; City Council Representative Esther Kennedy; Planning Board Representative William Gladhill; Alternates Dan Rawling, Reagan Ruedig

MEMBERS EXCUSED:

ALSO PRESENT: Nick Cracknell, Principal Planner

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Chairman Almeida called the meeting to order at 7:00 p.m. and announced that Councilor Kennedy had requested a non-meeting session. Councilor Kennedy stated that she requested the non-meeting for some items that they needed to consult with the City Attorney on. The items addressed what the Commission's legal role was in regards to Portwalk as far as asking the applicant to change things or what the Commission could or could not do before potentially making some decisions that evening. Councilor Kennedy also had a memorandum that was a preservation agreement, which was a legal document between the State of Maine and the State of New Hampshire regarding the transportation on the new Sarah Long Bridge. She wasn't sure what the Commission's role would be, but because the document was a contract, she wanted legal counsel from the City Attorney.

Chairman Almeida asked City Attorney Sullivan to clarify some issues, and he stated that it was a non-meeting to provide the opportunity to ask Attorney Sullivan specific legal questions outside the chamber. Attorney Sullivan stated that New Hampshire State Law required meetings to be held in public according to the Right-to-Know Law, which meant that public bodies had to act in public. However, there were some exceptions, one of which was the definition of the term 'meeting' that specifically excluded meetings with legal council to discuss legal issues. If the Commission desired, they could adjourn to a conference room and have a meeting with Council that would be called a 'non-meeting' because it was not within the definition of the word 'meeting' as well as the Right-to-Know law, and the Commission could discuss whatever they wanted to. Chairman Almeida verified that the non-meeting did not need to appear on the agenda. Attorney Sullivan agreed and said it was because it was not a meeting described and defined in the Right-to-Know law and none of the Right-to-Know formalities applied because it was not a meeting. Chairman Almeida stated that he was sensitive about going behind closed doors in that particular environment, but Councilor Kennedy had some questions that she needed to ask Attorney Sullivan. He asked Attorney Sullivan if they could share with the public anything that came out of the meeting. Attorney Sullivan told him that the purpose of the non-

meeting council was to discuss legal issues but not make decisions. All decisions would be made in the public session. Chairman Almeida asked if that would be at the complete discretion of the Chairman or if they needed to vote on it. Attorney Sullivan said it would be voted on.

Councilor Kennedy made the motion to enter into a non-meeting. Mr. Gladhill seconded the motion.

Vice-Chair Kozak asked why the Commission could not put the item on the agenda. Councilor Kennedy replied that her questions were legal ones typically not put on the agenda because she was consulting the City Attorney on potential financial situations and outcomes that needed to be discussed. Vice-Chair Kozak asked her if the Commission was consulting Attorney Sullivan as an individual or as a group, and Chairman Almeida told her that it was a group.

Mr. Katz verified that some of the Commissioners may or may not have questions but should still consult with Attorney Sullivan. Chairman Almeida stated that the Commissioners may or may not have questions regarding the two topics that Councilor Kennedy brought up, but they should all be in the room to hear what the questions were because they may generate other legal questions and processes. The Commission did not want to make a mistake on any of the agenda items that were crucial, and Councilor Kennedy's questions would clarify legally what the Commission's decisions may be on Portwalk. Mr. Katz asked at what point the issues became public interest. Attorney Sullivan replied that it would be appropriate for them to have the non-meeting to discuss legal issues. The discussion would be with the entire Commission and not just individual Commissioners because he represented and advised the entire Commission. Anything beyond that would take place in the public session. The Commission was presented with a unique situation, and there could be discussion that the Commission might want to have in the non-meeting. Mr. Katz assumed that in the non-meeting, Attorney Sullivan would apprise them if they were moving away from the point where they should be in public discussion. Attorney Sullivan agreed, saying that no decisions would be made.

Vice-Chair Kozak thought that it would be helpful for the public as well as the Commission itself to understand the Commission's decision parameters, so she didn't see the benefit of having a non-meeting. Mr. Wyckoff stated that he had been on the Commission since 2006 and he had never been asked to attend a non-meeting, and he thought if there was something that needed clarification, Chairman Almeida would bring it up. They had discussed their role with Portwalk and had asked Attorney Sullivan to give them information concerning the bonding issue and an agreement. Mr. Melchior stated that both topics that Councilor Kennedy brought up were not normal. They had not seen a joint State agreement like the Sarah Long Bridge or changes to a project of the scale of Portwalk, so he was open to a meeting that would help clarify a way ahead for both endeavors, especially if it saved effort for the applicant and for the Commission.

The motion to enter the non-meeting passed 5-2, with Vice-Chair Kozak and Mr. Wyckoff opposed.

When the Commission returned from the non-meeting, Attorney Sullivan declared that out of sensitivity to the Right-to-Know law, the Commission had asked him to briefly explain the discussion that took place with counsel regarding Portwalk. Questions were answered

concerning the unusual circumstances of the Portwalk application relating to the work that was done that exceeded or deviated from HDC approvals and consequently resulted in an agreement among the City, Portwalk and Pro Con rather than halting the project. The applicant would ultimately do whatever the Commission and the Planning Board approved for them to do so that there would be no appeal of those decisions, and the obligation to do these things would be bonded. Attorney Sullivan stated that he explained and answered questions from the Commission concerning those issues, and no decisions of any kind were made in regard to the merits of the application itself or what decision the Commission might make.

I. APPROVAL OF MINUTES (CONTINUED)

- A. November 13, 2013
- B. December 4, 2013
- C. December 11, 2013

*Councilor Kennedy moved to **approve** the three sets of minutes as presented. Mr. Wyckoff seconded. The motion **passed** unanimously with all in favor, 7-0.*

II. OLD BUSINESS (PUBLIC HEARING)

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

1. (Work Session/Public Hearing) Petition of **Portwalk HI, LLC, owner**, for property located at **195 Hanover Street**, wherein permission was requested to allow amendments to a previously approved design (changes to all facades) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1-2 and lies within Central Business B, Historic, and Downtown Overlay Districts. *(This item was postponed at the April 9, 2014 meeting to the April 16, 2014 meeting.)*

Mr. Jeff Johnston of Cathartes Private Investments, and Mr. Chris Lizotte, Mr. Jim Loft and Mr. Matt Worth of Pro Con, Inc. were present to speak to the application.

