

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

6:30 p.m.

**June 3, 2015
to be reconvened on June 10 & 17, 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:

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.*

I. APPROVAL OF MINUTES

- A. May 6, 2015
- B. May 13, 2015

*Mr. Wyckoff abstained from the vote. Mr. Lombardi made a motion to **approve** the May 6 and May 13, 2015 minutes. Councilor Kennedy seconded the motion. The motion **passed**, with 5 in favor and 1 abstention.*

II. ADMINISTRATIVE APPROVALS

- 1. 262-264 South Street
- 2. 456 Middle Street
- 3. 275 Islington Street
- 4. 84-86 Pleasant Street
- 5. 220 South Street
- 6. 402 State Street

Councilor Kennedy requested that Item 1, 262-264 South Street, and Item 3, 275 Islington Street, be pulled for discussion.

Item 1, 262-264 South Street: Councilor Kennedy asked if the bay window was a replacement in kind. Mr. Cracknell replied that the panels on the bottom, and not the bay window, were removed, and that there was no base cap.

Item 3, 275 Islington Street: Councilor Kennedy asked what ‘modifying the rear deck planking profile’ meant. Mr. Cracknell said that the pattern changed on the deck planking. Councilor Kennedy asked about the modification of the garage grades, and Mr. Cracknell replied that one was a raise and the other was a drop, but the look of the building was unchanged and it wasn’t above the required height. Councilor Kennedy asked how much the garage door increase in size, and Mr. Cracknell replied that it went from 15 feet to 16 feet.

*Mr. Wyckoff made a motion to accept the six Administrative Approval items. Mr. Rawling seconded the motion. The motion **passed** unanimously with all in favor, 7-0.*

Chairman Almeida then went directly to the Consent Agenda Items and then returned to Old Business below.

III. OLD BUSINESS (PUBLIC HEARINGS)

A. Petition of **Michael Brandzel and Helen Long, owners**, for property located at **39 Dearborn Street (also known as 39 Dearborn Lane)** wherein permission was requested to allow demolition of an existing structure (remove various sections of the structure, remove chimney) and allow new construction to an existing structure (construct misc. additions, dormers, decks, and shed) and allow exterior renovations to an existing structure (replace remaining windows, doors, siding, and trim) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 3 and lies within the General Residence A and Historic Districts. *(This item was continued at the May 6, 2015 meeting to the June 3, 2015 meeting.)*

The architect Mr. Robert Rodier requested a work session first.

*Mr. Wyckoff made a motion **to go into a work session**. Vice-Chair Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

WORK SESSION

Mr. Rodier explained that the HDC approval would be contingent on BOA approval and that they had already been granted the variance for the extension but needed approval for the kitchen bump-out. He discussed with the Commission the front elevation changes, the 6/1 windows, and the French doors with 15 lights. The small dormers would have a more simple approach and be more balanced, and the bump-out would have stone to match the foundation. The kitchen would re-use the brick from the chimney. The trim would be Azek except for the front door, which would be restored. Mr. Wyckoff discussed the pilaster, molding and surround issues. Mr. Rodier said that the main door would have a 6-1/3” step down from the sill and that the stairs would be granite. They discussed the courtyard detail and the windows. The two skylights would remain and a wooden bulkhead would be added to the south elevation.

Mr. Shea asked if the roof would be overlaid with 2/10s, and Mr. Rodier agreed. Mr. Wyckoff thought the 1”x4” Azek trim was narrow and suggested 1”x5” trim.

There was no public comment.

*Mr. Wyckoff made a motion to **enter the public hearing**. Councilor Kennedy seconded. The motion **passed** unanimously with all in favor, 7-0.*

SPEAKING TO THE PETITION

The architect Mr. Robert Rodier and the owners Mr. Michael Brandzel and Ms. Helen Long were present to speak to the petition. Mr. Rodier stated how they would restore the antique Cape, and reiterated what was discussed in the work session..

Mr. Rawling asked if they would use light or dark cladding. Mr. Rodier replied that it would be cream-colored. Mr. Rawling noted that the illustration showed a dark clad window with dark jambs and a light color trim, and he suggested that the jambs and trim be one color.

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 **grant** the Certificate of Approval for the application as presented. Mr. Rawling seconded.*

Mr. Wyckoff said that the Commission had assessed the historical significance of the structure and determined the age of the Cape around 1800, so they had conserved and enhanced the property values by having it restored into a Colonial structure with new additions. It would be consistent with the special and defining character of the surrounding 18th century properties and would have compatibility of design. It would also maintain the character of the Historic District and complement and maintain the architectural character.

