

**MINUTES OF
THE HISTORIC DISTRICT COMMISSION**

**1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

6:30 p.m.

August 04, 2021

MEMBERS PRESENT: Acting Chairman Jon Wyckoff; Acting Vice-Chair Margot Doering; City Council Representative Paige Trace; Members Reagan Ruedig, Martin Ryan, David Adams and Dan Brown, Alternates Karen Bouffard and Heinz Sauk-Schubert

MEMBERS EXCUSED: Karen Bouffard

ALSO PRESENT: Nick Cracknell, Principal Planner, Planning Department

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The Commission presented former Chairman Vincent Lombardi with a parting gift and thanked him for his years of service to the Commission and to the City.

I. APPROVAL OF MINUTES

1. July 07, 2021

Ms. Ruedig recused herself from the following vote.

*It was moved, seconded, and passed unanimously to **approve** the July 7 minutes as amended.*

2. July 14, 2021

*It was moved, seconded, and passed unanimously to **approve** the July 14 minutes as presented.*

II. ADMINISTRATIVE APPROVALS

1. 14 Mechanic Street

The applicant requested to postpone to the September 1 meeting.

2. 110 Brewery Lane

The request was to add a fabric awning over the outdoor seating.

3. 45 Market Street

The request for the previously-approved project was to move two chimneys to the bottom of the third floor and rebuild them and to replace the asphalt shingles with cedar shingles. Mr. Adams asked if the fire-rated shingle would look like wood, and Mr. Cracknell agreed.

4. 46 Maplewood Avenue

The request was to place three large louvers on the back of the building to ventilate the underground parking and for code reasons. Mr. Cracknell said the applicant also needed permission for having extended the walkway an extra 16 feet. He said the final roof plan for the generator exhaust fan and flue was submitted.

5. 379 New Castle Avenue

Mr. Cracknell said a mix of window types on the building were previously approved and restored but the contractor ordered 6/1 windows instead of 6/6 ones. Project architect Anne Whitney was present and said she thought the 6/1 windows were a better solution and that they would replace the bottom sash if necessary. She said they also needed permission for two chimney caps and a picket fence.

6. 57 Salter Street

Mr. Cracknell said the applicant requested miscellaneous changes, some of which were already implemented. The project designer Brendan McNamara was present and said they wanted to expand the granite landing and change the roof of the bulkhead. He said the front door wasn't high enough to get the refrigerator into the structure so they dismantled the front door and replaced it with a taller one. He said the applicant wanted to do a wood infill below the deck and have horizontal boarding and wanted a wood landing instead of a granite one due to issues of access and availability of granite.

7. 93 State Street

The request was for three gas lanterns, two on the State Street façade and one on the Chapel Street façade. Acting Vice-Chair Doering noted that it wasn't indicated where on the façade the gas lanterns would be located. City Council Representative Trace said she wanted to know exactly where the lanterns would go because they were gas. It was agreed to postpone the request to the August 11 meeting so that the applicant could provide more detail.

*It was moved, seconded, and passed unanimously (7-0) to **postpone** the request to the August 11 meeting.*

8. 145 Maplewood Avenue

Mr. Cracknell said the building went through a final inspection. He said the aluminum metal panels were thickened and widened in several locations, a door was relocated, vertical mullions were a lot thinner and some were omitted from the main entrance, a spandrel window was added, and glass spandrels increased in height. Acting Vice-Chair Doering

commented that the wood seemed to be weathering in an unexpected way and wondered if the applicant knew that the material would do that. The applicant's representative Matt Worth of PROCON was present and said it was a natural material with engineering backing that had a fading process and would eventually silver up a bit.

It was moved, seconded, and passed unanimously (7-0) to approve Items 2, 3, 4, 5, 6 and 8.

III. CERTIFICATE OF APPROVAL EXTENSION REQUESTS

A. Request by **Deer Street Associates, owner**, for property located **161 Deer Street, "Lot 5"**, for a third one-year extension of a Certificate of Approval originally granted by the Historic District Commission on July 11, 2018. Wherein permission was requested to allow the demolition of an existing structure on the lot and allow the construction of a new free-standing structure (construct 5-story mixed use building) as per plans on file in the Planning Department. Said property is shown on Assessor Map 125 as Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts.