Work Session

Chairman Almeida noted that Mr. Cracknell had put together the notes that could be referenced, and there was also an agenda from the previous week. The goal that evening was to get to the hotel portion of the changes and approve as many as they could so that they could move on to the apartment portion of the application. Mr. Johnston told the Commission that the team had addressed the previous work session comments and come up with some options, and he would take them through the focal points. He began with the tower and said that the main issue was the change to the windows at the top.

Cornice and Tower

Mr. Lizotte brought up the change in the windows as they got taller and the change in cornice that took away from the original intent of making it look like an attic space and not a full story. As a result, they brought the cornice down in height and added trim beneath it of the same color so that it looked like the cornice was taller. They also added the mullion to make it look like a different window element. To upgrade the element, they went back to the original brick work. Chairman Almeida asked if it was the same brick as the brick underneath. Mr. Lizotte agreed and said it was the same color. There was a double brick pilaster that took the cornice above the course and made it a pier, like in the original design. It had more of a cap and shrunk the windows a bit.

Mr. Johnston stated that the previously-approved square windows had fiber cement, and as a way to enhance it rather than rip things out, the goal was to bring it back to a veneer brick so that the whole column and tower were brick, which he felt was an improvement. Mr. Loft added that the size was more proportional and in keeping with the cap. Mr. Johnston said that they did it with different mullion types and a red band above the same window, and he showed it to the Board. Mr. Wyckoff noted that on the originally-approved design, the material of the cornice on the 5th floor looked different on the drawing but it was back to a brick band. Mr. Lizotte said that soldier coursing was 8" high, but they were able to go back to the 2" reveal by taking the bottom two courses of soldier and making them header courses so that the length of the brick went further back into the wall. Mr. Wyckoff saw that it also had returns on the ends of it on each tower, but on the new drawing it seemed flat. Mr. Lizotte said that it projected a ½ inch at that elevation and the whole soldier course was beyond the piers. The windows sat back, so from the street level, the brick sat in front of it and it was tough to see. Councilor Kennedy thought that the smaller windows made it look less institutionalized and was more comfortable with the previously-approved design. Ms. Ruedig thought that some of the material changes and details were better additions, but the problem was still the windows because it would always look like an additional floor rather than a half space. Mr. Gladhill agreed.

Chairman Almeida reminded the Commission that perhaps one of the options was more appropriate than what was there currently, and there might be some other subtle change on the façade that could further mitigate the issue, but if not, he suggested they just put the smaller windows back in the existing large openings. They could consider switching out the actual sash or make up the difference within the opening with some other treatment to bring them back to almost exactly where they were. Mr. Katz said that the ultimate solution would be to revert back to the previously-approved or as close to it as possible. Chairman Almeida said the way to do was by adding the extra cornice depth below to what it was before, and instead of switching the actual window to that pattern, go back to the other size and make up the difference. The lower portion would not be in view because it was set back slightly. Mr. Melchior said there would still be a view. Chairman Almeida said it would not be in a prominent place. Mr. Melchior stated that the banding also related to the banding below the storefront, and he asked if another change was lightening the 3-dimensional banding depth to the FRP. Mr. Lizotte stated that it was a 1st floor detail that they didn't do to the tower building.

Pre-cast Columns and FRP Panels

Mr. Johnston stated that the infill piece was almost complete on Deer Street. Chairman Almeida verified that the pieces were painted and the FRP banding was installed across the top of the pre-cast. Mr. Lizotte agreed and said that most of the storefront was in place. Looking at a two-story bay, there was concern about the transom height as well as the band, so the vertical pier in the middle of the bay got wider than originally shown. Another thought was to break down the scale of the 2' wide piece by having a double pilaster look that was a modern interpretation of the traditional cast-iron storefront system. He said it was slightly modified on another drawing and enhanced the vertical element of the central piece and aligned with the mullions. Councilor Kennedy thought the trim looked very continuous, and the metal and spandrel glass did not look the same. Mr. Lizotte said it was just part of the storefront system and the pattern would be spandrel-louver-spandrel. Mr. Loft stated that if it were all louver, the band would be perceived as much bigger, so they used spandrel to lighten it up. Chairman Almeida verified that the mockup had just one coat of paint on it and was not finished.

Ms. Ruedig still had an issue with the top banding that was a very different material than the pre-cast concrete piers and stood out. It was obvious that the top panel was a different color and texture than the piers. Chairman Almeida asked if it had a factory finish on it and was told yes. He asked if they should stop pretending that it was a different material and let it be a different band, or if they should try harder to make it match the pre-cast. Ms. Ruedig said that she preferred it be the same material as it was intended to be rather than a lot of different colors. Mr. Wyckoff asked what the problem was with the pre-cast pieces. Mr. Loft told him that they were very heavy and stuck out from the center line of the column, so there was an intense turning issue. Mr. Wyckoff asked if there was anything inside of it that would help the beam. Mr. Lizotte said that the steel framing ended at the 2nd floor, and above it was 97% of wood frame, necessitating some steel beams that weren't backed up. Councilor Kennedy stated that she wanted to see the structure the way it was because from the photo, it looked flimsy. Chairman Almeida noted a different texture and color and asked if they could be corrected.

