

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

CONFERENCE ROOM "A"

6:30 p.m.

May 01, 2019

MEMBERS PRESENT: Chairman Vincent Lombardi; Vice-Chairman Jon Wyckoff; City Council Representative Doug Roberts; Members Reagan Ruedig, Dan Rawling, Martin Ryan, Cyrus Beer; Alternates Heinz Sauk-Schubert and Margot Doering

MEMBERS ABSENT:

ALSO PRESENT: Nick Cracknell, Principal Planner, Planning Department

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City Council Representative Doug Roberts arrived to the meeting late.

Mr. Cracknell was recused from the Approval of Minutes and the Rehearing for 11 Meeting House Hill Road, and Peter Stith represented the Planning Department.

I. APPROVAL OF MINUTES

A. April 03, 2019

*It was moved, seconded, and passed to **approve** the April 3, 2019 meetings as presented.*

B. April 10, 2019

Mr. Ryan recused himself from the vote.

*It was moved, seconded, and passed to **approve** the April 10, 2019 meetings as presented.*

II. OLD BUSINESS

A. Request for Rehearing for property located 11 Meeting House Hill Road.

Mr. Rawling recused himself from the vote, and Alternates Sauk-Schubert and Doering assumed voting seats.

Chairman Lombardi asked the Commission whether they felt there were procedural errors in their original decision. Mr. Ryan stated that the petitioner's document contained several points

based on opinion and not fact. He said the opening statement challenged Mr. Rawling's integrity by suggesting that Mr. Rawling's decision-making could be persuaded simply because he was seen with colleagues after a meeting. He said that the use of the word 'unethical' in the document implied deceit, corruption, and immorality, and he thought it was despicable that the issue was taken to the level that it was. He asked where the architectural standards referenced in the document came from and how they were determined. He said the entire document was ridiculous and that it unfairly attacked Mr. Rawling as well as the Commission. He noted that a City Councilor followed the Commission colleagues down the street and spied on them to see where they were meeting. He said he would not support the motion to rehear the case.

Ms. Doering said she thought that the only point worthy of discussion was whether the level of detail in the presented plans was up to the same standards as other projects. Ms. Ruedig said she agreed, noting that it wasn't uncommon to have new construction projects with that level of detail presented. She said if the Commission granted the rehearing, there would be no one to present it because the applicant had withdrawn the project. She said she was amazed by the ridiculous suggestion that all the Commissioners would have to recuse themselves because they might have been influenced by one member, and she did not feel that the Commissioners were wrong in their original decision.

Vice-Chair Wyckoff said that if the HDC did not allow the rehearing, the petitioner could go before the Board of Adjustment (BOA), who would throw it out or send it back to the Commission with suggestions or even cancel their original decision. He said it would be difficult for the Commission to make an objective decision if they were to rehear the petition due to the vindictiveness of the petitioners and the fact that a lot of it was almost personal. He said he would not support a rehearing. Mr. Sauk-Schubert said he felt personally aggrieved by the language contained in the document and the innuendos from the petitioners and would not support a rehearing. Mr. Beer agreed.

Chairman Lombardi said he agreed with all the comments. He said he knew Mr. Rawling as a friend, neighbor, and fellow Commissioner and that he was beyond reproach in his ethics. He said there was a lot of legalese in the document except for the conclusion, which was personal opinion. He said that granting a rehearing would encourage people to use personal attacks against individuals who volunteered their time to the City, and he thought it was manipulative.

*Vice-Chair Wyckoff moved to **deny** the Request for Rehearing. Mr. Ryan seconded. The motion **passed** by unanimous vote, 7-0.*

At this point, Mr. Cracknell joined the meeting and Mr. Stith left. Mr. Rawling resumed his voting seat. Ms. Doering returned to alternate status.

III. ADMINISTRATIVE APPROVALS

*It was moved, seconded, and passed by unanimous vote to **remove** Items 1, 2, 9, and 12 for separate discussion.*

NOTE: The sequence below maintains the original agenda template and not the actual sequence of items heard.

1. 410-430 Islington Street

The applicant Sarah Howard was present to review the changes. She said the siding request for 410 Islington Street was changed from pressed board siding. Vice-Chair Wyckoff said he had a problem changing the previously-approved material and thought that someone with milling experience could manufacture the original boards. Mr. Rawling agreed and suggested that the original siding be replicated. The Commission requested that the applicant bring photos of the requested material or a sample at the next meeting. It was decided to remove the request from Administrative Approval.

