

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**October 1, 2014  
to be reconvened on October 8, 2014**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Vice Chairman Tracy Kozak;  
Members John Wyckoff, George Melchior; City Council  
Representative Esther Kennedy; Planning Board Representative  
William Gladhill; Alternates Regan Ruedig, Vincent Lombardi

**MEMBERS EXCUSED:** Dan Rawling

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

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*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.*

Chairman Almeida read into the record the following requests to postpone:

- Public Hearing Agenda Item #11, petition of 67-77 State St, request to postpone to the October 8, 2014 meeting
- Public Hearing Agenda Item # 7, petition of 35 Salter Street, request to postpone to the November 5, 2014 meeting.
- Work Session A, petition of 404 Middle Street, request to postpone to the November 5, 2014 meeting
- Work Session B, petition of 275 Islington Street request to postpone to the October 8, 2014 meeting

*It was moved, seconded, and passed unanimously to **postpone** the petitions, 7-0.*

**I. APPROVAL OF MINUTES**

1. September 3, 2014
2. September 10, 2014
3. September 17, 2014

Mr. Wyckoff moved to approve the minutes as presented. Councilor Kennedy requested that the September 17 minutes be pulled out for a separate vote because she hadn't attended the meeting.

*Mr. Wyckoff then moved to **approve** the September 3, 2014 and September 10, 2014 minutes. Vice-Chair Kozak seconded. The motion **passed** unanimously with all in favor, 7-0.*

Councilor Kennedy recused herself from the following vote.

*Vice-Chair Kozak moved to **approve** the September 17, 2014 minutes. Ms. Ruedig seconded. The motion **passed** unanimously with all in favor, 7-0.*

## **II. PUBLIC HEARING (OLD BUSINESS)**

A. (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 (Option A: mock-up for proposed modifications and design changes to the pre-cast banding on the hotel portion of the building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1-2 and lies within CD5, Historic, and Downtown Overlay Districts. (*This item was postponed at the September 3, 2014 meeting to the October 1, 2014 meeting.*)

### **WORK SESSION**

Mr. Jeff Johnston representing Portwalk and Mr. Matt Worth of Pro Con, Inc. were present to speak to the application. Mr. Johnston stated that two options would be presented. Mr. Worth first brought up the finish on the horizontal banding that was painted with sand paint, so it had a better finish and most of the Commissioners had liked it. The team had worked it down to the first-floor level. The public had suggested that it be made into more of a wood panel look to be consistent with surrounding buildings. It was still fiber cement. Part of the mockup had been repainted so that the finish looked better. They would maintain the double motif through the center and create a panel system at the horizontal location to provide added detail, in response to the concern of the metal grills being too fancy. They proposed that the awnings be 5 feet deep instead of 3 feet to provide more shelter along the walkway, and they were considering not having them on every single bay. The retail awnings were currently placeholders for the tenants. The awnings were lowered and would still have the wood pattern underneath, with the same detail all the way across and continuing around the corner. The awnings would accentuate the corner of Maplewood Avenue and Deer Street. The awning on the door at Maplewood Avenue would be retained but might be lowered so that it wouldn't be as prominent. Mr. Johnston noted that the awning plan was a 2/2/2 pattern, with two bays on either side, and said they were very prominent in order to focus on the pedestrian level.

Mr. Worth stated that the other option was to take out the capitals, which were too awkward and not the right size or style. They would refocus on the pedestrian level. Regarding the metal decorative panel, one option was to do more decorative patterns on the awnings themselves, but they would be generated by the tenants. They could focus it on the hotel portion instead. Mr. Worth told the Commission that they could take action on any awning or grill pattern. Regarding the brushed aluminum finish, they had proposed a darker black finish but were also showing tan

and gray finishes. The darker gray blended in better with the whole bay. The tan color didn't look that great, and the shiny black was a little off from everything else.

Chairman Almeida asked for comments from the Commissioners. Mr. Wyckoff brought up Options 1 and 2 for the grill pattern and said he felt that Option 1A made more sense and fit in better with the rest of the City. As to the aluminum filigree pattern option, he felt that if the whole building had been done in that style, it would be okay, but to simply add them on was not appropriate. He also liked that the two pilasters were left on the extra-wide portion in the middle. Vice-Chair Kozak stated that she had no problem with the fancy nature of the aluminum panels and thought Option A for the panels fit well. Mr. Gladhill liked either the 1A panels or Option 2, the dark gray detail panel, but said he was moving more toward Option 2 because the developer had gotten the design from a building that was already in the City. Chairman Almeida felt that if decorative panels were used, he would prefer them to be darker.

Mr. Wyckoff asked if they would be under the awnings, and Mr. Johnston replied that they would not because they did not want to put the metal grill everywhere so that more of a balance could be kept. Mr. Cracknell mentioned that the raised paneling would be on every panel, even if the awning was above it. He said the goal was to summarize the five versions from August 2012 and discuss the February option and the mockup. Option A had been approved in April, so there remained the last two options of the last two columns and the five main elements just presented by the applicant. He felt that the 3-foot awning instead of the 5-foot one looked a little shy. Mr. Johnston stated that they would paint the whole fiberglass detail.

Mr. Gladhill noticed a discrepancy in the detail showing the metal panels on Sheet 2 and said the tower had no detail. Mr. Johnston said they could put the detail on the tower if the Board requested it. Mr. Wyckoff wondered whether the awnings with the pattern on them would be included if the Board voted for the decorative metal railing. Chairman Almeida asked the Commissioners how they felt about embellishments on the awnings and thought they were getting into the personal taste aspect. He didn't think the embellishments were successful. Mr. Gladhill thought they were too whimsical. Mr. Lombardi felt that the wood painted with the detail was more elegant, and the plain awnings were complimentary to it. He could envision some of the darker metal in some places but wouldn't want a lot of it.

Councilor Kennedy wondered whether the capitals should be removed or not. Mr. Wyckoff realized that people weren't happy with the material but felt that it didn't really show up. Surrounding buildings had some discoloration, but he preferred that the capitals be removed. Mr. Johnston stated that the public felt it was clunky and out-of-place, so they tried to address the issue by lowering that detail to the pedestrian level.