Mr. Cracknell suggested two stipulations: 1) that the granite steps and landing be used to access the courtyard as proposed and presented, and 2) that the window siding shall be 5 1/4" x 5" as presented.

Vice-Chair Gladhill said he appreciated that the door would be restored to a historic prominent door and felt that anyone who took a structure with inappropriate additions throughout the centuries and restored it back to its character was a wonderful thing. He added that he would make sure that when the applicant went before the Planning Board for the CUP wetlands issue, it would be emphasized that there was no reasonable alternative.

*The motion to grant the Certificate of Approval **passed** with all in favor, 6-0, with the following stipulations:*

- 1) That granite steps and landing shall be used to access the courtyard (from both sides) as proposed and presented.*
- 2) That the window trim shall be 5 1/4" x 5" as presented.*

At this point, Ms. Ruedig arrived.

B. Petition of **Nancy K. and Gary I. Gansburg, owners**, for property located at **89 New Castle Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (convert closed porch to open porch, install fire escape) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 51 and lies within the General Residence B and Historic Districts. *(This item was continued at the May 6, 2015 meeting to the June 3, 2015 meeting.)*

SPEAKING TO THE PETITION

The contractor Mr. Mark Ouellette representing the owners was present. He stated that they wanted to bring the front door back and get rid of the sun porch-type addition by removing the windows and doors and matching them to the second floor ones.

In answer to Mr. Wyckoff's questions, Mr. Ouellette stated that the vinyl siding would be replaced with clapboard, the casing around the doors would be flat, and the window sill details would be replicated. Chairman Almeida noted that the diagram didn't show the corner board but that there was a note indicating an integral sill. Mr. Ouellette replied that it was part of the Andersen windows. After some discussion, Mr. Wyckoff said that he found it acceptable.

Vice-Chair Gladhill noted that there was a picture of one door but that the design varied, and he asked which one it would be. Mr. Ouellette replied that it would be the one shown in the illustration, a solid mahogany door. Mr. Shea asked if the shed roof would go under the existing soffit, and Mr. Ouellette agreed. In answer to Mr. Shea's questions, Mr. Ouellette stated the piece between the gable front of the garage would not be seen from the street, that the steps to the new porch would be pressure-treated, that the posts holding up the roof would be wrapped, and that the new ceiling would be wood. Mr. Wyckoff suggested adding a molding to the posts rather than having just a flat post, and Mr. Ouellette agreed. Vice-Chair Gladhill asked why there were three lights on the door. Mr. Ouellette said it was to match the previous door and that they would not change the light pattern. Councilor Kennedy asked if there was a fire escape, and Mr. Ouellette replied that there was not.

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 the application as presented with the following stipulations:*

- 1) That the proposed post details shall match the image shown on the Fiber-Classic & Smooth Star specification sheet submitted (date-stamped 5-26-15).*
- 2) That the door identified as S262 in the submission (date-stamped 5-26-15) shall be used as presented.*

Mr. Wyckoff seconded the motion.

Vice-Chair Gladhill stated that the applicant would restore parts of the house to its original integrity by removing a later-edition porch, so that preserved the integrity of the District, which would in turn maintain the special character of the District and complement and enhance the historic surrounding neighborhood.

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

IV. PUBLIC HEARINGS (CONSENT AGENDA ITEMS)

Chairman Almeida read the Consent Agenda Items into the record. Vice-Chair Gladhill requested that Items 2 and 3 be pulled for discussion.

1. Petition of **44-46 Market Street, LLC, owner**, for property located at **44-46 Market Street**, wherein permission was requested to allow new construction to an existing structure (install two condensing units on rear roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 31 and lies within the CD 5, Historic, and Downtown Overlay Districts.
4. Petition of **Wright Avenue, LLC, owner**, for property located at **67-77 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (change window and door manufacturers from Eagle and Norwood to Lepage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 18 and lies within the CD 5 and Historic Districts.
5. Petition of **Darle A. MacFadyen Revocable Trust of 2014, owner, Darle A. MacFadyen, trustee**, for property located at **272-274 New Castle Avenue**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as Lot 37 and lies within the Single Residence B and Historic Districts.
6. Petition of **Peirce Block Condominium Association, owner, and Araujo Realty, LLC, applicant**, for property located at **20 Ladd Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove two existing mechanical units, replace/relocate with energy efficient/code compliant units) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 17 and lies within the CD 5, Historic, and Downtown Overlay Districts.
7. Petition of **Hanover Apartments, LLC and Portwalk HI, LLC, owners**, for property located at **15 Portwalk Place**, wherein permission was requested to allow a new free standing structure (install two condensers) 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.
8. Petition of **Ten State Street, LLC, owner**, for property located at **10 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (install

light fixtures, venting, add matching door on roof top deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 4 and lies within the CD 4 and Historic Districts.