Ms. Howard then discussed the other changes as follows:

- the foundation wall was poured deeper at the corners by one foot so that the front façade would look the same and the garage door recess would be a foot deeper.
- The entry door detail would have just a brick mold because the mason did not account for the composite trim and did the opening wrong.
- The dormers were pushed forward so that some overhangs extended and some were shortened and they all no longer had the same detail.

*Ms. Ruedig moved to **approve** the Administrative request, with the **stipulation** that the 410 Islington Street be taken out and re-submitted for Administrative Approval. Mr. Ryan seconded. The motion **passed** by unanimous vote, 7-0.*

2. 172 Hanover Street

Mr. Cracknell said the applicant was requesting field changes for the new restaurant La Carreta that included rooftop changes, dormer extension, placement of mechanical equipment, painted door surround, added awnings, replacement of rear windows, and addition of gas meters.

Juli MacDonald of DeStefano Architects and La Carreta manager Theresa Hughes were present to speak to the request. Ms. MacDonald noted that the awnings were different but the same height, that the requested double-hung windows would match the front and sides of the building; electrical equipment was added; and the gas meter would be on the Hanover Street side. She said a wood panel was removed to install the gas meter and would be replaced by a locked door that would look the same and would be painted to match.

*Vice-Chair Wyckoff moved to **approve** the Administrative Approval request, and Ms. Ruedig seconded. The motion **passed** by unanimous vote, 7-0.*

3. 38 South Street

The request was to redo the steps on a bulkhead and replace the cinderblock walls with timber.

4. 199 Gates Street

Mr. Cracknell said the request was to install a condenser in a side yard that would be set back from the front about 20 feet. He said the duct lines went up to the second floor on the side of the house and would be field painted. Ms. Ruedig asked that it be **stipulated** that the lattice shall be wood, not plastic and that it shall be installed with a 90° angle, not a 45° angle.

5. 566 Islington Street

The request was to relocate a vent further toward the front of the commercial building and paint it to match the cinderblock.

6. 179 Pleasant Street

Mr. Cracknell said the former wood board fence was damaged and removed, and the applicant wanted to extend the iron fence to the coach house. Ms. Ruedig said there were historic photos indicating that a board fence was there at one time and that she was hesitant about changing the historic design and would rather see it continued.

The architect Tracy Kozak and the landscape architect Terrence Parker were present. Ms. Kozak said her client wanted to put an exact replica of the iron fence, and she submitted a detail of it to the Commission. She noted that the Athenaeum photo was an 1860 painting and was historically representative of the wood fence. It was further discussed. Vice-Chair Wyckoff requested that the item be pulled for further discussion and a separate vote.

*It was moved, seconded, and passed by unanimous vote to **pull** the item for further discussion and a separate vote.*

Mr. Ryan said he found it hard to believe that the small 40” wooden fence was an intentional design, and that he would consider the new iron fence to replace the wooden portion. Vice-Chair Wyckoff asked whether the granite that the iron fence was connected to continued underneath the wooden fence and was told that it didn’t on the north and west sides. Ms. Kozak said the City put a sewer line in that location and that the iron fence would have to be removable if it was sited there. Vice-Chair Wyckoff asked if there were drill holes for the iron fence. Mr. Parker said it was a rail that sat on the granite beam and had a removable joint so that the pieces could be removed. He said they would mimic that detail.

*Ms. Ruedig moved to **deny** the request for the iron fence and asked that the wood fence be replaced in kind. Mr. Rawling seconded.*

Ms. Ruedig said there was historic evidence that the early design was at least 150 years old.

*The motion **passed** by a vote of 5-2, with Mr. Ryan and Mr. Sauk-Schubert voting in opposition.*

7. 14 Market Square

Mr. Cracknell said the Tuscan Deli owner requested that the Daniel Street door be recessed two feet, noting that the louver and angled windows would be retained.

8. 240 Union Avenue

Mr. Cracknell said the request was to remove one skylight and shift the other one 20 inches down to support a vent.

9. 46-64 Maplewood Avenue

Project designer Dennis Maccarone was present on behalf of the applicant. He said the changes consisted of locating the condenser on the roof and moving some doors and windows. He noted that details were provided for the side walls for the bays and cheek walls of the balcony as well as lighting specifications. Mr. Ryan said the condenser unit housing on the roof screamed fake and that it looked like a sort of penthouse and was misleading. Vice-Chair Wyckoff said that he was in favor of anything that could hide nine mechanical units and give some relief to the skyline of flat buildings. He noted that the waterfall-type light was glaring and suggested stipulating that all the project's lighting be dark-sky compliant.