Chairman Almeida asked Mr. Johnston if he could address the movement of the panel because there appeared to be some deflection in the band. Mr. Johnston said he would check behind the fiber cement and see if the material was metal or FRP. Chairman Almeida mentioned that the surface on the band might catch the light in a certain way. Mr. Wyckoff said that it usually meant that the fastener was put in too tight. Mr. Johnston indicated that the material could be seen in other photos, for example, the metal on the diamond building, whether the building was granite, wood or precast staining, and it was not out of context to what the pedestrian would see.

Chairman Almeida said that he usually supported a material stain if it looked a certain way, and he thought it looked excellent and would advocate keeping it if it truly looked like the photo.

There was further discussion about how it looked in the light. Chairman Almeida asked if the Commissioners felt it was a minor issue and thought it was either the nature of the material or a quality issue. Mr. Wyckoff felt it was a quality issue similar to the imperfections the Commission had seen on the cement board, i.e. the helter-skelter nail gun pattern, and he thought the developer would want to get their money's worth on the building. He did not see the difference between the horizontal band and the pilaster. Ms. Ruedig thought that the vertical elements reflected the light and the horizontal ones did not and agreed that the average person wouldn't see the difference, but she didn't trust the fiber cement paneling to age well.

Mr. Melchior stated that he had always been concerned about the issue and felt that as the quality of the material went down due to fatigue and endurance factors, the quality of installation must go up. He thought the quality of installation did not compensate for the quality of the material. Six months before, the structural system that the developer chose was inadequate, and consequently the effects of the architecture were being seen. The Commission was going to great pains to make up for that poor decision and were still not seeing the quality of installation. He was still pessimistic about the artificial materials.

Vice-Chair Kozak thought that the omission of the capitals entirely was not the Commission's consensus. They had agreed that the capitals were the wrong shape and location, but she was concerned about the oil panning and didn't feel that it was the right solution. Ms. Ruedig said they should stop pretending that they were the same material, which Mr. Wyckoff agreed with.

There was further discussion about the capital. Chairman Almeida felt that it didn't have to be heavy but should be more solid to support the band. Mr. Melchior reiterated that the capital was introduced to mitigate the change in material, and now they were mitigating the capital itself.

### **Chairman Almeida opened up the Public Session.**

Mr. Larry Edelman of 99 Hanover Street stated that he lived above the British Beer Company, so he was concerned about the debate. He was ready for a conclusion because what he saw was a truly lovely building and design. He thought the capital, the band, and the grill patterns were wonderful. He felt it was time to stop any further construction and approve the building, whether it was Option 1 or 2.

Mr. Joseph Pratt stated that he was an associate at Portwalk Place and currently commuted about an hour to his job but would love to live in Portsmouth because he liked the strong sense of community. He felt it was time that people stop belittling one another and think about the more important issues. Portwalk had incorporated decisions made by the public and the Commission. He thought the building was amazing and was excited to be part of it. He felt that the economic impact that Portwalk brought to Portsmouth had to be appreciated and that the latest revisions should be finalized.

Mr. Peter Weeks of 677 Dennett Street said that he had followed the project for the last six months. He appreciated all the work that the Commission had done, but the Commission had been given options, and he strongly felt that it was time for them to decide which option would be best and vote on it.

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

Mr. Wyckoff asked if the basic decision would be Option 1A, or if the infill metal panels would be a darker color. Vice-Chair Kozak thought it could be two decisions, the panel and the band. Mr. Johnston mentioned that the material on the building was previously approved. They had used the material in the past, and there were other examples of it in the City. They had made more details on the pedestrian level at a great cost. He emphasized that they had really tried to make it a better building. Ms. Ruedig asked Mr. Johnston if he had an opinion about the difference between the two. Mr. Worth replied that there would be differences in color because one was horizontal and one was vertical. The way the precast was put on would cause different light reflections. Ms. Ruedig asked if there were any ideas on how to mitigate the difference. Mr. Worth said it could be embellished with more detail, but it would take away from the banding effect. They were comfortable with the horizontal band the way it was and with bringing the design elements down to the pedestrian level. Mr. Melchior stated that the challenge of breaking up the long horizontal stance went way back, and now they had irregularities in the banding. The issue was not just the color but the irregularity all the way down because it was no longer broken up. If they had gone with precast, it wouldn't be an issue. Mr. Worth replied that they would have a different modeling problem. Mr. Melchior told him that it would be a straight run. The precast had been a compromise, and then the Commission compromised again with a more flimsy material. After it was installed, the challenges presented themselves, and currently there was a long horizontal stance with a less stable material.

Chairman Almeida said he had noticed the heavy base on the band, but the intent had always been to miter them together. If they had been the same material, it would have been elegant. He discussed whether they should extend a band all the way across to cover the miters to make a true separation of the pilasters from the band so that it would be simple. It could be painted a subtle color and would clearly be a separation of materials. They also wouldn't use cement board. Mr. Melchior thought they needed a stronger differentiation. Chairman Almeida thought that what they had at the top should also be at the bottom, all the way across. Mr. Wyckoff said that if the material wasn't good in five years, it could be fixed. Mr. Melchior felt that deliberate differentiation between the materials was still necessary. Mr. Worth said it could be a different color to give it a subtle change and accentuate the shadowing. Chairman Almeida reiterated that the top band could be replicated at the bottom and the miter covered. Chairman Almeida asked about the color. Mr. Wyckoff didn't like the tan color. Chairman Almeida replied that color was not their purview, but suggested a contrast of light and dark.

Councilor Kennedy asked whether or not they should look at a mockup because they owed it to the public. Mr. Wyckoff replied that he didn't owe the public anything. Councilor Kennedy felt that was his opinion only and said that a plan was created and accepted and could have been done a year before, but the plan changed, so she didn't feel that they had to rush things. They had public comments about the band and she wanted to ensure that it was right. Chairman

Almeida stated that he would hate for anyone to accuse the Commission of rushing anything, but they had made many approvals based on field mockups.

