

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**April 1, 2015  
to be reconvened on April 29, 2015**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Vice Chairman/Planning Board Representative William Gladhill; Members John Wyckoff, Dan Rawling, Reagan Ruedig; City Council Representative Esther Kennedy; Alternates Vincent Lombardi and Richard Shea

**MEMBERS EXCUSED:** George Melchior

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

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A site walk was held at 102 State Street prior to the meeting at 6:00 p.m.

**I. APPROVAL OF MINUTES**

1. March 4, 2015

*Councilor Kennedy made a motion to **approve** the March 4, 2015 minutes. Mr. Wyckoff seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

**II. ADMINISTRATIVE APPROVALS**

A. 143 Daniel Street

Mr. Cracknell stated that he needed to find the drawing and asked that the approval be postponed to the end of the meeting.

*Councilor Kennedy made a motion to **postpone** Item A to the end of the meeting. Vice-Chair Gladhill seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

B. 300 New Castle Avenue

Mr. Cracknell stated that there were four changes to the two elevations. The only change to the first elevation was to substitute 5' windows for the 4'8" windows that were previously approved. On the second elevation, the owner requested that the windows be 5 feet, that the window on the second floor be replaced with wood shutters, and that a 9-light 3'x7' door replace a window.

*Councilor Kennedy made a motion to **grant** the Administrative Approval for Item B. Mr. Rawling seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

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

1. Petition of **Piscataqua Savings Bank, owner**, for property located at **15 Pleasant Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace slate roof with synthetic slate roof on drive-thru roof canopy) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 35 and lies within the CD 5, Historic, and Downtown Overlay Districts.

Chairman Almeida recused himself and Vice-Chair Gladhill took his place. Mr. Wyckoff requested that the item be pulled out for discussion.

*Councilor Kennedy made a motion to **discuss** Item 1, and Mr. Wyckoff seconded. The motion **passed** unanimously with all in favor, 7-0.*

Mr. Richard Johnson of Pine Brook Corporation was present to speak to the petition. He discussed photos of the existing slate roof and the bank building roof. He passed out a sample board and a piece of roof slate to the Commission. Mr. Johnson said that he had surveyed the parking lot and noted various colors of roofs that closely matched their chosen midnight gray color. He added that the Breaking New Grounds roof was the same HDC-approved material that they were proposing for the bank. Mr. Johnson said they also wanted to change the roof on the guard building so that the drive-up and guard shack roofs matched. Noting that the drive-up window was not a historic structure, he asked the Commission to approve the change-out of the existing slate to the composition slate.

Ms. Ruedig asked the age of the building and whether the roof was the original one. Mr. Johnson replied that the building was built in the 1970s and that the roof was the original one. Mr. Wyckoff asked which color Mr. Johnson would choose from the color chart, and Mr. Johnson told him midnight gray. Mr. Wyckoff said it was a shame to lose a slate roof, even though the building wasn't historic. He noted on a photo that a faux slate from the new roofing job on Breaking New Grounds was starting to slide, and he cautioned Mr. Johnson to ensure that the fasteners on his roof were well placed and didn't break the slates.

Mr. Shea asked if the shingles would be run like the existing ones and was told that they would. Councilor Kennedy said she would hate to see slate get replaced in the Historic District and noted that one could see the variation, pattern and colors on natural slate. She asked Mr. Johnson whether he considered fixing the slate. Mr. Johnson replied that the slate had been repaired three times and needed to be removed for liability purposes. Mr. Lombardi said he thought it would be unfortunate to change the slate material to a plastic one in the Historic District, even on a structure that wasn't historic. Since the building was built with a slate roof, he felt that the best solution was to replace it with a slate roof.

Ms. Ruedig stated that putting synthetic slate material on a building so close to eye level would be obvious, and people would see tangible differences than if it were a higher building. Vice-

Chair Gladhill felt that someone took the time and effort to put a slate roof on the building, and it was clear from the samples that the difference between the fake and real slate was huge, especially so close to the ground. He felt that people would definitely notice the plastic look.