9. Petition of **233 Vaughan Street, LLC, owner**, for property located at **233 Vaughan Street**, wherein permission was requested to allow amendments to a previously approved design (changes to the Deer Street balcony windows and doors, locate gas meters, light fixtures) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 14 and lies within the Central Business A, Historic, and Downtown Overlay Districts.

The Commission addressed Item 2 that was pulled for discussion:

2. Petition of **Timothy K. Sheppard, owner**, for property located at **54 Ceres Street**, wherein permission was requested to allow a new free standing structure (install removable fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 44 and lies within the CD 4, Historic, and Downtown Overlay Districts.

Chairman Almeida read the petition into the record as a separate application. Vice-Chair Gladhill stated that he was concerned that the wooden fence might block the water view and asked if there was an alternative. The owner Mr. Sheppard replied that he wanted to block the restaurant patrons' view of people sitting up against their cars but said he could install a lower fence. Mr. Wyckoff said he wasn't that concerned with the height but rather that the fence was not appropriate in the Historic District. He suggested a solid board or a flat top picket fence. They further discussed it. Chairman Almeida said the Commission could consider an open picket fence, but it had to be 50% open at a height of 4 feet maximum. Vice-Chair Gladhill asked to have a drawing of the fence for the administrative approval first, and Chairman Almeida agreed.

There was no public comment. Chairman Almeida asked for a motion.

*Mr. Wyckoff made a motion to **grant** the Certificate of Approval with the following stipulations:*

- 1) That the applicant shall install an open (50%) wood fence with fence caps and its height shall be no taller than 48" as modified and presented.*
- 2) Prior to construction, the applicant shall provide a detailed drawing of the fencing plan to the Planning Department for review and approval.*

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

The Commission then read the next pulled item:

3. Petition of **J.R. Seely, LLC, owner**, for property located at **402 State Street**, wherein permission was requested to allow an amendment to a previously approved design (install venting and condensers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 12 and lies within the CD 4-L, Historic, and Downtown Overlay Districts.

Vice-Chair Gladhill asked whether there could be an alternative to all the vents. Chairman Almeida said it wasn't a problem for him because the vents were not on the front or on the roof. Mr. Wyckoff asked if the vents would be painted, and Mr. Cracknell replied that they would be painted the same color as the siding on the house. After further discussion, Vice-Chair Gladhill said he was okay with it. Chairman Almeida stated that the item would be voted upon with the other eight Consent Agenda Items.

*Mr. Wyckoff made a motion to **grant** the Certificate of Approval for the nine Consent Agenda Items, with the exception of Consent Agenda Item 2, 54 Ceres Street. Mr. Lombardi seconded the motion.*

Mr. Wyckoff stated that they were all minor changes to ongoing projects with no detrimental effect on the Historic District.

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

V. PUBLIC HEARINGS (REGULAR AGENDA ITEMS)

2. Petition of **Martingale, LLC, owner**, for property located at **99 Bow Street**, wherein permission was requested to allow new construction to an existing structure (expand existing fixed pier) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 54 and lies within the CD 5, Historic, and Downtown Overlay Districts. (*This item was postponed at the May 6, 2015 meeting to the June 3, 2015 meeting.*)

SPEAKING TO THE PETITION

The architect Mr. Steve McHenry, his designer Ms. Kathy Jackson, and owner Mr. Mark McNabb were present to speak to the application. Mr. McHenry stated that they wanted to make two additions, one on each side of the wharf. He said that there were previously-approved changes that were not made, and they instead proposed new changes, which included the wharf deck addition for the restaurant's use and a public access wharf deck that would be a mini-park with benches and planters as a public benefit and would expand on the restaurant's wharf deck. It would in turn expand public access to the waterfront and would include elevator access to the wharf level and the park. Mr. McHenry stated that the City Manager Mr. John Bohenko had written a letter of support for the public benefit. The previously-approved glass hand rail system would be replaced with a different one. He stated that the glass wall would be a framework for showing changing art and would also afford privacy for both neighbors.