Mr. Wyckoff suggested that there could be a stipulation with Option 1A about adding a rectangular horizontal band the same size as what was above it, and the FRP could be painted a different color. Therefore, the only change made would be the band that was suggested and he didn't understand why a mockup would be done. Vice-Chair Kozak said they'd have to be careful of the dimensions and size. Mr. Wyckoff felt that someone should put the issues of a contrasting color and no capital as stipulations. He also thought the basic panelizing was a good idea and asked if anyone supported the metal. Vice-Chair Kozak said she preferred the metal. Mr. Gladhill said the metal was only going to a few spots where there were no awnings. Mr. Melchior thought they should get rid of the metal.

It was decided that they would go to the Public Hearing. Because the applicant needed a few minutes to reorganize, the Commission decided to address the Consent Agenda Items.

*Vice-Chair Kozak moved to **postpone** the Public Hearing until after the Consent Agenda Items, and Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

### **SPEAKING TO THE PETITION**

Mr. Jeff Johnston representing Portwalk told the Commission that he was presenting Option 1A, the infill details. The awnings would be painted blue and would be 5 feet deep instead of three feet. They would install an additional continuous relief detail to the bottom of the main horizontal band between the second and third floors, but it would not be installed at the tower. The profile detail would match the lower portion of the existing detail at the top of the horizontal band and would be painted in a slightly contrasting color.

Mr. Lombardi asked if it would include the metal. Mr. Johnston told him that it would not because the panels were not part of the option.

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

Mr. Chris Grenier stated that he resided in Kittery but as Director of 3SArtspace, he felt like he was a Portsmouth resident. He had watched the third phase of Portwalk, and it seemed that it had been in the works for many years. The whole project arrived where it presently was after thorough and complex conversations among the developer, the City, and the community. He had been before the HDC for another project at the same time as Portwalk was for the third phase, and he had been struck by the almost complete absence of citizen participation in that process. He was aware of the situation that brought the project back in front of the HDC but felt that the punitive tone of the folks who had lately come out of the woodwork seemed out of sync with the process. The buildings had been going up the last 5-6 years, and some people simply disliked the project. He was pleased that Portwalk had incorporated many of the Board's and public's suggestions and felt that the building was better due to those suggestions. Most important was the hard work and diligence of the Commission. He had a deep respect for them and the process, and he asked that they put the project to bed that evening so that the community could move

forward and the building could contribute to the City's vitality and economy. The developer's presentation that evening was a good example of how they had listened to the HDC and incorporated their suggestions.

Mr. Rick Becksted of 1395 Islington Street stated that a comment was made by Mr. Wyckoff to Councilor Kennedy about how he didn't care what the public thought. Mr. Wyckoff interjected that he had said he didn't owe the public anything. Mr. Becksted said he was the public and Councilor Kennedy was elected to represent him. He went on to say that Councilor Kennedy and the other Council members could renew or dismiss Mr. Wyckoff because it was very important to the public.

Chairman Almeida asked that they get back to the subject at hand. Mr. Becksted agreed that raising the recess paneling was more acceptable because it would blend with the City and give a little spin to the building itself. He thought it would be fine if the bands were tried. He asked that Mr. Wyckoff be excused from voting on the project.

No one else rose to speak, so Chairman Almeida closed the Public Hearing.

*Mr. Wyckoff told Chairman Almeida that if he was not excused from voting on the project, he would move to **grant** the Certificate of Approval for the application as submitted. Vice-Chair Kozak seconded the motion.*

Mr. Wyckoff stated that the last portion was a good example of listening to criticism from the public, and he felt that the cement board area of the building was more successful than the metal panels. He felt that putting the horizontal band on the fiberglass reinforced panel would be successful and painting it a different color would be an improvement.

Ms. Ruedig asked if there were stipulations in terms of a mockup. Vice-Chair Kozak noted that the applicant had suggested a stipulation for a site visit to view a mockup and thought it would be wise. Chairman Almeida asked if their decision was contingent on a mockup and was told that it was, so he told Mr. Wyckoff that he would have to modify his motion. Mr. Wyckoff said he would not change his motion.

Councilor Kennedy clarified that the public had been very active in the process, and one of the reasons they got more public comment during the second round was because the public took to heart that what was decided by the HDC should have been followed through by the developer, and they were consequently frustrated. She believed the developer had gone a great distance but it was not a finished product until she saw the mockup. She had been appalled by some of the construction and hoped to see appropriate use of materials and coloring on a mockup, so she would not vote until she saw the mockup.

Ms. Ruedig stated that she did not want to push the project out several more months by requiring an approval of a mockup. She asked if the Commission could request a site visit to see the mockup while it was still in place and only have to bring it back if it were a negative decision. Vice-Chair Kozak replied that mockup reviews done in the past were to decide whether the construction matched what was approved, so they should vote on the design intention and one or

two people could go out and ensure that it was done. Chairman Almeida stated that the pilaster detail was mocked up and the only thing that was not mocked up was the addition of the bottom band. The top band replicating below presently existed, so much was already there. They may be caught up in waiting to mock up every piece of approval. Mr. Melchior said that the desire for the mockup came from the broken trust and would not serve the Commission unless they saw the entire elevation mocked up. If they were to wait for a mockup to approve, they would be put in a design approval position, and they weren't supposed to do that. He was willing to support the petition as presented but felt that it was unfortunate that they were trying to mitigate the materials that were used. The question was whether it was appropriate.

Chairman Almeida noted that it had been a stressful process for the Commission, the public and the applicant. There had been a lot of emotion involved. He agreed with the public about having to get to a point where the Commission put it behind them. The Commission could look at any building they had approved in the last ten years and find multiple ways to improve them. All parties involved had learned great lessons during the last few years. He confidently supported the motion and hoped that everyone felt the same way.