SPEAKING TO THE PETITION

Attorney Kevin Baum was present on behalf of the applicant and said they were requesting a third extension due to several delays, including impacts from COVID. He said they previously indicated that COVID impacts limited financing for Lots 3 and 6, but only Lot 3 was impacted and the ultimate effect delayed the entire project. He noted that Deer Street Associates also had an ongoing dispute with the City relating to a parking agreement, which also delayed the project. He said Deer Street Associates was negotiating with a purchaser and wanted to move forward with the approvals, so he hoped the Commission could grant one more year's extension.

The Commission discussed whether the City had ever granted a third extension. Acting Vice-Chair Doering said she had the same concern for the request as she did for the one for Lot 4 because the surrounding neighborhood context had changed since the original plan was granted. Mr. Ryan asked how many times a world pandemic occurred during an extension request, noting that the Commission had put a lot of work into the project. He said there were no rules stating that a third, fourth, or fifth extension couldn't be granted, and noted that nothing had really changed in the neighborhood except for more development. Ms. Ruedig agreed that the surrounding context hadn't changed much, since the Commission had taken into consideration the building across the street that was now being constructed, and she agreed that the Commission had spent a lot of time on the project. She said the project was huge and the delays were understandable.

Acting Chair Wyckoff opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one rose to speak.

SPEAKING AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said Lot 5 was approved in July 2018, an extension was requested three months later and then again in October 2019, and now the applicant was asking for a third extension. She said the applicant stated that the development of Lots 3 and 6 were delayed due to the City's delay in executing the parking agreement, but it seemed that all the delays were caused by the applicant constantly needing extensions and wondered if the large project was a lot more than could be chewed. She said the project stated that nothing had changed in three years, and she agreed, noting that there still wasn't a start date or a contractor's name. She asked that the extension not be granted.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Attorney Baum said the request was made soon after the approval and Deer Street Associates was being proactive and transparent. He said the design was still appropriate, although the public might be frustrated with the timing, and that the building was designed knowing that the surrounding area would be developed. He said that the changes since 2018 were largely considered by the Commission when they reviewed and approved the project.

No one else rose to speak, and Acting Chair Wyckoff closed the public hearing.

DECISION OF THE COMMISSION

*Mr. Ryan moved to **grant** the extension, and Ms. Ruedig seconded.*

Mr. Ryan said the project would conserve and enhance property values in the area and have compatibility of innovative technologies with surrounding properties. Ms. Ruedig said the Commission had no idea what was going on with business transactions or the City but was just looking at their approved design. She said the building would be appropriate for the location when it was constructed. Acting Vice-Chair Doering asked whether the extension for Lot 4 in the past was denied, and Mr. Cracknell agreed but noted that most of the Commission members supported the project's design.

*The motion **passed** by a vote of 5-2, with Acting Vice-Chair Doering and City Council Representative Trace voting in opposition.*

Acting Vice-Chair Doering said Lot 4 wasn't a matter of the design but was the context that had changed, and some buildings on the original plan were not happening. She agreed that the Commission was a design board but said she had reservations about that whole area and wanted the opportunity to look at the project again when the applicant was ready to begin instead of having various pieces coming at the Commission from all directions.

IV. PUBLIC HEARINGS (OLD BUSINESS)

A. Petition of **64 Vaughan Mall, LLC, owner**, for property located at **64 Vaughan Street**, wherein permission is requested to allow new construction to an existing structure (add a 3-story addition and create new entry points to the Worth Lot) and additional site improvements as per

plans on file in the Planning Department. Said property is shown on Assessor Map 126 as Lot 1 and lies within the Character District 5 (CD5), Downtown Overlay, and Historic Districts.

SPEAKING TO THE PETITION

The applicant wasn't present.

DECISION OF THE COMMISSION

*It was moved, seconded, and passed unanimously (7-0) to **postpone** the petition to the September 1 meeting.*

V. PUBLIC HEARINGS (NEW BUSINESS)

1. Petition of **Dagny Taggart, LLC, owner**, for property located at **60 Penhallow Street**, wherein permission is requested to allow the installation of artwork on the property site as per plans on file in the Planning Department. Said property is shown on Assessor Map 107 as Lot 27 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts.