Mr. Lombardi asked whether or not the State was involved and if Mr. McHenry had the approvals. Mr. McNabb addressed the question, stating that the entire deck system was not technically in the city but in public waters and had no building component. He said that the New Hampshire Department of Environmental Services (NHDES) application had been submitted and that they would also attend the Conservation Committee meeting. The project only had to go through the wetlands approval process, and he believed it would be approved. Mr. McNabb discussed the cost of the decks and how they were donating the public access component of it, adding that the City had given them a permanent easement for it. His building was the only one

on Bow Street that had an elevator and was the only handicapped access to the waterfront, and that was why the City favored the project.

Mr. Wyckoff stated that it was a very generous donation to the public good and hoped that there would be some signage on the sidewalk indicating the public access to the deck. Mr. McNabb replied that Mr. Bohenko had mandated the signage as well as benches, trash receptacles and recyclables, and that the Planning Department would have to agree with it. Councilor Kennedy noted that the project would also go through the Army Corps of Engineers, which was Federal. She said she was concerned about the glass frontage and asked why they had not gone with the stainless steel rail that they already had everywhere else. Mr. McNabb replied that the Commission had approved glass railings before on decks and that they had decided on glass because of their design concept, which was to read the seamless shape of the subtle curves. Stainless steel could not create curves. The architecture and form drove the process, and glass was the best and safest for the public. He stated that the glass would be resistant to damage, and that they had to keep it clean because of the restaurant. He added that NHDES wasn't concerned with railings as much as they were with wetland impacts, and the reason it wasn't accepted before was because they required a marine use in their approvals. Since then, they were doing public benefit projects and were more receptive to waivers.

Vice-Chair Gladhill noted that the fence for the receptacles was a nice addition to the building and looked more like art work than a fence. He asked what drove the public design. Mr. McNabb said that the lattice work came from the new Prescott Park pavilion. Vice-Chair Gladhill asked about the hidden door. Mr. McNabb said that it was made to go away because they were 5-1/2 feet away from the lot line, so the door was only for occasional access for repair and maintenance and would become part of the art wall. Mr. Wyckoff stated that the previous approval had LED lighting within the rail system. Mr. McNabb said that there would be low flush lights, similar to those in a movie theater.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Keith Eveland of Rye stated that he had a condominium in the building next door at 111 Bow Street and had no idea of what was going on until the previous week when he was notified as an abutter. He felt that the proposed expansion would drive residents out of his building. He said that Mr. Joe Sawtell built the building to be used as a quiet mixed-use building, and if residents moved out, the condo association would prohibit those units from being commercial. He knew that several people opposed the new deck and asked why the deck was being expanded into the primary residential area instead of the commercial end.

Mr. Bruce Montgomery of 111 Bow Street said he lived in the same building and that his deck also looked down on Martingale's desk. None of the residents objected to the wharf deck and tried to be good neighbors. He said when they first saw the plans, there was a fairly small bubble on that end, but suddenly it was double the amount of space. He asked whether there were noise ordinances and whether the size could be restricted.

Mr. George Glidden of 11 Bow Street stated that the Martingale was an excellent neighbor and had taken care of previous problems. From a design viewpoint, he thought the deck was beautiful, but he feared that the impact on himself and the other residents would be permanent. He asked the Commission to consider the long-term impact, saying that it was too big and encroached too much on the residential aspect as well as the view.

Ms. Hazel Hall of 111 Bow Street stated that she lived on the top floor and had a beautiful view, so she was concerned about the extension and thought it would come out too far.

Mr. McNabb stated that the HDC had notified abutters and that the only other public notification required was the one he had submitted to the NHDES. They had a letter from the condominium association saying that the majority of people supported it and that the people in the bottom unit who would be most impacted were in favor of it. There were noise ordinances and they were not allowed to have bands on the deck. He spoke of the river walk agreement that Mr. Sawtell had recorded with the deed, saying that every condo owner had been required to agree to the right for the river walk, so waterfront development was not a foreign concept.