### **DECISION OF THE COMMISSION**

*The motion to **grant** the Certificate of Approval for the application as submitted **passed** with 6 in favor and 1 opposed. (Councilor Kennedy)*

### **III. PUBLIC HEARINGS (CONSENT AGENDA ITEMS)**

1. Petition of **Folsom-Salter House, LLC, owner**, for property located at **95 Court Street**, wherein permission was requested to allow exterior renovations to an existing structure (repair front steps and adding granite toppers for treads) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 21 and lies within the CD4-L and Historic Districts.
2. Petition of **Whalesback Light, LLC, owner**, for property located at **96 State Street**, wherein permission was requested to allow new construction to an existing structure (install second story guardrail) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 52 and lies within the CD4 and Historic Districts.
3. Petition of **Peter H. Jarvis and Sons, LLC and Simeon P. Jarvis Revocable Trust 1999, owners**, for property located at **1 Congress Street (also known as 20 High Street)**, wherein permission was requested to allow exterior renovations to an existing structure (install vent termination unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 14 and lies within the CD5, Historic, and Downtown Overlay Districts.

Councilor Kennedy asked that Item #2 be pulled out for discussion. Chairman Almeida recused himself and Vice-Chair Kozak took his place.



*Mr. Gladhill made a motion to **remove** Item #2. Mr. Wyckoff seconded the motion. The motion **passed** unanimously, 7-0.*

*Mr. Wyckoff moved to **approve** Items #1 and #3. Ms. Ruedig seconded.*

Mr. Wyckoff stated that both petitions were minor improvements to properties and were in keeping with the Historic District.

*The motion to **approve** Items #1 and #3 **passed** unanimously with all in favor, 7-0.*

2. Petition of **Whalesback Light, LLC, owner**, for property located at **96 State Street**, wherein permission was requested to allow new construction to an existing structure (install second story guardrail) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 52 and lies within the CD4 and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Gladhill did not think that the black railing was appropriate or architecturally pleasing on a one-story clapboard structure and was not in keeping with the Historic District. Mr. Wyckoff asked if there was anyone present to make a presentation. Mr. Rob Harbeson of DeStefano Architects approached the podium. Mr. Gladhill asked him why it was black metal instead of wood. Mr. Harbeson replied that it was a non-change of use and part of a series of code requirements. The railing was a safety railing due to the mechanical equipment near it, and that type of railing was not required to follow the usual rules. It was painted black to make it less intrusive visually. Mr. Gladhill thought that more traditional rules should be applied because it was within the Historic District and black metal pipe was inappropriate.

Councilor Kennedy asked why the railing was even needed and also asked if there were HDC privileges in the Federal rules for historic buildings. Mr. Cracknell said they could only go with the applicant's testimony about the building code requirements. Mr. Harbeson said they would not be adding the railing if it wasn't required. Councilor Kennedy worried that it would set a precedent on their expectations, especially with the new building inspector, and suggested that they set up a meeting as soon as possible with the building team. Mr. Melchior noted that he had twice seen putting railings on flat roofs go out of control and thought that pipe railings would eventually be seen everywhere in the District and agreed that they should pause and look at the policy. Chairman Almeida thought it was a life safety issue and that the building inspector could relax certain rules at his discretion in the Historic District. Mr. Melchior disagreed and said there was an appeals process. Chairman Almeida said the point was that it was the Inspector's decision whether or not the City could relieve the code. Councilor Kennedy stated that there were other ways to make sure safety was enforced when working on components and preferred that they consider something other than railings.

Mr. Wyckoff agreed about the discussion with the new inspector, but on that particular building, if someone was ready to move in, he wasn't sure if the Commission should be digging its heels in. The railing was only 20 feet high, so they could discuss it and approve it. Chairman Almeida said they could discuss it at the next meeting. Mr. Cracknell added that they could discuss egress

windows with the Building Inspector as well and that one of the two new inspectors could attend the meeting to resolve the issue. Councilor Kennedy asked Mr. Harbeson if he could wait, and he replied that it was challenging because it was in a condition for someone to move in and the restaurant was set to open in ten days, so they wanted to get the railing in place.

Mr. Gladhill asked how not putting up a rail could delay the restaurant opening, and Mr. Harbeson said there would be no Certificate of Occupancy from the Building Inspector. Mr. Melchior agreed that the project should go forward because the railing had low impact and was reversible, but in approving the application, they would need a caveat that more discussion was necessary on the issue.

Mr. Lombardi asked whether the railing had to be at the edge of the roof or if it could be closer to the utilities. Mr. Harbeson replied that it had to be within a certain distance of the equipment being worked on, and to jog the railing would make it more noticeable. Ms. Ruedig agreed with Mr. Wyckoff and Mr. Melchior.

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

No one rose to speak, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

Mr. Melchior made a motion to **grant** the *Certificate of Approval for the application as submitted with the following stipulation:*

- 1) That the proposed railing can be removed without HDC approval if permitted by the Inspection Department.*

*Councilor Kennedy seconded the motion. The motion **passed** with 6 in favor and 1 opposed. (Mr. Gladhill)*

## **IV. PUBLIC HEARINGS (REGULAR AGENDA ITEMS)**

4. Petition of **Strawbery Banke, Inc., owner**, for property located at **39 Puddle Lane**, wherein permission was requested to allow new construction to an existing structure (construct 24'x16' addition to east side of blacksmith shop) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7-13 and lies within the Mixed Residential Office and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Larry Yerdon, President and CEO of Strawbery Banke, told the Commission that he needed approval for the addition to the existing shed. Ms. Ruedig noted that there was no drawing showing the elevation in detail and wanted to clarify that the intent was to carry on the addition with the same material. Mr. Yerdon said the material would be the same, including the roof and

pitch. Ms. Ruedig asked if it would be shown as an addition or if it would blend in. Mr. Yerdon replied that it was a low-impact building, so there was no intent to make it look like a reproduction. Mr. Wyckoff asked if the low shed roof would stay and whether the addition would come off the front shed roof. Mr. Yerdon said it would come off the east side. Mr. Wyckoff confirmed that the original structure's roof went low to the ground in the back and that the shed addition would be built off of that building. Chairman Almeida confirmed that the same shed would be extruded out because the existing rooflines would extrude a few feet. Mr. Wyckoff didn't think that had been made clear.