Mr. Melchior disagreed and thought it was just an immediate solution, and he mentioned the entropy of natural materials versus artificial materials. They needed to go back to the same material that they had with the columns. The materials had to match, and he thought it should be a pre-cast concrete or stone element. Mr. Wyckoff asked if the pre-cast could be made lighter. Mr. Lizotte said that pre-cast was normally formed as a big piece of concrete. Mr. Melchior told him that he had opportunity to go back to a pre-cast element, horizontally and vertically. Chairman Almeida wanted the pieces coated with a surface that resembled the pre-cast more. Mr. Rawling said that the lack of the mica fiber cornice stood out because it was flat. Mr. Wyckoff said that if a coating would help, he was in favor of it and could see the band being a different color. Mr. Lizotte stated that they could do a mockup that would get it closer to the pre-cast. Mr. Melchior thought that the most common view for it would be from the sidewalk looking down the length of the building, and he reminded the Commission of the pains they had gone through to minimize the horizontal run of the building. They were creating an element that, through the change of materials, would differentiate itself from the vertical elements and would exacerbate the horizontal look of the building.

Awnings and Decorative Panels

Mr. Johnston stated that they added awnings on Portwalk Place where the glass was and said that some storefronts grew and some shrunk, and some were higher on Maplewood Avenue and Deer Street. They had put up a different awning on a retailer with the thought that the retailer could come back to the HDC at a later date.

Chairman Almeida asked if they had considered awnings on the upper bays and suggested that it could be a feature mounted to the band to provide shade. Vice-Chair Kozak thought it was a good place for it because it would bring the scale down for pedestrians. Mr. Johnston thought that it was an upgrade and talked about different interpretations as well as an applied piece and awnings that went up the tower.

Mr. Johnston pointed out to a part of the façade where it said 'café' and told the Commission that they had placed the awnings over the egress doors as they had done on Maplewood Avenue. On the other facades, they wrapped the corners. Chairman Almeida noted that it was a good thing to add relief on the Deer Street façade where the entry door was added but thought the awning should go higher to break up the horizontal.

Councilor Kennedy asked about the tiny awning, and Chairman Almeida said he liked it because it was a smaller bay. Mr. Melchior thought the smaller bay by itself was challenging and that anything extra done to it brought attention to an awkward condition on the façade. Chairman Almeida thought it created something unique that caught the eye, and he asked how far the awnings stuck out. Mr. Johnston replied that it was about 45 degrees depending on how the awning was made. Mr. Wyckoff preferred an awning that projected rather than a 45-degree angle on the top so that people walking on the sidewalk wouldn't get wet. Chairman Almeida agreed that they should be sizable and offer protection. Mr. Wyckoff thought they should have real canvas material. Chairman Almeida asked if the valances around the edges were loose, and Mr. Johnston said they would open them up on the side to match the one on the tower. Mr. Melchior thought that the item that was passed out was a better option and more appropriate. There was more discussion about the panel and the paint. Mr. Rawling asked if the Commission was questioning the appropriateness of using the art deco relief as something that related to the building style. Vice-Chair Kozak thought that the tower awnings did not really work and likened them to putting shutters on windows that didn't open. Mr. Melchior said that he was focusing more on the function in front of the storefront at the pedestrian level because he was conscious of the horizontal run down the street. Chairman Almeida thought the passed-out version was a wonderful solution to a lot of issues on the façade because they were 3-dimensional patterns within the bays. Mr. Lizotte said that it was a way to add a focal point on the street and give it more of a pedestrian experience.

Vice-Chair Kozak noted the difference of materials on the cornice very clearly where the vertical piers met the horizontal. She suggested the option of using the dark shadow line on the top piece and doing the flatter bottom part in a pre-cast in a heavier projection in a lightweight material so that the difference would be hidden in the shadow. The projecting cap would be a better place to transition due to the shadow. Mr. Wyckoff agreed. Mr. Rawling thought that if the connecting piece and the mitered piece could be pre-cast and matched, it would be better so that it wouldn't

stand out. Mr. Johnston asked him if he meant the whole FRP band in a different color. Mr. Rawling said he meant something that would emphasize the horizontal look of the building. Mr. Lizotte told him that if it was up that high, in theory it already did. If it was painted a different color, it probably would not accentuate the horizontal of the building because the bays were broken up by the recessed darker glass. Mr. Johnston suggested a rosette or similar detail on the FRP piece to break it up. Mr. Lizotte said if it had a similar broken-down detail like on the spandrel area, it would look like a crowning cap. Vice-Chair Kozak said they would get the shadow lines on either side and it would be like an overlay or projection, like on the pier, so it would not be in the same plane when they transitioned materials. Regarding the horizontal cornice as it passed above a vertical pier, the lintel section was mitered and would project forward. There could be an extra detail that would recall historic buildings. Mr. Wyckoff asked if it was in conjunction with the flat band also being pre-cast material. Vice-Chair Kozak told him no because the goal was to break up the plane so that the change in materials wasn't noticed. Ms. Ruedig thought it would help a lot but there would still be a surface texture issue and the light reflectivity would not be the same. Chairman Almeida said that it accentuated the fact that it was different instead of hiding it, and it could be a combination of all in back with pre-cast capitals with the awnings going all the way across. He said he was comfortable with that solution for mitigating the band. Councilor Kennedy said that it would still have the difference in material. She was okay with the art deco detail but wanted to see the material. Mr. Rawling agreed that the pattern spandrel offset the skinny transom detail as well.

Chairman Almeida asked if the Commission would agree that it would be a solution. Mr. Melchior felt like they were sticking on another piece of ornamentation, but it was better than just an FRP. Mr. Wyckoff thought that it wasn't a good idea to miter two different materials on the same plane, and he suggested some sort of capital on it. Ms. Ruedig thought it was better but was still hesitant about the difference of materials.