Mr. John Sherman stated that he was the son-in-law of Mr. Eveland and thought there was a good reason why the original building was torn down and huge buildings put up in 2009. The owners knew that if they proposed a 2,100 s.f. expansion of a deck into the river, the plan would have never been approved, so they put a small deck at first. When it was approved, they then realized they could expand the deck in phases. He asked why the deck did not have to be approved by the Commission again if it was an expansion of the deck that they previously approved. Mr. Sherman stated that the public access should be nearer to all of the other commercial activity and felt that the expansion of the deck was larger than those of any other business on the waterfront and was fearful that the other businesses would request the same thing if it got approved. He agreed that the condominium owners bought their condos knowing about the river walk, but it was different than a 2100 s.f. deck where people would dine, drink, and make noise and interrupt the daily lives of the residents.

Mr. McNabb stated that they tried to build decks two decades before but could only get the 100-foot wharf. The current wharf was built about nine years before the building was. He didn't feel that it was excessive compared to properties in the inner harbor, and he stated that the owners had not intended to just phase the deck expansion in.

At this point, Mr. Rawling recused himself.

Councilor Kennedy stated for the public's benefit that they could go to NHDES and the Army Corps of Engineers to discuss the topic. She said that she did not have Mr. Bohenko's letter and also wanted to know why it was originally rejected. She asked if there was a way to move the addition closer to the other end and extend the existing wharf to allow a buffer, stating that there were rights and timelines, but also courtesy. Ms. Ruedig stated that the Commission's purview was to look at the design, purpose and intent, and to review criteria. They could postpone it for further discussion, but they didn't generally do that. She preferred to go ahead with the vote that evening, saying that the applicant could come back to the Commission with changes if necessary. Mr. Cracknell stated that Mr. Bohenko's letter wasn't in the Commission's packet because it was intended for the City Council and supported the project as designed. Chairman Almeida stated

that, as someone who lived in downtown Portsmouth, he knew that loud music could drive one crazy, but loud music wasn't included in the application, nor was it allowed in the area due to the noise Ordinance. He said that the Commission was there to mainly review the esthetics of the project, and he didn't think that the noise would happen.

With no one else rising to speak, Chairman Almeida closed the public hearing.

DECISION OF THE COMMISSION

*Mr. Wyckoff made a motion to **grant** the Certificate of Approval as presented. Vice-Chair Gladhill seconded the motion.*

Mr. Wyckoff stated that the Commission was a design review board and not there to consider complaints relating to whether or not the expansion was at the beginning of the end of the residential section of Bow Street. He felt that the project itself maintained the special character of the District because Portsmouth was famous for waterfront decks, so it complemented and enhanced the historic character of the area and also promoted the education, pleasure, and welfare of the District. He remembered when 111 Bow Street did not have all the additions on the back, and that the 6- or 7-story building next to them was done in the late 1990s. People on Bow Street were living in places that had increased in square footage. He said that things change and felt that the deck would be consistent with the character of the neighborhood. Vice-Chair Gladhill stated that he would support the design mainly for its esthetics. He said he cared about the neighbors' concerns but most of those concerns were not in the Commission's jurisdiction. He felt that the area had improved from its rowdy history, and everyone could enjoy the ambience and not be afraid to go down Bow Street.

Councilor Kennedy stated that she would not support the project because she thought there was another way to expand the deck and that there had to be a point where the Commission drew the line. She felt that the residential and commercial aspects were significant because the project was a huge increase in property, and she wasn't sure that it was consistent with the special and defining characteristics of surrounding properties like 111 Bow Street, although it was more consistent with the commercial end. Chairman Almeida stated the Zoning Ordinance defined the commercial and residential districts and also defined the full length of Bow Street as mixed use, so he believed that it was black and white. He stated that the public access was an amazing benefit to the City and the visitors because people would be able to go down to the waterfront and see various views that they otherwise couldn't see. He also thought that the ability of someone in a wheelchair to access the water views was a wonderful thing. He felt that excessive outdoor music was an issue between business owners and residents.

Ms. Ruedig stated that she was in support of the project and thought that the design and size of the deck were very appropriate for the building. She said the Commission considered each building with its own history, context, and character. Mr. Lombardi said he was excited about the public access, which he felt was an important part of the project, and he agreed that the area was a mixed-use residential business district and that the design was appropriate.

The motion **passed**, with 6 in favor and 1 opposed (Councilor Kennedy).