Vice-Chair Kozak thought there were two additions, the area to the right and the ell-shaped addition. She asked if the ell-shaped addition extended the low end of the shed lower. There was further discussion. Mr. Gladhill asked if the window would be removed and was told that it would not because the wall would still exist and there were no new windows on the addition. Mr. Gladhill asked how they would get into the new addition if the wall stayed. Mr. Yerdon told him that the wall dropped down. Mr. Wyckoff confirmed that the roof on the current structure was wood shingle and asked if the new structure would have wood shingles, and he was told that it would. Councilor Kennedy asked what kind of hinges would be used. Mr. Yerdon said they would be hidden. There was further discussion of the hinges.

Mr. Wyckoff did not think the proposal was ready to vote on because there was no drawing of the structure and no details. Vice-Chair Kozak said she was fine with it because the proposal was to expand exactly what was there, and the Commission had the elevations and the plan to show the scope, so they could imagine the details applied to that scope. Ms. Ruedig agreed.

Councilor Kennedy agreed with Mr. Wyckoff, saying the Commission didn't have the necessary details or drawings. The dropdown looked like a slider in one spot, and there were openings that they weren't sure about. Chairman Almeida agreed with Vice-Chair Kozak that there could be more detail but if the applicant was expanding on an existing condition, the Commission could see the materials, the roof pitch, and so on. They were simply extruding it an additional 24 feet, so he understood what was being proposed. Mr. Wyckoff said that there was an 8-foot wide addition as well, and the roof appeared to be asphalt on the existing structure. Ms. Ruedig told him it was architectural asphalt. Mr. Wyckoff asked where the 3' x 5' panels were and commented on how they opened up mysteriously and that there was many openings.

Consequently, Mr. Yerdon stated that he would withdraw his petition and would return with more detailed plans regarding the size of the openings and their location, the hinges, and a better description of the roof. Chairman Almeida said they could continue it.

## **DECISION OF THE COMMISSION**

*Councilor Kennedy made a motion to **continue** the petition to the November meeting. Mr. Wyckoff seconded. The motion **passed** unanimously with all in favor, 7-0.*

5. Petition of **Paul T. Marino, owner**, for property located at **287 Marcy Street**, wherein permission was requested to allow demolition of an existing structure (remove stairs) and allow

new construction to an existing structure (reconfigure stairs, add railing at basement entrance) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 46 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

The owner Mr. Paul Marino stated that he bought the house in 2007 and showed photos of how the porch and stairs looked. He had put wooden railings and balusters as well as a wrought-iron railing going to the basement door, with wood lattice around the bump-out.

Councilor Kennedy asked if the steps were the only item done after the fact. Mr. Marino replied that the railing around the deck, the railing going up the steps, and the steps were done after the fact. The deck stayed the same, and the steps used to be on the other side of the deck. Mr. Marino said he had moved them on the other side of the porch and had made them narrower. Chairman Almeida thought it was a big improvement over what had been there before.

Mr. Wyckoff asked if the project had approval for the siding. Mr. Marino told him that he had removed the siding after he bought the house to reveal the original wood clapboard. Councilor Kennedy thought that Mr. Marino had done an amazing job on the house but was sorry that he had not come before the Commission for permission on doing the steps.

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

Mr. Christopher Muro of 293 Marcy Street said he was a direct abutter and was against the application. He had spoken with all the abutters, who were also against the application. He didn't think Mr. Marino followed the rules. He spoke about the fact that he used to own the fence and had spent time getting it approved, but it was removed because it was on Mr. Marino's easement. He had submitted details of the location of the easement, and Mr. Marino had put a wrought-iron fence and a big hole on the easement. He felt that the application was remiss in providing the right dimensions and what was actually on the ground. Mr. Muro stated that the Zoning Board had signatures of everyone opposed. The application did not show what Mr. Marino had previously changed, and the new changes presented other problems, such as the weakening of the foundation by digging the hole. His family looked out their kitchen window and saw the illegally-placed wrought iron fence 2-1/2 feet away. There were no anchors to the posts, so it wasn't built to code and was not safe. Each neighbor had expressed outrage that such items could be approved after the fact. They all had to go through the process with the HDC, and he asked what the benefit of going to the HDC was if not for those approvals. He requested that the application be denied and the items remedied.

Councilor Kennedy asked if there was a deed, and Mr. Muro showed it to her. Chairman Almeida said the Commission was getting way outside their purview.

Mr. Marino stated that, back in 2007, he asked Mr. Muro to remove his fence because it was on a deeded right-of-way, and he refused. A judge then decided that the fence should be removed. The wrought railing and kitchen bump-out were on the edge of the right-of-way and not in the right-of-way. Mr. Muro stated that he had the final court order that detailed where the easement

was. The old stairs were in the easement, and the dimensions in the application were not the real ones that were seen in the photo.

No one else rose to speak to the petition, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

Chairman Almeida asked if the application should be postponed or referred to the Legal Department or the Planning Board. Mr. Melchior said it should go either to TAC or the Planning Board. Mr. Cracknell disagreed that it should go to TAC.

Vice-Chair Kozak stated that there were two items in the Commission's purview and they did not review easements and lot lines. She suggested making a motion to review the structures. Their Ordinance was not a punitive one but allowed them to approve or deny something. She proposed that they proceed. Mr. Gladhill asked if their purview was to approve or deny something that could be built on someone's property. Mr. Cracknell agreed with Vice-Chair Kozak and suggested voting on the design of the structures. Any easement-related issue should be reviewed by the Legal Department, and building code issues should be reviewed by the Inspection Department.

Councilor Kennedy agreed with Mr. Melchior that the Legal Department had to decide if it was a legal structure before the Commission could approve it. They had documentation saying it might not be legal. She asked if they could get a legal opinion on it before the next meeting. Chairman Almeida thought it would be the safest thing to do.

*Mr. Melchior made a motion to **postpone** the application to the November 5, 2014 meeting. Councilor Kennedy seconded the motion. The motion **passed** with 6 in favor and 1 opposed. (Vice-Chair Kozak)*

6. Petition of **Seekell and Kaniwec Trust, Janet L Seekell and George N. Kaniwec, trustees and owners**, for property located at **478 Marcy Street**, wherein permission was requested to allow a new free standing structure (install shed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 74 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

The owner Ms. Janet Seekell told the Commission that the 6'x 10' shed was located at edge of her garden and faced her driveway, and she was proposing that the shed be placed at the edge of the driveway. The shed was made out of wood clapboard and had a blank wall facing the street, over which she might place a trellis. She showed a diagram of how it would look and what it would face.