*Vice-Chair Wyckoff moved to **approve** the changes as presented with the **stipulation** that the lighting shall be dark-sky compliant. Ms. Ruedig seconded.*

*The motion **passed** by unanimous vote, 7-0.*

10. 17 Pray Street

Mr. Cracknell said the request was to repair and expand the chimney and add an extra flue, but noted that the dimensions were not provided with the image. It was agreed that the applicant would submit the dimensions to Mr. Cracknell.

11. 41 Vaughan Mall

Mr. Cracknell said the request was to replace the big window on the Vaughn Mall building but that the applicant didn't submit the window specification. The Commissioners felt that the change was significant for a historic building on a major thoroughfare.

*It was decided that the request would be **continued** until the applicant provided more information.*

*Ms. Ruedig moved to **approve** Administrative Approval items 3, 4, 5, 7, 8, and 10, with their respective stipulations. Vice-Chair Wyckoff seconded.*

*The motion **passed** by unanimous vote, 7-0.*

12. 77 Daniel Street

Mr. Cracknell stated that the adjustments to the third-floor windows were different than approved, as well as some of the trim on the windows and doors. He said the transom window was changed and the third-floor door on the back and the gate were modified. Ms. Ruedig noted

that the installed third-floor windows were 6/6 and had a horizontal orientation instead of vertical. Mr. Rawling said it could be handled with a sash replacement.

The applicant Joshua Sheets was present and said the windows were all custom ones. Chairman Lombardi said it still was not what the Commission originally approved. The project designer Joanna He reviewed the other changes. The LED lighting and new back door were discussed. Mr. Cracknell suggested adding in the cross bracing because it was a significant change.

*Vice-Chair Wyckoff moved to **approve** the Administrative Approval request, with the following stipulations:*

1. The 3rd floor windows shall be removed from the application & revert back to a 3/3 pattern.
2. The cross braces for the rear stairs shall be added as presented.

*Ms. Ruedig seconded. The motion **passed** by unanimous vote, 7-0.*

At this point, City Council Representative Doug Roberts assumed a voting seat. Alternate Sauk-Schubert returned to alternate status.

IV. PUBLIC HEARINGS (NEW BUSINESS)

1. Petition of **RJF-Maplewood, LLC, owner**, and **RW Norfolk Holdings, LLC, applicant**, for property located at **111 Maplewood Avenue**, wherein permission was requested to allow a new free standing structure (construct a 4 – 4 ½ story mixed-use building) as per plans on file in the Planning Department. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Character District 5 (CD 5), Downtown Overlay, and Historic Districts.

SPEAKING TO THE PETITION

The project architect Lisa DeStefano, project designer Haril Pandya, and owner Michael Kane were present to speak to the petition. Mr. Pandya reviewed the park, landscaping, pedestrian experience, building access points, parking, and massing. He noted that the space below the restaurant would be service and storage for tenants. Mr. Pandya then reviewed the contextual design components, the floor plans, and the materials. He said they wanted to activate the park with lighting and accessibility. In response to questions from the Commission, Mr. Pandya said there were parts with large drop-offs that needed a retaining wall and that the park would be terraced in some locations, but the green space itself would not be as terraced because it would be community space. Mr. Pandya reviewed the elevations and project details. The lighting was discussed. Mr. Pandya said the glass would be tinted so that the building didn't glow at night. Vice-Chair Wyckoff asked what the look and finish of the retaining wall around the park would be. Mr. Cracknell said that the Technical Advisory Committee (TAC) recommended that it be thermal finish granite. Ms. DeStefano said they would work on the final color.

Mr. Rawling said he liked the way the building siting was adjusted and felt that the material warmed up the building. He said he still felt that the building was over-scaled for the site. He

said the horizontals needed to drop down between the spandrels and glass levels to be more in context with the area. He said the corner of Maplewood Avenue and Raynes Avenue was not welcoming. He said there was too much glazing and that the building would read as a light box. He said it was premature for the project to be in a public hearing because it still needed to be developed. Mr. Ryan said the corner had a more neutral approach to it and was a clean slate for any kind of activity, but that he hoped something more occurred there. He said the building had logic to it and was like a transition point from the older buildings to the new area. He said he had no problem with the height because there was a lot of texture that made the building interesting. He said the pedestrian areas were well done but suggested that there be a little more interest in the stairwell at the entrance off the parking lot. He also suggested more landscaping and pedestrian activity. He said he could support the project.