Spandrel and Egress Stairs on Maplewood Avenue

Mr. Johnston showed the Maplewood Avenue façade and stated that they wanted to change the glass to the same as the spandrel, but they could add more glazing around it. It was the back side of the hotel and it was egress from the garage roof, and it could have the same color as the spandrel glass, but they could make a bigger awning over the egress or move the awning down. Chairman Almeida stated that they would want the entrances on the sidewalk level to be significant and inviting. The dilemma was that it was a boring little door on Maplewood Avenue but it was not an entrance, so they didn't want to attract people to it. Mr. Melchior stated that the Commission had over a year of work sessions, and there had been a deliberate focus on the pedestrian level to create a pedestrian entrance and scaling elements that included what was behind the windows, the storefront, the marketplace, the retail, and the hotel area. Whether it was an egress stair or an entrance, there was no reason why it should not be glass, and they should be able to see into it and have the depth beyond the glass at the pedestrian level. Just because it was an egress door did not mean it needed to be a void. Chairman Almeida verified that Mr. Melchior would modify whatever was behind the door at street level with clear glass. Mr. Melchior said that sidelights would be better. Mr. Loft said that they could widen it for sidelights. Mr. Wyckoff asked if anyone was in favor of eliminating the spandrel glass on both sides and putting in a textured, decorative panel similar to what was on Portwalk Place. Vice-

Chair Kozak thought it was important to keep the rhythm and fenestration. Mr. Johnston said they could do a mockup. Councilor Kennedy liked the glass because of the pedestrian experience.

Mr. Johnston showed a street plan that he said was an activation plan that had seven new trees in front of the Marriott. They changed out the light poles to 13' light poles that were cast iron like the City ones but 2" higher so they could have hanging floral baskets, which they had also done at Portwalk Place. They upgraded all of the area in front of the hotel. He said that they could install an operable decorative window within the hotel because there were resources from taking things out of the building like the windows, so they would like to put it back into the buildings. They could also change out the canopy material from a fiber cement material to a patina green look. These changes would all be in the spirit of enhancements. If there was 12" of glass on the tower window, they had a great way of getting a great look. As a trade-off to that, they could have the enhancements at the pedestrian level.

Chairman Almeida suggested that they use the enhancement ideas to address specific items on the list but said that the Commission had to know what it was that was being enhanced. Mr. Johnston told him it was the tower details plan that they passed out previously and the upgrade to thin brick on the tower. Councilor Kennedy asked him if he liked the idea about going back to the small windows. Mr. Johnston said that it could be done if they could upgrade more items at the pedestrian level. Mr. Wyckoff asked what they were doing on the street level. Mr. Johnston said he would have to come back with the details, but the proposal would be to have two operable windows at the hotel bar stipulated and allow a better pedestrian experience from the bar to the sidewalk.

Expansion Joint Details

Mr. Johnston stated that it was a foam expansion similar to one that sat back, and it had a flat color and could be painted to match the brick color. Chairman Almeida thought that they were lucky that the joints were where they were because they were in a place where they'd want separation from the next building. He thought that recessing was better, but the joint was not a major issue for him because of the creation of that separation. Councilor Kennedy thought they had discussed a cap and was told that some wanted it and some didn't. Mr. Melchior thought that it should be covered up because there was no reason to have an expansion joint there.

Chairman Almeida opened up the public comment session.

Mr. Joe Caldarola of 170 Dennett Street stated that he appreciated all of the work done by the Board. He had been studying the building and wanted to point out some changes he saw that were not on the list and cheapened the building. He referenced the Deer Street approved plan and the band below the word 'hotel' on the top of the left tower and said that the height above the cornice was much narrower than in the as-built. It was taller in the as-built and the proportion was all wrong and was clumsy. Another thing was the shadow line under the word 'hotel'. On the approved, it indicated a substance and was extended out from the building to create a shadow, but it was flat in the as-built and lost the impact. On the approved plan, the cornice showed two steps going up to it with a tall fascia below a crown element and then a top

fascia. The as-built had the same elements except that the mid fascia was much taller on the approved. The effect was a loss of substance and a lighter color. The width of the columns in the approved was much narrower than the as-built and made it look clumsy. Chairman Almeida told him that the renderings he referenced as approved were not what they had made their decisions on. They had specifics, and the renderings and color images were conceptual. The cornice itself was exactly as constructed Mr. Caldarola said that it bothered him that the approved plans did not follow what was being presented. Chairman Almeida emphasized that there was a way of knowing and that anyone could go to the file and look it up.

Mr. Caldarola said that the plan showed middle and bottom sashes were the same size, and the upper sash was smaller and had grills, so it appeared to be an old historic window treatment while the as-built appeared to be a modern transom storefront window. There was a U-shaped base resembling a Greek Gothic building in the renderings, but the effect was in the as-built. Going up to the main cornice on the building, there was a much taller 2-step band across the top in the approved than in the as-built, which reduced the weight and the drama and cheapened it. In the storefront areas, the columns in the as-built were narrower and went from historic-looking windows above the storefront to a plain, modern aluminum-type glass treatment in the as-built. A metal gray band going across the historic-looking windows in the approved plan was not present in the as-built, which had just two stacked metal panels that lost the drama. There were cornice issues on the towers due to the top layer on the approved with more substance and taller than what was shown on the as-built. Below the half story windows, the relief was diminished in the as-built. Above the storefronts, the triple banding was divided strongly in the approved but had turned into a modern panel in the as-built that made it look cheap. Chairman Almeida agreed that it looked very different on the hand sketch compared to the Autocad version.

Mr. Caldarola continued and stated that the green element and the railing at the top with the two posts at the corner were wide in the approved plan but were narrow in the as-built. Regarding the FRP band, the developer stated that they changed to the FRP band to lighten the steel frame due to cost. Mr. Caldarola felt that this was a case where a mitigation of equal value could be done and thought that the Commission should find out how much money was saved and ask for a tradeoff. A lot of people agreed that the FRP band was the most offensive thing about the building. He also thought that the brick wall on Maplewood Avenue should come down and some sort of guardrail system and greenery should replace it.

Mr. Rick Becksted of 1395 Islington Street told the Commission that their job was to make sure that the visual and material changes were appropriate, and he felt that there were good and bad compromises considered. The Commission spoke for the residents, and they should make the developer do what they were supposed to be doing. If something needed to come down, they should make it come down.

Ms. Barbara DeStefano of 99 Hanover Street stated that she had read in the newspaper that people thought Pro Con was paying her to speak on their behalf, and she denied it. She spoke on their behalf because she liked how the building looked. She thought that the upper windows looked great and that most people wouldn't see them walking up Portwalk Place because they were mostly seen walking up Garden Way from the Hilton. The horizontal banding was a different material and would look different, but the average person didn't care about about that

sort of thing. The most important thing to people was the pedestrian experience, like the benches, trees, and outdoor seating, and thought the changes were on the right track.