3. Petition of **Brick Act, LLC**, for property located at **102 State Street**, wherein permission was requested to allow an amendment to a previously approved design (construct thin brick chimney to match former chimney, modifications to right side wall for egress requirements) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 52 and lies within the CD 4, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

The architect Ms. Anne Whitney and the owner Ms. Karen Bouffard were present to speak to the application. Ms. Whitney stated that they decided to install a faux chimney that would replicate the ones shown on the photos. The goal was to button up the building and rent it as retail in the next few months, and the put additions on the back eventually. She had compromised with the Building Inspector in widening the narrow alley where the electric meters were. She explained how the new sill would not be broken and how the meters would be 2'9" from the edge of the building. They would also relocate the basement stair and wanted to put a door next to the jog for access. They would replace the window with a wooden one and would re-side the clapboards with Hardiplank. She discussed the rear elevation, saying that the sliding glass door had been removed and the walls rebuilt. They would get rid of the extraneous windows and add one 2/2 double hung and a temporary door for access to the back yard. She also requested approval for a temporary treatment on the back elevation.

Ms. Ruedig asked what made Ms. Whitney decide to put the chimney back up and whether it was for tax credits. The owner Ms. Bouffard replied that she wasn't eligible for the 20% tax break. Ms. Ruedig asked if the Hardiplank in that location would be approved, and Ms. Bouffard said she would check on it. Ms. Ruedig also asked her to double check the faux chimney restoration. Vice-Chair Gladhill asked why there was such a big inset for a small meter, and Ms. Whitney said it was because the alley was 38 inches wide and 4 feet at the end, and there was a series of four meters that were in cast concrete. Mr. Wyckoff asked about the gate. Ms. Whitney said it would wait for the next project. Mr. Wyckoff said he was willing to allow Tyvek paper on the back of the building instead of siding. Mr. Rawling agreed, adding that he applauded Ms. Whitney's work in bringing the building back around. Chairman Almeida stated that he thought Ms. Whitney's faux chimney could be the best example that the Commission would point to when a situation was appropriate to have a faux chimney.

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 with the following stipulation:*

- 1) That the rear elevation may be temporarily covered with a waterproof membrane.*

Mr. Wyckoff seconded the motion.

Mr. Ruedig stated that the project preserved the integrity of the District and conserved and enhanced property values by maintaining the integrity and character of the District.

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

4. Petition of **Philip W. Hodgdon Revocable Trust, owner**, for property located at **65 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (install rear door and window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 52 and lies within the CD 5, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Mark Hodgdon, co-trustee of his father's trust, stated that they wanted to replace the existing patio-type door and the vinyl replacement window with a modern single-glass vinyl window and a brushed aluminum door.

Vice-Chair Gladhill asked if the door opening would increase, and Mr. Hodgdon replied that it would decrease. Ms. Ruedig questioned the vinyl casement window, and Mr. Hodgson said it would increase the light into the house and wouldn't be opened but used more as a display window. Mr. Shea asked whether the case around the window was wood and whether the space underneath the sill was sloped mortar, and Mr. Hodgdon said yes to both.

Chairman Almeida suggested that the door and window be field painted and the hardware on the door changed, saying that it would make a huge difference in making it more appropriate. Ms. Ruedig agreed, adding that a more appropriate window would be wood because of the waterfront. Vice-Chair Gladhill said he was not in favor of a vinyl window, even if it were painted. Councilor Kennedy suggested painting or putting molding around the doorframe to make it look more appropriate. They further discussed the casing and sill detail on the window being painted in either black or off-white.

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 grant the Certificate of Approval with the following stipulations:

- 1) That the door, window, and door frame and window casings shall be field-painted in a dark color.*
- 2) That the door handle ("staple") shall be replaced with a simple door handle.*
- 3) That the final door and window plans shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit.*

Ms. Ruedig seconded the motion.

Councilor Kennedy asked if she could amend the motion to add that the door detail be brought in for administrative approval. Mr. Wyckoff clarified it by, saying that Mr. Hodgdon would pick out a new door pull and bring it in to Mr. Cracknell. Councilor Kennedy said her rationale was that the Commission asked people to show them their hardware, and she wanted to be consistent.

*Mr. Wyckoff made a motion to **grant** the Certificate of Approval with the following stipulations:*

- 1) That the door, window, and door frame and window casings shall be field-painted in a dark color.*
- 2) That the door handle (“staple”) shall be replaced with a simple door handle.*
- 3) That the final door and window plans shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit.*

Ms. Ruedig seconded the motion.

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

5. Petition of **Craig and Allison Jewett, owners**, for property located at **17 Gardner Street**, wherein permission was requested to allow a new free standing structure (install condensing unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 14 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Shea recused himself.