Ms. Ruedig agreed and thought the building had come a long way. She said she still had concerns that its scale was too large, but she recognized that it was an area of major transition. She agreed that the corner park was a little blank and that it was important to have something in the plans that was exciting rather than a grassy area. Mr. Pandya said the park was a canvas opportunity for the community or tenants to define. Ms. Ruedig said it should have basic landscaping in case nothing happened in five years. She said the materials made the building interesting and contemporary but she was concerned that the entrances weren't marked enough and faded into the overall elevation on each side. Mr. Pandya said that each entrance would have a canopy, lighting, signage, and so on. It was further discussed. Mr. Rawling clarified his remarks about the scaling elements, noting that he wasn't talking about building a shorter building but rather about the surface treatments that scaled down building elements.

Vice-Chair Wycoff said he was happy that the entryway façade was on the side of the building and also liked the two stories with the deck on the third floor of the Maplewood Avenue side. He said he liked 90 percent of the building. Ms. Doering said her concern was that there wasn't a commitment to having some element of the park that bridged the outside with the inside and that it could become a dead zone. Mr. Kane said he was committed to making the park amazing.

The idea for a piece of art or sculpture on the corner was discussed. Mr. Kane said they had a consultant who was working on developing something. City Council Representative Roberts said he appreciated that so much work was done on the first floor to activate it and said he would like to see a tree element between the height of the building and the street level. He noted that the sun would be very strong on that corner in the summer, so deciduous trees would be a positive thing. Mr. Rawling agreed. Mr. Beer and Mr. Sauk-Schubert said they could support the project. Chairman Lombardi said he was still concerned about the screening for the utilities that were just stuck on top of the building. Ms. DeStefano said they didn't have all the mechanical information yet but could adjust the height of the mechanicals. The pressure capped wood siding system was discussed. Ms. Ruedig suggested having a solid color instead of pretend wood.

SPEAKING TO, FOR, OR, AGAINST THE PETITION

No one rose to speak, and Chairman Lombardi closed the public hearing.

DECISION OF THE COMMISSION

*Mr. Rawling moved to **postpone** the approval for further design development. Ms. Ruedig seconded the motion for discussion. The motion **failed** by a vote of 6-1, with Mr. Rawling voting in favor of the motion.*

*Vice-Chair Wyckoff moved to **grant** the Certificate of Approval for the basic building as presented, and Ms. Ruedig seconded.*

Vice-Chair Wyckoff said that the project, in that particular area within the context of buildings that surrounded it, would preserve the integrity of the District; conserve and enhance property values; promote the education and welfare of the District; and be consistent with the special and defining character of surrounding properties, considering that every building on that side of the road was 20 years old. Ms. Ruedig said it was a well-designed contemporary building in the District and was a new and welcome addition.

*The motion **passed** by a vote of 6-1, with Mr. Rawling voting in opposition.*

V. WORK SESSIONS (OLD BUSINESS)

A. Work Session requested by **PNF Trust of 2013, Peter N. Floros Trustee**, owner, for property located at **266-278 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (278 State Street) and new construction to an existing structure (4-5 story addition at 266 & 270 State Street) as per plans on file in the Planning Department. Said property is located on Assessor Map 107 as Lots 78, 79 & 80 and lies within the Character District 4 (CD 4), Downtown Overlay, and Historic Districts. *(This item continued from the April 10, 2019 meeting.)*

The project architect Michael Keane was present to speak to the petition. He distributed a revised plan to the Commission. His presentation included the following:

- The team was considering adding windows to the alley wall and had an agreement with the owners of the 84 Pleasant Street building to incorporate the building as part of the process, so they could now control the construction to get their fire ratings to work. They would try to tie the two buildings together at some point to share the elevator and access.
- They would stay true to the front façade but the back section would change a bit.
- Underground parking was still an option, and if it was successful, the building would have access from the old Louie's property rather than the Times Building, which could revert back to its original layout and not need the proposed garage door.
- The mansard roof turned the corner and there might be more windows.
- The setback for the penthouse was pushed back 15 feet in an effort to get BOA approval and meet the definition of a penthouse on three sides.
- The balustrade detail was more traditional and they hoped to get through the massing portion with the BOA to see whether the fifth floor was still viable.
- The fenestration layout was changed to remove some verticality. The pilaster was put back in and the window/dormer rhythm was changed. The Pleasant Street elevation had three colors.