Councilor Kennedy asked what the roof material was, and Ms. Seekell replied that it was asphalt shingle. Vice-Chair Kozak asked if there were windows or doors on the other side. Ms. Seekell

told her that there was nothing on the side facing the street. Chairman Almeida asked if the shutters were operable and was told that they were decorative but would be removed if requested.

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

No one rose to speak, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

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

- 1) That the shed shall be painted to match the principal structure (house).*
- 2) That the roof shall match the principal structure (house).*
- 3) That the doors shall be located on the garden side only.*
- 4) That the shutters shall be removed.*
- 5) That the wood siding shall match the principal structure (house).*

*Ms. Ruedig seconded the motion.*

Vice-Chair Kozak said it was a simple design and the form matched others in the area. The materials were in keeping with the historic context and were unobtrusive.

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

7. Petition of **Bruce A. Erickson and Elizabeth A. Levey-Pruyn, owners**, for property located at **35 Salter Street**, wherein permission was requested to allow amendments to a previously approved design (add window on first floor of south elevation, remove window on west elevation, replace misc. slate roofs with zinc standing seam roofs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 29 and lies within the Waterfront Business and Historic Districts.

*At the beginning of the meeting, it was moved, seconded and passed unanimously to **postpone** the petition to the November 5, 2014 meeting.*

8. Petition of the **Harbour Place Condominium Association, owner, Bruce Ocko applicant**, for property located at **135 Bow Street, Unit 11**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 2-1 and lies within the CD4, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Mr. Tyler Jackson of Haven Hill Builders representing the applicant was present to speak to the petition. He stated to the Commission that he had found no insulation in the building, so he took down the walls and wanted to replace all the windows. He would use Marvin windows that had features that matched the building's standard. There was more of one type of window on a certain side of the building, so he would match those windows. He wanted to remove the mullions and go with a full undivided window. He would replace the slider doors to create a nicer exterior.

Chairman Almeida noted that it looked like every other dormer on the building had windows with no mullions. Mr. Jackson agreed, saying that it was for the better views. Mr. Wyckoff thought they looked like casement windows. Mr. Jackson said the owner preferred a double hung window because of weather-related issues, so every window would be replaced in his unit. From the view in the courtyard looking up, one could see that the unit below the applicant's had mullions, and if they had to go with mullions, he would request that they go with single divided light (SDL) windows for a better look.

Chairman Almeida confirmed that Mr. Jackson had the window specifications. Mr. Gladhill asked Mr. Jackson if he had gone to the Condominium Association. Mr. Jackson said that he had and that the president of the association had told him to bring the windows up to the standard of the complex. Mr. Gladhill told him that usually the same windows were used for consistency with the rest of the dormers. Mr. Jackson said his main goal was to improve the energy efficiency of the building and he was receptive to mullions.

Ms. Ruedig asked about the courtyard side. Mr. Jackson said it was an open location and common area. Ms. Ruedig thought maybe that was where the mullions should be located and that the side facing the river would not need mullions. Mr. Jackson replied that all the windows on that side were Marvin SDLs. The owner hoped that he could keep the upper level windows. Chairman Almeida agreed that if the windows were currently double hung, they could be kept. He asked if there was only one casement window. Mr. Jackson said the two tall windows on the Bow Street courtyard were casement windows.

Councilor Kennedy asked if the wood structure over the window would be kept. Mr. Jackson said that it would and that they would also do the exterior trim in kind.

Mr. Wyckoff asked what kind of screens would be used on the courtyard side windows. Mr. Jackson said they would be full screen. Mr. Wyckoff said normally the HDC required half screens on historic buildings and those facing Downtown. Mr. Jackson thought a full screen would look cleaner and noted that the building was not historic. Vice-Chair Kozak noted that the other screens on the building were full screens. Mr. Wyckoff said he would let it go, due to the location.

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

No one rose to speak, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

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

Councilor Kennedy said that she appreciated the wood surround and thought it met the criteria for the area. She hoped that when others replaced their windows, they would follow the same

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

9. Petition of **Hanover Apartments, LLC, owner**, for property located at **5 Portwalk Place (previously known as 195 Hanover Street)**, wherein permission was requested to allow exterior renovations to an existing structure (modifications to storefront window system) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the CD5, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Mr. Rob Harbeson of DeStefano Architects was present on behalf of Row 34 Restaurant, and the owner Mr. Shore Gregory was also present.

Mr. Harbeson told the Commission that the petition had been amended since the work session. On the site plan, the building looked long and narrow, and they wanted to get as much activity as possible in the restaurant, so they were requesting a change of exterior. The elevation had been updated because they focused on the openings at the corner. There were two openings on the left of the corner where they wanted to create a lantern effect to entice people from the streetscape to see the activity in the restaurant. On the Portwalk elevation, they removed the proposed sign panel and went back to the previously-approved awning. The window trims would be painted mahogany. Mr. Harbeson discussed the finished floor surface being two feet above the parking garage and the landing space four steps up and said that another landing space was necessary. Tables and chairs were needed in a certain window so people could see the activity. The corner and street frontage would be where the tables would be seen first. There would be increased window space in the corner, with a painted wood system for the windows.

Mr. Gregory told the Commission that he needed the opportunity to activate the corner with tables and patrons. Moving it in 14 feet did not make the space viable, and he was excited about the revisions and thought the visibility would be fantastic.

Chairman Almeida said he had been concerned about the loss of another door. At that particular location, it wasn't so much the door as it was the energy and celebration of the corner. He was now convinced that the proposal was better than the original door. The fact that the glass came down closer to the sidewalk was significant, and he thought the mahogany was fantastic.