No one else rose to speak, so Chairman Almeida closed the public session.

Mr. Wyckoff brought up the capitals on top of the columns and asked whether they should also be on the tower. He agreed with Mr. Caldarola that the columns at the bottom were wider and had a blocky look, and he felt that the tower should be accented more. Mr. Melchior reiterated that it was a challenge because they had to turn the corner, at which point they got wider. He asked how they would turn the corner with a medallion element at the top of the column to break up the FRP. Mr. Wyckoff asked if the FRP on the tower was on the same plane and if the tower projected out from the building, and he was told that it did. He then asked why the tower needed to have the same material for the capitals and the bands.

Vice-Chair Kozak stated that she wouldn't want the developer to redesign the whole building. The concept of the continuous base to the building was presented from the beginning, and she felt that it worked by wrapping the corner. Mr. Loft stated that the corner piece would be pre-cast and the same concept. Chairman Almeida confirmed that it would be a mitered corner so that the actual profile turned the corner. Councilor Kennedy asked if it would be pre-cast across on the tower, and Mr. Loft said that it would be pre-cast right above the columns. Councilor Kennedy asked how many inches it would come out and if the fake material would be more prominent. Mr. Lizotte said that it would be about an inch over the pilaster and that the tower stepped out at least a foot from the base. Mr. Melchior stated that the capitals were not in the same plane as the FRP, so it made it difficult to turn the corners.

Summary of the Consent Agenda items:

- The gas enclosure, which had general support and minimized impact.
- Enlarging the precast pilaster capital (p. 7, item 7)
- Adding a doubling of the pre-cast piers facing Portwalk Place, (p. 7, item 4). Most people felt that it was an improvement to break up the building and the hotel use.
- Changing metal windows to vinyl. Councilor Kennedy was not comfortable with it, and Vice-Chair Kozak wanted to see a sample.
- Widening the piers on the corner tower (pgs 9 & 11, item 18).
- Changing the metal panels to fiber cement panels (p. 9, item 18a)
- Changing the granite base to pre-cast within the parking lot.
- Increasing the width of window casing and fiber cement siding, (p. 16, item 26).
- Changing the façade detail under the porte cochere (pp. 16 & 17, items 27 and 28).

Councilor Kennedy said that she didn't care for the regular glass and suggested bringing in the design on Deer Street where the dark glass was. Chairman Almeida said that they would be smaller panels fitting within the door-front system. Ms. Ruedig didn't think they would be noticeable because it would be shadowy. Vice-Chair Kozak said that the back of the tower on the front of Maplewood Avenue had not been discussed. They had talked about it facing Portwalk, but it wrapped around the back and there was also a cornice and windows in the back, so she thought that it would be far more visible than anything else at Portwalk. The weakest

point of the whole project was that the back of the building faced Maplewood Avenue, and she thought that anything done to make the back of the tower look like the front would go a long way. She asked if they could detail the portion facing Maplewood with the thin brick they used to detail the front of the tower.

Mr. Wyckoff said that he saw that type of thing all the time and thought because the back of the towers was pushed back 150' whereas the front was right on Portwalk Place, it made a major difference. He understood that the cornice and the widows on the 5th floor should wrap around, but he wasn't sure it was important that the tower be all brick. Ms. Ruedig said that the back of the tower was fiber cement clapboard, and a brick 5th floor on top of clapboard seemed very wrong. Mr. Wyckoff asked why it couldn't go around the corner and stop at the back. He thought that the details and proportions should be the same and the material should be fiber cement. Ms. Ruedig and Councilor Kennedy said they needed more details.

*Mr. Gladhill made the motion to **move the work session into a public hearing**. Mr. Wyckoff seconded. The motion **passed** with all in favor, 7-0.*

SPEAKING TO THE PETITION

Mr. Johnston stated that there would be a brief summary of the work session and that the motion to split the hotel from the non-hotel portion was moved and approved.

Mr. Lizotte summarized the hotel portion of Portwalk and stated that there were 28 items. He listed the major items:

- façade 3 for the tower windows
- brick corbel change
- cornice and columns were added plus the expansion joint
- Porte cochere's material
- The horizontal or vertical band on the double stories and the band material
- Spandrel glass
- The change in the tower element, and also upgrades to the building, such as adding the capital pieces for the different trim like the horizontal band
- gas regulator that was added
- how the brick pier changed size
- the window trim changing width
- entrance under the porte cohere

Mr. Wyckoff thought they should remove the added capitals because he believed that the Commission needed to see detailed drawings of what would be done with the FRP panels and capitals. He thought that it would also remove the problem that the Commissioners had with the smaller windows on the 5th floor of the two towers, at least until they saw a detailed drawing.

Mr. Melchior stated that the applicant had brought forward the mitigation of activating the pedestrian level such as the outdoor seating, the awning treatment, and the hotel bar windows in return for some of the façade changes. They also had not discussed the change of the window

rhythm on the façade, but he thought the mitigation items would offset some of the additional column of windows facing Deer Street, which he wanted to see in final form. Chairman Almeida agreed that they hadn't talked about the added column of windows facing Deer Street and asked if they should discuss it then. Councilor Kennedy thought they needed a visual of it. Vice-Chair Kozak stated that, since they were already accepting some of the items to be continued until a further meeting, it should be included at another meeting because it deserved more time. Chairman Almeida stated that they had a huge amount of feedback on what the proposed final drawing would be, but there had been consensus on all the items surrounding Deer Street. Mr. Wyckoff said they could concentrate on three or four of the items at the next meeting, such as the capitals on the pilasters, more awnings and more texture to the panels.