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

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

## **DECISION OF THE COMMISSION**

*Mr. Wyckoff made a motion to **approve for discussion**, and Ms. Ruedig seconded.*

Mr. Wyckoff stated that it was a modern structure with a slate roof and, although he felt it was too bad that it was being removed, it was still a modern structure and the owner was doing the best he could with a product that looked very similar to slate. Councilor Kennedy stated that her mission was consistency, and the Commission had asked that recent projects with slate roofs be kept slate. Because the 1970 Commission chose to make the roof slate and because people could see it, she felt that faux slate would not be appropriate and that she could not approve it.

Ms. Ruedig said that, looking into the review criteria, there could be an argument made in terms of compatibility and innovative technologies, but she didn't see that it fit simply because there were not any properties that were that close to the eye and had faux slate roofs. She felt that the Commission had to insist that the building have a higher quality of true material. Vice-Chair Gladhill said that faux slate would not preserve the integrity of the District nor promote the education, pleasure and welfare of the District. Slate was a natural material and people enjoyed seeing real material.

*The motion to grant the Certificate of Approval for Consent Agenda Item #1 **failed to pass**, with 1 in favor (Mr. Wyckoff) and 6 opposed.*

2. Petition of **Hanover Apartments, LLC and Portwalk HI, LLC, owners**, for property located at **5 Portwalk Place**, wherein permission was requested to allow a new free standing structure (install mechanical equipment on roof behind parapet) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the CD 5, Historic, and Downtown Overlay Districts.

3. Petition of **Hanover Apartments, LLC and Portwalk HI, LLC, owners**, for property located at **35 Portwalk Place**, wherein permission was requested to allow a new free standing structure (install mechanical equipment on roof behind parapet) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the CD 5, Historic, and Downtown Overlay Districts.

Chairman Almeida returned and read Consent Agenda Items #2 and #3 into the record. He asked the Commission if they wanted to discuss them. Mr. Wyckoff simply commented that people did not have to give the Commission specifications on items like electrical panels and wiring diagrams. Councilor Kennedy felt that it was nice to have those items included.

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

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

## **DECISION OF THE COMMISSION**

*Ms. Ruedig made a motion to **grant** the Certificate of Approval for Consent Agenda Items #2 and #3, and Mr. Wyckoff seconded. The motion **passed** unanimously with all in favor, 7-0.*

4. Petition of **Pickering Wharf Condominium Association, owner, and Kevin A. Beane and Melinda Salazar, applicants**, for property located at **33 South Mill Street, Unit A**, wherein permission was requested to allow exterior renovations to an existing structure (remove existing first floor rear window and door, replace with French doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 17-A and lies within the General Residence B and Historic Districts.

Mr. Rawling and Councilor Kennedy recused themselves from the petition.

## **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 Gladhill made a motion to **grant** the Certificate of Approval for Consent Agenda Item #4, and Ms. Ruedig seconded.*

Vice-Chair Gladhill stated that the changes to the house fell into the back-of-the-house rules category and would preserve the integrity of the District, improve property values, and be consistent with the character of surrounding properties.

*The motion **passed** unanimously with all in favor, 6-0.*

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

5. (Work Session/Public Hearing) Petition of **Brick Act, LLC, owner**, for property located at **102 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (window and door reconfigurations on the front façade) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 52 and lies within CD 4 and Historic Districts.

### **Work Session**

The architect Ms. Anne Whitney and the owner Ms. Karen Bouffard were present to speak to the petition. Ms. Whitney stated that she wanted the front façade approved so that the unstable front wall could be removed and they could bring the house back to what it looked like in 1835. She noted that Ms. Bouffard had researched the history of the building, which she described. They

wanted to bring back the dormers and 12/2 windows, which were appropriate for the 1835 period, but they didn't want shutters. Ms. Whitney proposed a few window manufacturers such as Marvin, a Vermont company, and another company from Portsmouth.

She noted two small changes to the project. The first floor would be kept as retail and the residential unit would be on the back of the building. She stated that she was also sorting out code issues because there was a narrow alley on the right side of the building that the Building Inspector said he was against using as an access to the back. Therefore, the second change was the option that the window to the right of the door be shifted 9" toward the door in order to get a hallway in. She emphasized that it would not affect the window. Ms. Whitney and the Commission discussed a different door with glazed true divided light on the upper part, which they agreed could be another option. They also discussed the location of the window further.

Ms. Ruedig asked if the chimney could be rebuilt. Ms. Whitney thought that it was a small building to take up that kind of space, and if the chimney were recreated it would have to be done with thin brick. Ms. Ruedig said she didn't think the chimney would have to be rebuilt because it was a defining feature and helped show the building's age.