Vice-Chair Kozak asked how they would finish the top of the sill if they lowered the windows and if they would cut the existing stone. Mr. Harbeson said the stone would be cut and explained how by referring to the technical data. They had offered a flush mount system, but they were



close enough to grade that they did not need a guard rail. Mr. Wyckoff verified that they would use the little triangle on the sidewalk because it would be very tight for that space, so it was removed from approval. Mr. Lombardi asked about the windows and the sill and was told that there was a 2-foot grade change at the corner from the exterior to the interior and that tables would be right up to the windows. Mr. Lombardi noted that the tabletop would be 4-1/2' above the sidewalk and asked if it would be a comfortable place to sit. Mr. Harbeson said it would have to be worked out and mentioned that some restaurants used planters as a buffer.

Councilor Kennedy cautioned Mr. Harbeson about the banner being so high up and said she would prefer to see it lowered because it was too much. Mr. Harbeson thought the sign was not in the HDC's purview. Councilor Kennedy said she would withdraw the request but reminded him jokingly that he still had to go before the City Council.

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

No one rose to speak, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

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

Vice-Chair Kozak stated that she was at first hesitant about the loss of the corner door, but given the grade change and the interior changes and proposed use, it mitigated it. What made it a win-win situation was the lowering of the window sills around the corner because the fenestration would follow the grade and engage the pedestrians more. She thought it was a great improvement and was also glad to see the sign banner moved off above the windows and also thought the awning approach fit better.

Mr. Gladhill said he would not support it. He had not liked the corner column at first, but then he changed his mind. Now that it was changing to a window, he wasn't comfortable with it.

Mr. Wyckoff said that he appreciated the quality of the windows and the commercial door and thought the solid wood was a big positive for the building.

Councilor Kennedy agreed with Mr. Gladhill but was glad that wooden windows would be used. She had wanted to see the front door, but the wooden windows would offset it, so she would vote in support. She asked that the restaurant get some of their oysters from the Portsmouth bay.

*The motion **passed** with 6 in favor and 1 opposed. (Mr. Gladhill)*

10. Petition of **Theodore M. Stiles and Joan H. Boyd, owners**, for property located at **425 Pleasant Street**, wherein permission was requested to allow new construction to an existing structure (construct dormer addition, add new window and door locations, remove chimney and rebuild with thin brick) and allow exterior renovations to an existing structure (replace existing

windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 70 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

Councilor Kennedy recused herself.

The architect Ms. Anne Whitney representing the applicant showed the Commission a letter that she had from the most immediate abutter supporting the project. She stated that there were a few changes from the previous work session. They were adding a dormer, removing the existing chimney and relocating it, and replacing windows and adding a few new window and door locations. Regarding the dormer, the Colonial house was turned away from the street. She had researched the house and discovered that it was no earlier than 1800 and was converted in the 1920s or 1930s to a more Victorian style. She would keep the house in that vernacular. She showed the dormer's setback and noted that originally, all the windows were casements and were changed to mostly double hung windows. There were new building inspectors, so to get a new egress window, she had to do it in a further-in casement. The gable windows were only 6 inches off the floor, so a casement window would be too close to the floor to be operable. As a result, she would keep those two windows as double hung replacement windows. The dormer would be a foot in from the existing edge and would appear from the street side to be even further back. She discussed the rake board detail on the dormer and what would occur on both elevations.

Ms. Whitney wanted to remove the chimney and replace it with a faux chimney, which she further discussed. She noted that there were many examples of small chimneys on the ridge, and she thought it would be more attractive to move the chimney to the ridge.

She had discussed the Marvin sash replacement windows with the Commission but said she decided to go with a clad insert full replacement window because it made a big difference energy-wise. She hadn't had luck with sash replacement windows in the past. The other window was more economical and a better solution for replacement windows. There was a code issue with replacement windows – when windows were replaced, a casement that mimicked a double hung was necessary. She felt that was a huge issue in the District. There were two windows that would have to change, and she hoped it could be an exception. She would replace in kind if the opening was not changed. It would be unobtrusive on the rear elevation, and the left-side elevation would be the least intrusive way to do a casement. She wanted options for the casement windows.

Mr. Gladhill asked her why she wanted options. Ms. Whitney said that the egress code needed a certain square footage of window for it to be opened. In the past, Portsmouth had an amendment to the code by which if a window did not require tools to take the two sashes out, double hung windows could be used. The new code added the term 'special knowledge', which was vague, and she could not use a double hung window in that situation. She thought it would have a big impact on historic projects by having to put casement windows where they were appropriate. Mr. Gladhill said he was thinking of properties across the country. Ms. Whitney said it was the International Building Residential Code and that municipalities could make alterations to it. It was not the Bible. If windows were lower than 24" from the floor, they could not open. Mr.

Wyckoff related a situation in Newmarket that he had run into where he converted the hall window to egress because both bedrooms emptied into the hall. He was allowed to just have one central window for the egress window. He felt that it was changing the rules in Portsmouth in 2014 and was unfortunate. Ms. Whitney said she would see how the negotiation would go.

Ms. Ruedig thought that one way around it was to restore the windows because they were historic. She said there were lots of ways to improve efficiency, and she had a tough time replacing all those historic windows. Ms. Whitney said she decided to replace them due to the deterioration level on the inside.

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

No one rose to speak, so Chairman Almeida closed the Public Hearing.

### **DECISION OF THE COMMISSION**

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

- 1) That if required by the Inspection Department, the casement windows may be used as presented.*

*Mr. Wyckoff seconded.*

Vice-Chair Kozak stated that, given the site of the house and close proximity to the neighbors, the changes were discrete and did not change the historic nature of the house. The dormers were set back from the gable and front walls and respected the primary form of the structure. The chimney was not a defining feature of the house and would only be moved about 30 inches, so it would not change the historic nature of the house. She hoped that the cap would be done as shown with a very thin profile.

Mr. Gladhill stated that he would not support the application because of the prominent dormer on a Colonial house. It was also hard for him to approve removing the original chimney and replacing it with something fake. He also felt that there was not strong photo documentation of the current windows. Mr. Melchior said he agreed with everything Mr. Gladhill stated.