Councilor Kennedy stated that the Commission could vote on the Consent Agenda items that the Commission had agreed upon, but they needed more information on other items, like the trim.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Joe Caldarola of 170 Dennett Street stated the Consent Agenda items included the discussion of the wider pilasters of the towers but had not heard that it included the two different widths and asked if it should be part of the official ruling of the Board to discuss it. Chairman Almeida agreed that it was part of what they were considering. Mr. Caldarola said that they didn't match and asked what the approved detail was on because he had noticed things that he had not seen on the building, such as the FRP cornice and the pre-cast concrete color step. Chairman Almeida told him that it was there. Mr. Caldarola asked about the pre-cast concrete band being 4" tall that didn't give an elevation for the accent band and didn't include the detail for the column top. Chairman Almeida told him that the changes to the tower had been discussed in the previous two meetings. Mr. Caldarola also asked that the Commission not consider the Maplewood Avenue side as the rear of the building because it was one of the main entrances to the City.

There was no one else to speak to the petition, so Chairman Almeida closed the public hearing.

DECISION OF THE COMMISSION

*Councilor Kennedy moved to **grant** Item #4 (as listed on Mr. McNeely's list but listed as # 21 on another list), the gas regulator enclosure as presented. Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

Mr. Wyckoff stated that there was some confusion because there were different lists of items with different numbers. Mr. Cracknell suggested that they use Mr. McNeely's list, which referenced the gas regulator as Item #4.

*Mr. Melchior moved to **grant** the following amendments to the original application:*

- Item #3 - Enlarge pre-cast pilaster capitals
- Item #5 - Add a pre-cast pier facing Portwalk Place
- Item #7 - Widen the piers on the corner tower
- Item #8 - Change the metal panels to fiber cement panels
- Item # 11 – Pre-cast concrete in the parking lot
- Item #12 - Increase the width of the window casing in the fiber cement siding w/ no change in the size of the casing
- Item #13 - Change the façade details.

Mr. Gladhill seconded.

*Mr. Wyckoff moved to **add an amendment** to the motion for Item #5, spandrel glass in the egress stairs as presented with adding clear glass on both sides of the door as presented in the sketch.*

*Mr. Gladhill withdrew his seconding of the motion because he didn't support Mr. Wyckoff's amendment. Vice-Chair Kozak seconded the amendment. The motion to amend the motion **passed**, with 5 in favor and 2 opposed (Mr. Gladhill and Councilor Kennedy).*

Chairman Almeida asked for other motions. Mr. Wyckoff stated that Item #6, the vinyl windows on the upper floor that were approved on Portwalk Phase 2, had context and were appropriate because they looked the same from the street. It would also allow the LEED certification.

*Mr. Wyckoff moved to **grant** the approval of Consent Agenda item #6, changing the metal windows to vinyl, as presented. Mr. Katz seconded.*

Councilor Kennedy stated that she would not support it because people usually were required to bring samples of windows, and there had been discussion about vinyl versus metal where the Commission had made it clear that they wanted metal. She felt that there were other ways to make it LEED-certified, and she thought it was a blatant move on the developer's part that the windows had suddenly been changed to vinyl. Mr. Melchior stated that he would not vote in favor for similar reasons. He had a hard time with the LEED calculation due to the fact that the windows were added onto the façade afterwards. He felt that the cheaper windows increased energy consumption rather than reduced energy. Mr. Gladhill also said he would vote against it.

Vice-Chair Kozak stated that, since the final windows were already approved for use on the building at their locations, it was appropriate to have them match on another part of the building. Chairman Almeida said he would never have noticed from a distance that they were vinyl because the profiles were exactly the same.

*The motion **passed** with 4 in favor and 3 opposed (Mr. Melchior, Mr. Gladhill, and Councilor Kennedy).*

Chairman Almeida stated that the remaining items would be addressed at the next meeting and suggested that they be shown as graphics and kept to a minimum of three sheets. Councilor

Kennedy added that the Commission had made a commitment to the public to have enough sheets for everyone before the work session. Not only had there not been enough, forcing them to share and making it confusing, but the developer had brought them to the meeting and had not sent them in advance. She wanted the sheets at least a week in advance of the next work session. Chairman Almeida said that the Commission had not made the decision to not allow additional information at work sessions, but it was the amount of information that mattered.

*In summary, and after due deliberation, the Commission voted to **grant partial approval** of the application with the following items approved (as enumerated and listed on James McNeely's report, dated April 8, 2014):*

Material Change Items:

- #4 – Gas regulator enclosure on the Deer Street sidewalk.
- #5 – Add spandrel glass in the egress stair facing Maplewood Avenue as revised and shown on Exhibit 1 submitted on April 16, 2014.

Consent Agenda Items: (as shown on Plan Set dated March 14, 2014 and date stamped April 9, 2014 by the Planning Department)

- # 3 – Enlarge pre-cast pilaster capitals
- # 5 – Add pre-cast pier facing Portwalk Place
- # 6 – Change metal windows to vinyl
- # 7 – Widen piers on the corner tower
- # 8 – Change metal panels to fiber cement panels
- #11 – Change granite bases to pre-cast concrete in parking lot
- #12 – Increase width of window casings in fiber cement siding
- #13 – Change façade details under Porte Cochere

*The Commission voted to **postpone** the remaining items requested for approval under the application to a work session/public hearing at the May 7, 2014 meeting.*

III. WORK SESSIONS (CONTINUED)

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. Work Session requested by **Dale W. and Sharyn W. Smith, owners**, and **Green and Company, applicant**, for property located at **275 Islington Street**, wherein permission was requested to allow demolition of existing structures (demolish existing buildings, construct two

multi-family structures) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 144 as Lot 8 and lies within Central Business B and Historic Districts.

Attorney Bernie Pelech, Mr. John Tuttle, architect with T/W Designs, and Mr. Michael Green and Mr. Rick Green of Green and Company were present to speak to the application. Mr. Tuttle told the Commission that they had a different design that did not have underground parking and that the project size had been scaled down to be more in keeping with the street scale. The project had condos that ran along Cornwall Street and Rockingham Street and faced Islington Street. The proposed design was a 3-story building, and Mr. Tuttle showed various views of it. One view of it looking up the street toward Islington Street was where the variety of the project started breaking up into duplex-style homes that fit the contour of the land and represented a scale that matched the neighborhood instead of towering over it.