Councilor Kennedy said she liked the cedar shakes on the roof and the fact that the windows were being putting back, and she thanked the applicant for taking the historical preservation into account. Mr. Rawling felt that it would be a bonus to have a chimney in place because it would have a big impact on the streetscape, so he would support a faux chimney in that case. The clapboard and windows were also discussed. Vice-Chair Gladhill echoed that it was great that the applicant was restoring the building back to the way it was and that the Commission rarely saw that. Mr. Lombardi agreed and said he would have no problem with a faux chimney. Ms. Whitney said she wasn't asking for approval on the chimney but just feedback. She only wanted approval for the door and the possibility of shifting the window if they had to. Ms. Ruedig felt that the huge area of glass on the door was a bit awkward, and that having a solid door with slivers of light in the panels would be interesting and would preserve that style of door.

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

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

### **DECISION OF THE COMMISSION**

*Mr. Lombardi made a motion to **move** into the Public Hearing, and Councilor Kennedy seconded. The motion **passed** unanimously with all in favor, 7-0.*

## Public Hearing

### SPEAKING TO THE PETITION

The architect Ms. Anne Whitney stated that the applicant wanted to restore the front façade and place windows in their original location with the possibility of shifting the right-hand window. Dormers would be restored, there would be a cedar roof, the trim would stay the same, there would be clapboards, and the trim and details around the door and window would be recreated. They would also go to a four-panel door with two upper glass lights.

### 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 with the following stipulations:

- 1) That the window on the right side of the front elevation may be shifted 9” to the east if the code officials cannot approve a waiver to the egress requirements of the IBC for the use of the alleyway for primary access.
- 2) The proposed glazing in the front door shall include replacement of the two upper wood panels with glass lights.

*Vice-Chair Gladhill seconded the motion.*

Councilor Kennedy stated that the changes would preserve the integrity of the District and maintain its special character. They would also promote the education, pleasure and welfare of the District. Vice-Chair Gladhill stated that it was one of the few applications that fit all of the HDC’s review criteria, and he thanked the applicant.

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

6. Petition of **Babak Samii and Aida Garcia Vazquez, owners**, for property located at **426 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (complete renovation of carriage house) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 45 and lies within the Mixed Residential Office and Historic Districts.

### SPEAKING TO THE PETITION

Mr. Rawling recused himself from the petition.

The contractor Mr. Whitney Saidla of Whitney and Company was present to speak to the petition. He distributed photos of the building to the Commission, stating that his client bought the property in January 2014 and that not much was left of the carriage house. He felt that they

could save 60% of it. He noted that someone had put two feet of dirt against the left side of the carriage house, resulting in the whole side rotting out. They wanted to save the existing windows. They were requesting two changes, one of which was to put LEXAN on the top of the cupola to give it light. The other change was to put another window in the back of the building. On the front on the building, the barn doors had 45-degree planks on them, but the shelf over the top was not original and seemed to bring down the height of the building, so he wanted to use the barn doors and put two 15-light wood doors. The left door would be the working one, and the right one could only be opened if bringing equipment in. He wanted vinyl cream-colored shingles and said that one could tell the difference between real wood and vinyl unless they were up close. He stressed that he wanted to make the carriage house look the way it originally did.

Mr. Shea asked about the foundation, and Mr. Saidla said there wasn't one. He had thought about running a stone area around the building and using pressure-treated plywood. Mr. Lombardi noted a picture that showed the barn doors and thought they looked off-center. He asked about a second doorway with something on the bottom. Mr. Saidla said that someone put an interior house door on the left side of the barn door and cut the barn door down. Mr. Lombardi asked if the opening of the barn door was centered. Mr. Saidla said it was the left-side door that was cut down and they would have to rebuild it, but they could refinish the one on the right side. Mr. Lombardi asked if the cupola would remain, and Ms. Saidla agreed.

Ms. Ruedig thanked the applicant for rebuilding the carriage house and saving 60% of it and said she was pleased that the windows would be restored. She noted that she had not seen specifications for the windows and didn't think the Commission could approve the PVC. She asked if existing windows would be used. Mr. Saidla said he would try but if not, he would show the specifications for the new windows. She asked that the applicant not use vinyl on the exterior and keep it as true as possible to the original building, using the original dimension of the clapboard even if it didn't match the main house. Mr. Saidla said he preferred PVC as long as it was coated. They further discussed vinyl versus clapboards.