Ms. Ruedig said three colors would not be necessary if it were wood composite and field painted and that it would look disingenuous because it was a new building and the separation did enough to break up the elevation. Vice-Chair Wyckoff agreed, noting that no one liked the pilasters in the beginning until the building became more regular. Mr. Sauk-Schubert suggested segregating some of the dormers and making them different from one another so that the corner didn't feel too blocky. Mr. Rawling said he favored the varied window fenestration and breaking down the scale of the building. City Council Representative Roberts said he didn't think the different colors successfully broke up the building. Ms. Ruedig suggested introducing some arches and details to break up the monotony. Mr. Beer said he liked the pilasters but not the different colors. He said the dormers could be broken up more and thought the added dormers on the Louie's building were too big and could be shrunken down by removing the flat area under the sill and around the sides. He said he liked the overall design but not the penthouse. Mr. Ryan said the pilasters and dormers were fine. He suggested a free-standing column on the corner and an angled entrance to separate the corner piece. He said the penthouse was much improved and thought the project was on the right track. Ms. Doering said she liked that the railing was simpler but thought it made the penthouse look like it a fifth floor. She said the regular features made the building look massive and the first floor continued to be very regular, which helped the building read as one big building, even if the upper stories were broken up. Chairman Lombardi said he found the top railing distracting and thought it looked like it didn't fit. He agreed with Ms. Doering's comments about the first floor and thought varying the patterns would do a lot.

Ms. Ruedig said the simple design of the balustrade was better and that an iron railing might make it look less heavy. Vice-Chair Wyckoff said the penthouse could have some of the siding colors. He said he preferred the building when it read as one building and also liked the storefront's regularity. Mr. Ryan said the top railing was a nice feature that wasn't often seen in the city's buildings, noting that it was graceful and completed the building. Mr. Rawling said he supported the project as it was current presented, noting that some details could be refined, but the pilasters on one side were necessary to break up the building and the varied storefronts would enhance it. City Council Representative Roberts agreed that the first floor was too regular.

Mr. Cracknell summarized the comments:

- Remove the firewall as much as possible;
- Wrap the building with dormers and windows as much as possible;
- A lighter railing system might be better, and maybe a change in material using something more transparent and less heavy;
- Support for the penthouse and concerns about how it read with or without the railing;
- Issues with the dormers, i.e., the separation, whether connectors might not be necessary on every dormer, and what type of dormer should be used;
- Whether the pilaster should stay or go;
- Unified corner or open corner; and
- Introduce some variability with the storefront on the ground.

There was no public comment.

It was moved, seconded, and passed by unanimous vote to continue the work session to the June meeting.

B. Work Session requested by **202 Court Street Property Group, LLC, owner**, for property located at **202 Court Street**, wherein permission is requested to allow new construction to an existing structure (new dormer addition to the north elevation) and exterior renovations to an existing structure (replace: siding, roofing, windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor Map 116 as Lot 35 and lies within the Character District 4-L1 (CD4-L1) and Historic Districts. *(This item continued from the April 10, 2019 meeting.)*

The applicant was not present, so the work session was continued to the June meeting.

C. Work Session requested by **Wentworth-Gardner & Tobias Lear Houses Association, owner**, for property located at **49 Hunking Street**, wherein permission is requested to allow new construction to an existing structure (demolish and replace rear shed addition with larger new shed addition and foundation) and miscellaneous exterior maintenance to the existing house as per plans on file in the Planning Department. Said property is shown on Assessor Map 103 as Lot 39 and lies within the General Residence B (GRB) and Historic Districts. *(This item continued from the April 10, 2019 meeting.)*

The applicant requested that the work session be postponed to a future meeting.

D. Work Session requested by **Salvation Army, owner**, and **James McSharry, applicant**, for property located at **15 Middle Street**, wherein permission is requested to allow new construction to an existing structure (10 new dormers; 5 on the north and 5 on the south elevations and new shed dormer on the east elevation) and exterior renovations to an existing structure (new door and balustrade system) as per plans on file in the Planning Department. Said property is shown on Assessor Map 126 as Lot 12 and lies within the Civic, Downtown Overlay, and Historic Districts. *(This item was postponed at the February 06, 2019 meeting to the May, 2019 meeting.)*

The applicant requested that the work session be postponed to a future meeting.

VI. ADJOURNMENT

It was moved, seconded, and approved by unanimous vote to adjourn the meeting at 10:35 p.m.

Respectfully submitted,

*Joann Breault
HDC Recording Secretary*