Councilor Kennedy asked what the doors would be like on the front of the houses and was told that they would vary. Mr. Wyckoff asked how many of the 17 units were in the duplexes and the front buildings. Mr. Tuttle replied that there were four on Islington Street, which left 13 along Cornwall and Islington Streets. Mr. Wyckoff verified that the two buildings on Islington Street only had two units apiece in each building.

Chairman Almeida asked if there were questions about the surrounding neighborhood context. Ms. Ruedig stated that she would start with the massing. The area had mostly gable, mid-19th century houses that used to be all single family homes, and some were duplexes. She felt that the building was an improvement regarding massing and height but wanted to see better plans. She also wished that the developer had put off a little of the exterior detailing because she had serious reservations about the design style. She wished that the Commission had better site plans as well so that they knew where the buildings lined up in terms of where the neighbors came up and how much space was between the sidewalk and the frontage and how the rhythm played in the side streets. She thought the previous design from McHenry Architecture had shown it very well.

Mr. Gladhill thought that the massing had gotten better in terms of height, but the length along the two side roads could be improved upon because they did not well with the area. Vice-Chair Kozak thought that the height and massing were fine, and the concept of connected townhouses down the side streets was reasonable. She liked the central green but thought it was missing a formal reference to the park across the street. Councilor Kennedy thought that the fence should be more open because fences were usually lower along that street. She asked if the New Englander would stay or be removed. Mr. Tuttle said that it would be removed, and Councilor Kennedy had a problem with it and noted the letters against its removal that they had received.

Mr. Rawling did not see any relationship to the setbacks of the buildings on Rockingham and Cornwall Streets to the neighborhood. They established their own context, and the large amount of the front yard space was taken up with parking lots, much like a suburban complex. He also did not see a relationship to the park. Looking at the front elevations of the building, it seemed that the ground floor on Islington Street was taken up with garage windows, contrary to what would be textual to the street. He was glad to see some relationship of the buildings around it and he saw a break in the street pattern and rhythm where the buildings were set too far back from Rockingham and Cornwall Streets. He thought the detailing needed work. He also thought

the fence made the building look like a fortress. The elevations of garage doors up and down Cornwall Street were out of character with the neighborhood and seemed suburban. He didn't see how the driveways would function without someone backing out and hitting pedestrians or cars because of the limited visibility. There was too much variation in the buildings on the side streets because the neighboring houses were simple and didn't have the different dormers and projections. He thought that the suggestions for the porches and stoops were appropriate.

Mr. Melchior agreed with Ms. Ruedig's and Mr. Rawling's comments. He thought that the adding on to the massing made the scale appropriate but felt that the massing should be broken out. The unit massing was appropriate, but combining it into a homogenous structure was not appropriate for the area. Mr. Wyckoff said that the fence on the sidewalk could use some of the brick detail that the park had across the street. The main entrance to the park had bricks that curved in and led to the monument, which he felt was more appropriate and welcoming. The details had an awkward Georgian/Colonial look with garage doors on the side, but they had to look at it a bit differently as far as the suburban scale for the back units because there was no underground parking. To have the urban infill that some would like and wouldn't like didn't work, so now they had something with smaller scale and massing as well as parking, and some of it was on the street and some off the street. He could see the New Englander being removed in the larger development but thought it could have been worked into the smaller scale.

Chairman Almeida stated that the developer had brought the scale down dramatically. As far as the setbacks, he thought there could be a way to put parking in the back rather than the front and bring the units right up to the sidewalk. Or, instead of incorporating the parking within each individual structure, separate the parking function entirely by using a garage instead of putting a garage door on the face of the façade. He appreciated the breaking up and thought the developers were headed in the right direction with the massing on Islington Street but felt that the garage doors on the side of such a formal building were not appropriate. Mr. Tuttle replied that when they started moving the buildings out and taking over the space with non-pervious materials in the back, they started to lose the space that they needed. They also had to get from ground level within a short distance or they would have ended up with a towering staircase, so they had the design that gave the residents green space but also allowed space for pervious.

Vice-Chair Kozak noted that the main entry on the side streets was 8' above grade and seemed unusual for context. Mr. Tuttle said that they tried to squeeze the parking in. Vice-Chair Kozak said that usually, they'd see a front stoop elevated above grade but not a full story with a straight run of stairs. Most of the street was mid-19th Century and the developer seemed to be going back a hundred years earlier and putting something totally different on the side streets. She suggested that they draw more from the context of the surrounding styles. Ms. Ruedig said that it was one of her main worries because it not only mimicked historic buildings by being in the middle of the Moffatt-Ladd House and the Warner House but also did not fit their context. Vice-Chair Kozak said the park itself was the No. 1 thing and had its own energy. There were a lot of stylistic choices, and she cautioned trying to replicate historic textbook monuments halfway. Ms. Ruedig suggested that they mimic what was on the street and also draw from the park. Chairman Almeida said that the garages had a certain value and asked whether the developer had considered surface parking and making the garages additional living space. He thought it would eliminate the problem with the garage doors on the front.

Chairman Almeida reminded the Commission that Items #8, 9, 10 and 11 were related to context, scale, massing, and architectural styles, and they should feel free to discuss those four items. Vice-Chair Kozak stated that, relating to style, there was the Islington Street style and the side streets, and it would be fine if the styles on the proposed building were totally different. However, the buildings were connected and needed to relate to each other, and if the developer wanted them to be different, then they should be separated.

Mr. Rick Green asked if the Commission agreed with the way the buildings were connected all the way down the street. Mr. Gladhill said he agreed with the long connection along Cornwall and Rockingham Streets. Mr. Rawling thought that the buildings could be connected on the side streets and that they should model the massing of the free-standing buildings and do a setback with the connecting part. Chairman Almeida noted that the connectors were pushed back.