Mr. Wyckoff said he would approve the vertical grain, cedar-primed and coated on both sides but was not in agreement that vinyl siding could be used on the structure. He asked if the existing window frames would be used and if the sashes were salvageable, and Mr. Saidla agreed with both questions. Mr. Wyckoff thought the structure looked tall and thin. He asked if Mr. Saidla would use the size of the door on the right when he rebuilt the barn doors and whether the doors would be the same height, and Mr. Saidla agreed. He asked why Mr. Saidla wanted to remove the cover over the sliding hardware. Mr. Saidla stated that, since he put the doors inside and recessed them, he didn't care if the rain got to them. Mr. Wyckoff thought it changed the look of the carriage house and said he preferred that the cover be placed over the hardware of the two sliding doors as a feature of the barn.

Vice-Chair Gladhill noted that there were no cut sheets for the window and stated that if the project was approved, it would give the applicant the option of using new windows, so he suggested a stipulation that if the windows could not be salvaged, the applicant would have to come back with cut sheets. He also agreed that the hardware cover on the doors was appropriate.

Mr. Shea asked if the trim would be put back the same way, and Mr. Saidla said it would, but with PVC. Councilor Kennedy suggested cedar for the siding instead of vinyl. Chairman Almeida said he would support the re-use of the existing sash and would insist that the cupola be restored because he felt that its detail could not be replicated. Mr. Wyckoff asked whether the cupola's roof would have a pitch to it with plastic material over it. Mr. Saidla said that he would put the finial on it and that it would not be seen from the ground.

Chairman Almeida noted that there were inconsistencies in the drawings, such as not showing the top of the cupola and showing 4/4 windows, and he said that the Commission would have to be clear that they were approving a restoration in kind and not what was shown in the photos.

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

Mr. Rick Becksted of 1395 Islington Street stated that he knew the owners and the building well, and if the owner could restore 60% of the building, he would be amazed. The wood was over 400 years old. The cupola was immaculate and nicely preserved. He noted that there was a new official that oversaw keeping buildings in kind and suggested that the official document the building itself. He said he preferred wood over AZEK and looked forward to seeing it restored.

### **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 Gladhill made a motion to **grant** the Certificate of Approval with the following stipulations:*

- 1) If the windows cannot be salvaged, the applicant will return for approval of any new window design;
- 2) The cupola will be restored but if it is not possible, it shall be replaced in-kind, with the exception that LEXAN MR may be used as the top material and the finial shall be replaced;
- 3) Cedar clapboards shall be used;
- 4) The covers for the barn doors may be redesigned and shall be replaced in their original positions; and
- 5) Because the drawings presented were not entirely accurate, revised drawings shall be submitted prior to a request for a building permit to ensure compliance of the project with this approval. The City's Land Use Compliance Officer shall monitor the construction.

*Mr. Wyckoff seconded the motion.*

Vice-Chair Gladhill stated that the owners took the time to restore the building and it would preserve the integrity of the District, preserve property values, maintain the special character of the District, and promote the education, pleasure and welfare of the District as well as complement and enhance the architectural character.



Chairman Almeida noted that there were a lot of ways to interpret the words ‘in kind’ and emphasized that the cupola be recreated as it currently existed. Mr. Wyckoff said that the cupola was the best part of the building and didn’t feel that the owner would have to rebuild it because it looked to be in very good shape. The owner would put a Plexiglas LEXAN roof on top of it and the finial would be returned to it.

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

7. Petition of **North End Properties, LLC, owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, applicant**, for property located on **Russell Street, Deer Street, and Maplewood Avenue**, wherein permission was requested to allow a Conditional Use Permit (construct a multi-story, mixed-use building where the height exceeds the 45’ maximum height restriction) 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, Assessor Plan 124 as Lot 12, Assessor Plan 119 as Lot 1-1A, Assessor Plan 119 as Lot 1-1C, and lies within the Central Business B, Historic, and Downtown Overlay Districts.