Mr. Wyckoff said it looked like the structure was changed in 1910, so the windows were replacement windows that would be replaced with new replacement windows. He felt that the improvements were consistent with the defining character of the surrounding properties. The letter from the neighbor in full support attested to the architectural value of the existing structure. As far as the issue of a dormer on a Colonial building, the building was an 1800 building but appeared to be a 1900 building, so he didn't feel that came into play. Someone had already changed the building, and some new changes were being made, so he was in full support.

Ms. Ruedig stated that she was against replacing all the historic windows, even though they were not original. They will still historic, true wood double hung windows. She felt that the rest of the changes were appropriate but preferred that there be no faux chimney. Mr. Lombardi agreed

with Ms. Ruedig about the windows and said he'd rather see original materials restored and used. He had trouble removing the chimney and using a faux one, but it was not a deal breaker. He felt that the dormer had enough of a precedent. He would vote in support.

Chairman Almeida referenced other dormers in the neighborhood and thought the dormer was set so far back from the edge and the rake line, so it was appropriate. The illustration showed what it would look like from the street, and it had a minimal impact. If the Commission allowed the chimney to be moved, they would have to insist on the step flashing, the cap, the brick choice, and so on. He supported the application.

*The motion to **grant** the Certificate of Approval for the application as submitted with the following stipulation **passed** with 4 in favor and 3 opposed. (Mr. Gladhill, Mr. Melchior, and Ms. Ruedig)*

- 1) That if required by the Inspection Department, the casement windows may be used as presented.*

11. Petition of **Wright Avenue, LLC, owner**, for property located at **67-77 State Street**, wherein permission is requested to allow amendments to a previously approved design (minor revisions to base height and grade, window and door changes) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 18 and lies within the CD5 and Historic Districts.

*At the beginning of the meeting, it was moved, seconded and unanimously **approved to postpone** the petition to the October 8, 2014 meeting.*

12. Petition of **Kenneth Charles Sullivan, owner**, for property located at **40 Howard Street**, wherein permission was requested to allow an amendment to a previously approved design (modify roof pitch, raise curb height, construct roof top deck with railings, add additional scupper, increase size of scuppers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 61 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

The owner Mr. Ken Sullivan stated that the project had been going on for a year and was getting near the end. The issue had to do with the roof deck on top of the house. The new addition was already in place and the roof deck was out of public view. The deck on all sides was below the height of the roof lines and was not visible to public. Mr. Sullivan said the flat roof was approved with a curve to hide the deck. His roofing contractor had told him that he would have a lot of water rolling off the surface. The curve held back water. The contractor had also told him that the deck would hold snow and ice. He further discussed the two skylights and the scuppers that would have to be maintained in the winter and would make for a bad situation.

He mentioned the option of having a hatch. He had to access the scuppers to clear snow and ice from the skylights. He also could not put a shovel to the rubber roof. He had to build a platform around those surface areas with access to the hatch. Otherwise, someone could step through a skylight. Therefore, he decided to deck the whole thing over to clear it of snow entirely. Mr. Sullivan stated that he would do whatever the Commission directed him to do.

Mr. Gladhill noted that on the original drawings, the scuppers were to be put on the back of the house, yet the photo showed them on the side. Mr. Sullivan replied that the roof pitch ran toward the driveway and he was unaware that he was committed to one side or the other. He discussed the reasons why he put it toward the driveway side, which were mainly snow and water issues. Mr. Gladhill asked if he could put the scuppers on the back. Mr. Sullivan said he wasn't sure if it was possible due to roof pitch issues. Mr. Gladhill asked if he could then hide the scuppers more because they stuck out. He had seen them that afternoon and said it looked like three openings on a roof. Mr. Sullivan said he could put more asphalt shingling around them to make them disappear more.

Councilor Kennedy told Mr. Sullivan that she met with three of the neighbors, and they were very concerned about some of the changes, especially the downspout, the deck and the scuppers. She questioned whether the City had gone out to review the project and if not, she wanted to make a motion that the City visit the site to review the project. She definitely had concerns about the downspout as well. Mr. Sullivan said that the downspout had to capture the water.

Mr. Wyckoff stated that he had never seen a downspout like that before and said it looked like a telephone pole. Mr. Sullivan said it was oversized to handle the amount of water coming out and was not as big as it looked. It was held onto the building by fasteners that were unsightly, so he added something to hide the fasteners. Mr. Wyckoff discussed a more conventional downspout that would redirect the gutters toward the corner that would make more sense. He asked whether the scuppers were just to hide a flat roof before the deck was put up and was told that they were. He confirmed that Mr. Sullivan had already built the deck. He advised Mr. Sullivan to 'stop the hurt' because he had a bad design and just kept adding to it. As a contractor, Mr. Wyckoff said he would never have approved any of it and was shocked. He said that the access would cause trouble because it was an access skylight at the grade of the deck. Mr. Sullivan told him that it was 8 inches off that end of the deck. Mr. Wyckoff noted that Portsmouth got a foot of snow and ice quite often.

Chairman Almeida said that an inventory of each item was needed to ensure that there was only one hearing and agreed with Councilor Kennedy that the City should survey it for what was approved and what wasn't. Ms. Ruedig agreed with Mr. Wyckoff about the downspout issue.

Mr. Sullivan said he had no problem with moving the gutter, but the back of the house was not square and it would be tight to put the gutter at the corner.

Mr. Gladhill said the photo seemed to confirm that the windows in the new addition were larger than the original proposal. Mr. Sullivan said the dimensions were off in the photo. Mr. Wyckoff thought the second-story bedroom wall was higher than originally planned due to the front rake

following the clapboard across and the rake on the rear roof being cut off about two feet, making the big clapboard gap appear to be above that window.

Councilor Kennedy stated that the Inspection Department had to go to the site and review it. Chairman Almeida agreed that there was no other choice.

#### **DECISION OF THE COMMISSION**

*Mr. Gladhill made a motion to **postpone** the application until the November 5, 2014 pending a site visit and inspection from the Planning staff. Councilor Kennedy seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

#### **IV. ADJOURNMENT**

*At 10:17 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 November 5, 2014.