Mr. Green asked if anyone else agreed with the concept of separating the buildings. Mr. Wyckoff said that he had no problem with anything except the number of garage doors and asked if they could be placed elsewhere. Chairman Almeida agreed and said it would be an improvement. Mr. Green asked where they felt the garage doors should go. Vice-Chair Kozak felt that, to keep it connected, it needed to be more unified rather than mashed together with totally different styles and should be more like cohesive row houses or townhouses. Councilor Kennedy mentioned the row houses on McDonough Street next to the factory neighborhood as an example. She wondered how the brick walls fit in with the massing. Mr. Katz noted that the objection to the removal of the New Englander was because the structure was important to the continuity to the rest of the neighborhood, and he asked if that could be used as a rationalization for not allowing it to be demolished. He thought that it could be a legal issue that the Planning Board or City Attorney should decide.

Chairman Almeida opened up the public session.

Ms. Mary McDermott of 40 Rockingham Street stated that she was an abutter and was also speaking for her neighbor Ms. Carol Clark of 28 Rockingham Street. She commended Green and Company for their outstanding effort to give the neighborhood a development that they could be excited about. She appreciated that they hadn't keep coming back with little trim changes, saying that they could make it work. She originally did not want the New Englander to be demolished because it was too much a part of the neighborhood, but she had since realized that it would be the breaking point, and since Green and Company had toned down the development and made it fit in more, she thought they were on the right track, and she and Ms. Clark both believed that the house had to go.

Mr. Rick Becksted of 1395 Islington Street said that he had met with the developer and he also thought there were on the right track but were not 100% there, and that was why they were asking the Commission's advice. He thought that it was a start and he understood that the building had been set back to meet the needs of the neighborhood. Parking and the New Englander were big issues, and he thought that they would come down to a compromise, but he didn't think the developer would put anything more into it than they had to because they relied

on the Board's input. He hoped the project would move forward, but said that its detail and character were up to the Commission.

Ms. Suzanne Lawrence of 249 Islington Street said she was a direct abutter and could speak for two other neighbors. It was a great improvement from before, which she thought looked like something from Miami Beach. The massing and height were fine, and her only concern was the garages, which she thought was a safety issue due to traffic.

Ms. Kerry Vaultrot of 96 Highland Street thought that it was a definite improvement with respect to residential scale and the neighborhood, but it didn't fit in contextually because the neighborhood was predominantly gabled buildings and the stoops were too high. She encouraged the developer to consider the setbacks, overall shapes, stoops and frontages that would be expected and said that it was their job to design the building and not the Commission's. She agreed that trying to duplicate a prominent historic building wouldn't work and thought they should simplify instead, and also felt that the garage doors did not work.

Mr. Joe Caldarola of 170 Dennett Street thanked the Greens for reducing the scale to the 17 units, saying that there was a huge sigh of relief at the neighborhood meeting. He supported the Planning Department on the staff report comments and also the HDC comments heard that evening. He had the same concerns with the garage doors and the traffic and what they did to the overall context by creating a suburban feeling. Because the project was across from a stately park in a high-end location did not mean that it couldn't have mid-priced units along with the high-end ones. It also didn't have to be fewer units and that the high-end front could be developed dramatically and the back units could be more moderate.

Ms. Karina Quintans of 51 McDonough Street said she was the Coordinator of the Islington Street Neighborhood Group and was almost an abutter, and she felt it was a huge improvement from the previous design. She felt encouraged that the applicant came back with a new design and appreciate their effort to create on-site parking, which she felt was a quality-of-life issue. She thanked the Greens for their commitment to make the building work on that site.

No one else rose to speak, so Chairman Almeida closed the public session.

Councilor Kennedy asked how much room there was from the street to the front of the houses. Mr. Tuttle said that it was 22' and 25-30' for the back. Councilor Kennedy suggested parking the cars behind the building and bringing the building up to the street. Mr. Tuttle said that all the space behind it would become non-pervious with no more green space on the site. Mr. Green added that they would have to push the setbacks in. Ms. Ruedig felt that it was important to have the houses at the end of the street match and she still didn't understand the reasoning for demolishing the New Englander. Mr. Tuttle told her it was because the numbers didn't work.

Mr. Green asked if they were being requested to move the buildings further out to match the setbacks of the surrounding homes and lose the off-street parking that the neighborhood so desperately wanted. Chairman Almeida said that he heard some positive things and everyone wanted parking to be part of the plans, but they wanted to see it minimized and didn't want a lot of garage doors. Mr. Green stated that they needed a place to start and asked if the Commission

agreed with moving the garages out and losing the off-street parking. Vice-Chair Kozak stated that the Commission was asking them to relocate it, not lose it.

Mr. Katz stated that he saw a lot of impervious areas and asked why they couldn't be between the structures so that the housing was more in line with the rest of the street. He mentioned the concept of alleys and said that it would keep the street rhythm and get rid of the garage doors on the sides. Mr. Green said that if they did so, there would be fewer than 17 units. Mr. Katz suggested parking behind the units. There was more discussion of setbacks and building coverage.

Mr. Wyckoff stated that, front setbacks were not necessarily true because they could match the existing houses, according to zoning regulations, if they were 2' off the street. Mr. Green asked what kind of lot coverage they would need for the front yard setback. Mr. Cracknell replied that there was no lot coverage, just building coverage, and parking was not building coverage. There was an open space requirement as well, and no front yard setbacks other than the established one on the street, which was about 5' on both streets without a variance. Mr. Green said they had convinced the neighborhood and now had to convince the Commission. Their biggest concern had been parking and massing, and they had dealt with both of those aspects.

*Vice-Chair Kozak moved to **continue** the application to another work session at the May 7, 2013 meeting. Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

B. Work Session requested by **HarborCorp LLC, owner**, for property located **Deer Street, Russell Street, and Maplewood Avenue** wherein permission is requested to allow a new free standing structure (construct mixed use building including, but not limited to, conference center, condominiums, superstore, etc.) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 21, Assessor Plan 118 as Lot 28 and Assessor Plan 124 as Lot 12 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

*At the applicant's request, the Commission voted to **postpone** the application to another work session at the May 7, 2014 meeting.*

IV. ADJOURNMENT

At 11:20 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Joann Breault
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on June 4, 2014.