Mr. Cracknell explained that the Commission was opening up a public hearing for a Conditional User Permit (CUP) for the Harborcorp project. He discussed how the project was in the CBB District and the maximum building height was 60 feet with 95% lot coverage. In 2013, the Zoning Amendment lowered the height to 45 feet and provided a CUP for owners within the CBB to allow a building higher than 45 feet or 3-1/2 stories tall and as high as 60 feet. In 2014, that amendment was struck from the Zoning Ordinance by the City Council, so everything was brought back down to 45 feet. The City Council allowed an exception for the Harborcorp property, making it eligible for the CUP from 2013. Mr. Cracknell further explained that Harborcorp would be allowed to go from 45 feet to 60 feet but would require an application to demonstrate how they would offset public benefits for increases in height over 45 feet, such as civic spaces, squares, and pocket parks. A second category was parking, and a third was building design and high-quality products. The fourth category was scaling elements, such as roof pitches and setbacks. The fifth category was historic preservation and the sixth category was viewpoints. There were also public benefits to take into consideration, such as off-site improvements related to infrastructure, streetscape improvements, and wider sidewalks.

Mr. Cracknell stated that the proposed project was one structure, about 600 feet long, even though it had 11 separate building elements. Revised drawings were submitted, and the building was close to 60 feet in height, which was the average of all the buildings around the project. He said that it was important to look at the variations within the building and look at each element that fit together to create the larger structure. He noted that Mr. Jamie McCarty would do a quick demonstration of how the 3D application worked.

Chairman Almeida noted that the Commission would not vote on the project that night but would continue it. They would, however, vote on whether to send it to the Planning Board for review.

## **SPEAKING TO THE PETITION**

Attorney Susan Duprey, Ms. Carla Goodknight, from CJ Architect Mr. Chris Thompson representing Harborcorp from C&G Architects were present to speak to the petition. Attorney Duprey stated that they were there because the City Council had decided back in April 2014 to preserve the CUP for their project and said they had a summary chart to show how they met all the terms of the Ordinance.

Attorney Duprey went through the specifications, showing the site, the building measurements, and the various elements of the structure. She stated that they reduced the original square footage of 400,000 by 40,000 s.f. and needed the CUP for the 60-foot height. She noted that some sections of the building were 60 feet and some were 43-45 feet in height, but averaged out, it was close to 60 feet. She discussed Form-Based Zoning and the North End Vision Plan, noting that in was an area of town where that kind of height would be allowed. She stressed that the project could not be built without the CUP. She talked about the developer's deep commitment to Portsmouth and the history of the land use process, noting the approvals that were received from other Committees such as Trees and Greenery and Parking, Traffic and Safety. She also noted that there was nothing in the Zoning Ordinance that gave the HDC the authority to discuss parking and traffic, saying that their own experts had reviewed it, TAC had approved it, and the Planning Board had scheduled a hearing on April 16 to review it.

Attorney Duprey showed the elevations that were presented at last meeting and noted that a garage door at the hotel would be converted into a loading deck, which they would have specifications for at the next meeting. She discussed scaling elements and the project's proposed height compared to buildings around it. She reviewed the six elements in the Zoning Ordinance and discussed how proposed civic space, underground parking, building design, high-quality materials, and scaling met those elements.

Ms. Goodknight discussed the major concept changes addressing massing and pedestrian experience. She said there were significant design changes, such as a rotated garage structure along the access road, the introduction of linear buildings on Maplewood Avenue, and the wrapping of the retail and conference center around the garage element. She stated that a large expanse of building and roof area was introduced and planted with greenery, and there were significant breaks in the elements over the entire project portion. She noted that the large-scale overall concept broke the structure into 8 separate feature designs, and she discussed the details, noting that there were high-quality materials on multiple building segments.

Attorney Duprey stated that they would expend time and expense to do an archaeological study of the site and would exhibit significant findings from investigations and put them on display for the public to view. She discussed the corridor preservation element, noting the views of the North Church steeple and the hill and the Old North Cemetery. She also noted that the conference center would have a large ballroom, which the City had wanted. She stated that they met every element of the Ordinance above and beyond and understood the importance of the site.