The architect Mr. Kelly Davis representing the owners stated that, as part of a mechanical permit application which was to install air conditioning in the attic space, they had submitted a request to add a slimduct shaped like a gutter to get the line set for the unit. It would have a smaller condenser next to an existing one and would go into the attic and be painted the trim color.

Ms. Ruedig said she thought the slimduct would be successful. Chairman Almeida said that he walked by the house often and had never seen the back of it. Mr. Lombardi asked if the gutter and the downspout were black, and Mr. Davis told him they were copper.

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 the application as presented.*

Mr. Lombardi seconded.

Ms. Ruedig stated that the duct would be a hardly noticeable addition to the trim board at the back of the building, so it would preserve the special character of the District.

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

6. Petition of **Jamer Realty, Inc., owner**, for property located at **80 Hanover Street**, wherein permission was requested to allow exterior renovations to an existing structure (install new siding, folding doors, new storefront, canopy, glass block, and fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2-1 and lies within the CD 5, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

The architect Mr. Kelly Davis and the owner Mr. Jim Perin were present to speak to the application. Mr. Davis stated that the changes from the previous work session were to get rid of the mechanical ductwork on the side of the British Beer Company building. The ducts would be removed from the side of the Coat of Arms building and they would paint the side as needed. He said the owner had also agreed that enclosing the dumpsters was a perfect solution. The pricing that they got on the original custom design for the fence surrounding the outdoor patio was six times more expensive than stock fencing. Mr. Davis said they also took Mr. Rawling's suggestion about the reveal and were leaning toward the larger reveal to allow more articulation. They wanted to come back at a later date to discuss lighting and the interior work.

Mr. Lombardi asked if the fence posts were wood, and Mr. Davis told him they were wood composite. Mr. Rawling stated that he was glad to see the project move along and appreciated the attention to the panels and detailing. However, he felt that the project lost a lot because of the fence design because it was a traditional fence not in keeping with the contemporary character of the project. He asked whether they could consider a different design. Mr. Davis said that they could exclude the approval of the fence and return with it at a later date. Mr. Wyckoff said he had no problem with the new fence. Ms. Ruedig agreed with Mr. Rawling, saying that if the design were a bit simpler, it might be more in line with a contemporary design. Chairman Almeida agreed. Mr. Davis stated that he would submit it with the lighting.

Councilor Kennedy asked whether the fence could celebrate the 1950s building in some way. Ms. Ruedig thought the building looked like it was more from the 1970s and said the applicants would have to choose the styles they wanted to keep from every time period, but she didn't think the fence was the best example of that particular style and was willing to see it updated.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Ms. Judy Miller of 77 Hanover Street stated that she lived in the condo building facing the project and admired the efforts to improve the building. She asked if the parking sign on the Coats of Arms side would be replaced with something nicer. She also asked that whatever replaced the three large wooden structures on the Vaughn Mall side be maintained. She was also concerned about the graffiti on the door and on the brick. She asked if there would be tables for the patio and was concerned about the noise.]

The owner Mr. Perin stated that they would maintain the building and that the noise or graffiti were not part of their problem in that corner. He said they would enhance and take care of the building in that corner.

With no one else rising to speak, 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, with the following stipulation:*

- 1) That the fence detail is removed from the application and will be revised and resubmitted under a separate application.*

Ms. Ruedig seconded the motion.

Councilor Kennedy stated that the upgrades would enhance the property values and the area and would complement the historic character of the District. Its design would be compatible with similar designs of that area. Chairman Almeida thanked Ms. Miller for speaking out about the noise, saying he had lived in the neighborhood for several years and thought the noise was terrible but he didn't remember a noise issue with Mr. Parrot's building.

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

7. Petition of the **City of Portsmouth, owner, and Eversource, applicant**, for property located on **34 Hanover Street (High/Hanover Parking Garage)**, wherein permission was requested to allow new free standing structures (install underground power lines, including two above ground switch gear cabinets and two above ground transformers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 1 and lies within the Municipal, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Mike Busby, representing Eversource and PSNH, and Mr. Peter Rice, Director of Portsmouth's Department of Public Works (DPW), were present to speak to the petition. Mr. Busby stated that he had worked closely with the DPW and needed approval for equipment that they needed to install. He showed several photos of the telephone poles that they would remove and replace with underground switch gears and transformers, and he explained how it would be done. Mr. Rice stated that Mr. Busby had explained the critical nature of the transformer and pointed out that a potential outage could occur for days if the transformer failed. He said that they had done additional work in the area by replacing some sidewalks on Market and High Streets. They saw a vast improvement to the area by burying the utilities. He stated that he was there to support Mr. Busby and that it was a joint effort, and he hoped that they could pull the other utilities into the process, like Comcast and Fairpoint.