Chairman Almeida asked the Commissioners if they had questions regarding clarification and said he would then allow the public to speak because it was getting late. Vice-Chair Gladhill noted that this CUP was more involved than the last one, and he asked Mr. Cracknell what would happen to the CUP if the Commission voted to grant it and if something was changed by the

Planning Board. He asked if it would come back as an addendum. Mr. Cracknell said that, like any CUP, if the change was a material one, it would require coming back for a new public hearing and an amendment. If it was a minor change, it would come back for a public hearing and maybe to the HDC for review and approval. It depended on the nature of the change.

Councilor Kennedy said she was confused because the Commission had not looked at the materials as a group, and she asked Mr. Cracknell to explain the process. Mr. Cracknell said the Commission had been in work sessions for 8-9 months and had left off at materials, which was a big component of the CUP. The materials were presented in detail that evening, and it was likely that the Planning Board would review it and comment, and it would return on April 29, at which time the building materials would be the primary discussion. A Certificate of Approval had not been filed, so a public hearing would be scheduled separately from the CUP to determine whether the HDC would approve the Certificate of Approval. Councilor Kennedy also asked how all the promises made by the applicant would be documented and who would do the upkeep of the greenery. Mr. Cracknell stated that the burden was on the HDC to specify what its stipulations would be on the approval, and they would only need that stipulation sheet to find out how the plan had changed. Therefore, they would have a document referenced in the decision and stipulations that made it clear.

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

Mr. Rick Becksted of 1395 Islington Street asked that the Character-Based Formula that was shown in the presentation be put back on the screen because he had not seen it before and was curious as to how the developer had gotten it. Mr. Cracknell said it was nothing new and had been on line for three months. He also said it was not the zoning but was the Vision Plan, which had a lot of nuances. He noted that the citizens had participated in putting that plan together and had made it clear that the additional height would only be permitted if there were civic spaces or workforce housing. Mr. Becksted said that, regarding the project itself, history was something that was taught in order not to repeat mistakes, and there was not a great track record with Portwalk, yet Harborcorp was 2/3 larger than Portwalk and 660 feet long on the back of the building, which was just a bit shorter than the Titanic. Once the hole was dug, there was no going back. He expressed concern about whether there should be a timeframe for the parks to be open and gave the example of events, like a wedding, that would not want to share the views with the public. He said the public only wanted public access, like Prescott Park, and he felt that the project's way was a controlled one and not 100% for the public. He also felt that the back of the building had a long way to go. TAC had approved it but it was only an advisory committee. The HDC would review it next, and he said it was up to the HDC and the Planning Board to take the public's concerns into consideration. The public wanted to break the building up so that it was not so massive.

Ms. Patricia Bagley of 213 Pleasant Street said that it was an interesting presentation, but she didn't like the threat that the project would die without a CUP as well as the lecture about what the HDC was not authorized to do. She found it offensive and said it sounded like the HDC had to grant eight CUPs for the eight different structures that were pointed out. It was a monolithic building that combined all the structures, and that made a difference. She felt that the developer

did a great job with the elements, but it was still eight structures, and people would have to live with it forever.

Ms. Dixie Tarbell of 25 Driftwood Lane stated that, from the perspective of downtown Portsmouth, the North End was all for tall buildings. The tall buildings were sited north of downtown, and she felt that it would be a waste for people not to avail themselves of the economic and aesthetic opportunity for maximizing Portsmouth's potential.

Mr. John Guilbert of 15 Thornton Street stated that he did not like being called names by one of the cheerleaders for Portwalk. He felt that the structure was too big and continuous. He questioned why there was no sidewalk along the back wall and the access road and felt that traffic would be a problem. There would be a lot of imposition on the City to provide outside parking, especially for the conference center, and he thought that the HDC had to consider and discuss that. He noted that the 3D Modeling Tool on the HDC site did not work and that the 3D modeling for the building mass still wasn't on the website. The structure could not be seen from street level, which he thought was a big problem for the citizens. He asked why there was no physical model and pleaded with the HDC to make one real break in the building.

Mr. Jeff Kissel of 21 Wallace Road said that it was a big project but was also a big part of land, and he thought the project would make the hill more unique and a more desirable place.

Mr. Jerry Zelin of 70 Kensington Road thanked Harborcorp for the improvements. He passed out documents to the Commission and noted that a correction was needed for the zoning history of the parcel because it used to be in the CBA, which had a 50' height limit until 2006, when the City relaxed its zoning requirements for Harborcorp. It was moved from CBA to CBB with a 60' height limit to accommodate a building that included a parking garage. He also noted that the City Council eliminated a requirement that the conference center have enough parking to accommodate one car for every two guests. When the courts struck down the Westin project because of the private benefit, the City Council did not retract the zoning requirements it made, so he felt there was a very lax requirement for conference centers. He stated that he thought the HDC had jurisdiction over parking and traffic because the CUP increased building mass, which created parking and traffic. He discussed whether the building should be broken up into 2 or 3 buildings and referred to legal policy guideposts, saying that the City had divided the land into three lots, which implied three buildings. He felt that the architecture should be human scale and of mixed use, pedestrian friendly and integrated with Downtown, but said the building walled off the Downtown area. Mr. Zelin cited the 1998 Northern Tier Feasibility Study and said the City never approved the Study's recommendations. He discussed the scale of downtown Portsmouth, which he felt the project should draw on. He compared the width, depth and height of large buildings downtown and in the North End relative to Harborcorp. He stated that the project was not compatible with the HDC Ordinance 'to foster Portsmouth's architectural character and sense of place'. The intent of the CUP provision was to encourage diversity in building height and eliminate the appearance of homogenous buildings. He felt that Harborcorp would achieve the opposite of what the CUP permit wanted to accomplish because it was one entire building spanning three huge lots. Instead of achieving diversity of height, it would get uniformity of height. He felt it looked like one big wall. The CUP said that the entire building would be at least 45 feet and rise to 60 feet, but the building was 58-60 feet high and monolithic, and he felt

that the building did not positively contribute to the context, quality and historic character of the neighboring properties and Historic District and in fact detracted from the historic character.

Ms. Lily Beyer of 218 Rockland Street said she was excited about the building and felt it was a great addition to Portsmouth. She thought that the way the building was detailed would be a benefit, and that the linear buildings around the parking garage would improve the streetscape and make it feel like a real place. She thought the firewall elements on Russell Street echoed forms from other parts of town.

Ms. Brittany Schulthess of 14 Central Avenue stated that she was for the project and thought the current size fit with Portwalk. She said she lived in the North End and always walked into town and was really excited about it because it would add interest to the area.

Mr. Paul McEachern of 70 Dennett Street stated that he had lived in Portsmouth most of his life and had lived a lot of the history that was being discussed. He remembered the area before Urban Renewal and thought it was a great opportunity to have the kind of life the area represented to the North End. He felt that allowing the building to go from 45 feet to 60 feet should be an easy decision because it was only 15 additional feet. It would create spaces that would rival Ceres Street and would also create a new gathering center. He advised the Commission to just stick to the issue of going the extra 15 feet.

Ms. Barbara DeStefano of 99 Hanover Street said the developer had pointed out all that was needed for the CUP. She had been a big defender of Portwalk but thought that Harborcorp had done a better job of making their building look like different buildings. It had different rooflines, while Portwalk was flat. She felt that Harborcorp had made improvements all around, especially with the wide sidewalks, and she was looking forward to sitting there and looking at the views. Harborcorp would replace a huge ugly parking lot with a beautiful building. She felt that it was not Downtown but was a unique spot in the City and it deserved to have a unique large building, and everyone she had talked to were looking forward to it.

Mr. Arthur Clough of 431 Pleasant Street said that he had been watching the meeting on television and was so impressed by the earlier presenters who were trying to preserve buildings that it inspired him to attend the meeting and comment. He said all he could think of was 'Port Vegas' and compared it to Mount Washington being dropped off in Mill Pond. He felt that the length of the building was not only aesthetically unpleasing but completely out of character for the City. It was a huge wall. He said the HDC should be thinking about context and whether the building would fit into the City historically. He felt that the convention center would not fit in with Portsmouth because it was not a pleasant place at night and did not belong in a historic district. He compared Harborcorp's presentation to that of a realtor's and thought they were claiming things that were irrelevant and completely changing the look of Portsmouth. He begged the Commission to consider their Charter of making the new fit into the old.

Ms. Diana Guilbert of 15 Thornton Street stated that she was there to speak for Portsmouth and not against a building. She found it difficult to understand how the HDC, charged with looking after the historic legacy of Portsmouth, had come so far down the road. She felt they were

turning Portsmouth into corporate canyons that people normally came to Portsmouth to escape. She cited from the book 'A Geography of Nowhere' and related it to the project.