Mr. Wyckoff said that the sidewalk improvements had been needed for quite a while and he hoped that Comcast and Fairpoint would work with the project team. Ms. Ruedig said that it was

a vast improvement to the area because all the overhead wires would go away. Mr. Lombardi agreed and asked what would happen to the overhead lighting. Mr. Busby said that most of the lighting would come from underground. Vice-Chair Gladhill asked whether the gear box on Hanover Street could be placed into the fenced area with the other transformers. Mr. Busby replied that they were already packed in that space. Vice-Chair Gladhill asked whether DPW had any ideas on how to screen the transformers, and Mr. Busby said that they would not allow the transformer doors to be blocked by at least 10 feet in front, but that shrubbery could be grown on the sides within 3 feet. Councilor Kennedy asked who was paying for all of it, and Mr. Busby replied that Eversource was. Councilor Kennedy said she thought that the doors would be exposed, and Mr. Busby suggested a gate. Mr. Rice added that it could be esthetically neutral. Mr. Rawling asked if the screening could have graphics printed on it, and Mr. Busby said there would be no graphics on the transformers themselves because they were standard green boxes.

Chairman Almeida mentioned the replacement of the switch gear at the end of High Street, saying he would hate for that transformer to be the reason not to have an opening in the redesigned Hanover Street Garage. Mr. Busby replied that they could slide it over.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Ms. Judy Miller of 77 Hanover Street noted that the crosswalk in front of the Hanover Street Garage was dangerous and asked whether lighting could be incorporated. Mr. Rice said they would take it into consideration.

With no one else rising to speak, Chairman Almeida closed the public hearing.

DECISION OF THE COMMISSION

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

Vice-Chair Gladhill stated that the project would preserve the integrity of the District by bringing cable lines down, and it would complement and enhance the character of the District.

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

8. (Work Session/Public Hearing) Petition of **Hanover Apartments, LLC and Portwalk HI, LLC, owners**, for property located at **5 Portwalk Place**, wherein permission was requested to allow amendments to a previously approved design (change mullion pattern in transom windows above operable storefront) 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.

WORK SESSION

The architect Mr. Rob Harbeson from DeStefano Architects stated that there were two items associated with windowshop drawings that should have been brought back to the Commission. One was a structural element for windows, and the other was a larger element that was

previously proposed. He said that the mullions that were originally drawn in the transom windows were not implemented. Given the wider horizontal band, the proportion of the transom above it was not the same, and the height of the window opening was shorter than originally anticipated. He said there were four options available: vertical mullion (Option A), horizontal mullion (B), vertical and horizontal mullions (C), and vertical panels (D).

Chairman Almeida thought that the interior view shown in the photos looked elegant without the mullions. Ms. Ruedig asked which option Mr. Harbeson preferred, and he suggested leaving it as constructed. Mr. Shea agreed with Chairman Almeida, adding that it seemed much lighter without heavy mullions. He liked the open expanse. Councilor Kennedy asked Mr. Harbeson how it had gone wrong. Mr. Harbeson explained that the window company had told them they had a structural requirement, but the contractor didn't know that there might be an option. The window company had said that they couldn't fabricate wood mullions for the glass size but didn't notify the contractor. Councilor Kennedy thought that sort of thing was becoming unacceptable and asked that the Commission to ensure that it didn't happen again.

Mr. Harbeson said they had discussed it a lot in-house and that, for a lot of entities with their own architects, it was challenging to force people to pay a fee for construction administration. Yet, there were some towns where construction administration was required.

There was no public comment. *It was voted to go into the public hearing.*

SPEAKING TO THE PETITION

Mr. Harbeson stated that he had just reviewed the package and that he preferred to seek approval on the drawings indicated as Hanover Elevation, Existing as Built and the Portwalk Elevation, Existing as Built.

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 **grant** the Certificate of Approval for the application as presented. Ms. Ruedig seconded.*

Mr. Wyckoff stated that it seemed to be a very clean job. Ms. Ruedig stated that the project design complemented the architectural character of the design built.

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

VI. ADJOURNMENT

*At 11:05 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 July 1, 2015.