Mr. Dick Bagley of 213 Pleasant Street found it ironic because it seemed he was talking to the City Council and not the HDC. He discussed the North End Charette and the TAC meeting and various dialogs at each meeting, saying at one point that the TAC did not want to deal with parking and traffic. He asked who was responsible for parking and traffic and how there could be consistency when there were two sets of rules, one for homeowners and one for developers.

Mr. Paul Young of 33 Deer Street read a letter from Mr. Eric Chinburg of 233 Vaughan Street, LLC that was in favor of the project.

Mr. Jamie McCarty then gave a brief demonstration of the 3D Model for the HDC.

Councilor Kennedy stated that she felt the Commission should comment and then refer the project to the Planning Board. One of the stipulations was for the repair of the wall, and she questioned whether \$20,000 was enough to repair it as well as maintain it, and she asked who would maintain the flower bed, trees, and so on and whether money would be set aside. She was also concerned about public seating. She felt that if there were no access to the rooftop by the public, then it was not a public benefit. She was concerned about parking and traffic and felt that the Commission should discuss it. She also wanted to see something to celebrate the community that gave up their homes for the project as part of the CUP. She wondered how the Commission could comment on the building design without actually seeing the materials.

Mr. Wyckoff stated that the Commission should agree that it should go to the Planning Board with their recommendation that the CUP made a lot of sense. The developer had met the criteria of the CUP. The whole thing happened two years before, and it was not agreed upon then by the City that buildings should only be 45 feet. It was established in recent history and he was not comfortable with it. He agreed with Councilor Kennedy about ensuring that the green spaces be accessible to the public and also about the maintenance issues. He emphasized that the green space on top of the buildings should be included if it was part of the CUP justification, but otherwise it should be pushed through to the Planning Board.

Vice-Chair Gladhill asked what happened to the public art because he hadn't seen anything. He also agreed about honoring the Italian community and felt that it would be a benefit to the City. He thought the Commission had the ability to review parking and transportation issues, and that the best thing for the HDC was to stick to the architecture. Councilor Kennedy added that she wanted to hear comments on the roundabout that was part of the CUP, as well as the bike lanes.

Mr. Rawling said he felt that the applicant had shown enough to warrant referring it to the Planning Board, but there were still architectural elements that needed to be resolved. The Commission normally would not review site issues, but since they were considering the CUP, he said he wanted a stipulation that what the HDC saw in the design of the North End Plaza should have a very specific and more sophisticated one. Ms. Ruedig stated that the applicant had given the Commission ample documentation for the CUP. She said she was pleased to see that there

would be attention paid to the archaeology of the site. She hoped to see it brought to the City Council as an amendment for new construction.

Chairman Almeida said he echoed the recommendation that it be forwarded to the Planning Board. He considered the North End his neighborhood, and when the Commission talked about the accessibility to the building or hours of availability, he reminded everyone that there were several residents in the area and it was reasonable to have hours of availability for some of the gardens. The building should not be open at all hours of the night because it would attract partiers. He agreed with Ms. Ruedig that the archaeology effort satisfied the tip of the hat to the old neighborhood. There would be a huge amount of old materials unearthed, and to display them would be great.

Mr. Cracknell stated that the Planning Board was paying attention to the following issues:

- 1) the plans and financing for the roundabout
- 2) the bike lanes within and around the project
- 3) the bus loading zone
- 4) the plaza as a placeholder status for something more interesting in the future
- 5) the restricted hours of availability for the roof garden
- 6) parking management
- 7) maintenance and upkeep.

Councilor Kennedy stated that she wanted to know the cost of the wall and thought it needed to be part of the CUP.

*Mr. Wyckoff made a motion to **refer the project to the Planning Board** and address the seven items that Mr. Cracknell gave. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

*Councilor Kennedy made a motion to **continue** the public hearing to the May meeting, and Ms. Ruedig seconded. The motion **passed** unanimously with all in favor, 7-0.*

*The Administrative Approval for 143 Daniel Street that was postponed to the end of the meeting was not addressed because Mr. Cracknell did not get the information that he needed.*

#### **IV. ADJOURNMENT**

*It was moved, seconded and passed unanimously to **adjourn** the meeting at 11:30 p.m.*

Respectfully submitted,

Joann Breault  
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on May 6, 2015.