SPEAKING TO THE PETITION

Project designer Tracy Kozak was present to speak to the petition, along with the applicant Mark McNabb, landscape architect Robbie Woodburn, and artists Vivian Beer and Alexander Golob. Ms. Kozak reviewed the petition, noting that the intent of the art was to educate and inspire people by presenting themes of women's issues and Portsmouth's maritime history and to increase vibrancy downtown by showcasing public art in open spaces.

Acting Chair Wyckoff asked what the fountain's material was. Ms. Kozak said it was a granite base that would be filled with shallow water and some natural stones. She said the woven wall represented women's crafts and work. She noted that they wanted to withdraw the water lilies in the alleyway leading out to Market Square. Acting Vice-Chair Doering asked if there were concerns for any damage that might happen to the edges of the granite, like skateboarding, and whether it would be protected. Ms. Kozak said none of the granite pieces had sharp edges and that property management would monitor it. Mr. Adams asked what held the 15-ft tall piece of steel. Ms. Beer said a substructure would be assembled on site that would go through an engineering approval. In response to further questions, she said it wouldn't be seen from more than one side due to the utility and maintenance area and that it would be bolted to the concrete floor. City Council Representative Trace said she felt strongly about the building and its interaction with a historic part of town, and she had faith in the developer and their choices.

Mr. Ryan asked about the meditation in blue piece. Mr. Golob said the courtyard was in the center of activity and the nook was a contemplative space, so they created something that responded to the circle form and created a sense of meditation. Mr. Ryan said it was so abstract that there might be some cynicism toward it. He said there was a lot of stuff going on visually and that the art seemed to be competing with itself for attention, but the signature building was also competing for attention. He said he had a problem with the abstraction, noting that everyone

in the public would see it and a lot would not appreciate it. Ms. Ruedig agreed that there was a lot of art proposed in that space, but the big new signature building would also be a focal point and she assumed the art would be a staged installation. She said it would be an exciting place downtown that would be very different and contemporary and would draw people in.

Acting Chair Wyckoff opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Elizabeth Bratter of 159 McDonough Street said the woven wall would be an invitation for kids to climb on and that it would accumulate dirt due to air pollution. She wondered how it would be maintained and whether it would discolor. She said she liked the meditation in blue piece but thought it would be less loud if it had some white on it.

Sue Polidura of 245 Middle Street asked why Ruth Bader Ginsberg was showcased instead of women from New Hampshire, like the former mayor Ellen Foley.

SPEAKING IN FAVOR OF THE PETITION

Marie Brody of McNabb Properties said McNabb Properties were exceptionally maintained and noted that the granite walls adjacent to the Music Hall sustained no damage. She said the McNabb Properties website received several responses from around the world regarding the decision to highlight women's activism and Portsmouth's maritime history.

No one else rose to speak, and Acting Chair Wyckoff closed the public hearing.

DECISION OF THE COMMISSION

*Ms. Ruedig moved to **grant** the Certificate of Approval for the application as presented, noting that the water lilies art was removed from the application. Mr. Ryan seconded.*

Ms. Ruedig said the project would promote the education, pleasure, and welfare of the District and would have compatibility of innovative technologies with surrounding properties. She said it was something new and different but was in keeping with the approved building being constructed by using artistic flair.

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

2. Petition of **Raikic Realty of Hanover, LLC, C/O John & Cynthia Kacoyanis, owners**, for property located at **55 Hanover Street, Units 6A, 6B, 6C, and 6D**, wherein permission is requested to allow renovations to an existing structure (replace all windows in 4 units) as per plans on file in the Planning Department. Said property is shown on Assessor Map 118 and Lot 23 and lies within the Character District 4-L2 (CD4-L2), Downtown Overlay and Historic Districts.

SPEAKING TO THE PETITION

The applicant wasn't present.

DECISION OF THE COMMISSION

*Mr. Adams moved to **postpone** the petition to the August 11 meeting, and City Council Representative Trace seconded. The motion **passed** by unanimous vote, 7-0.*

3. Petition of **Stephen G. Bucklin, owner**, for property located at **322 Islington Street**, wherein permission is requested to allow new construction to an existing structure (new foundation for existing carriage house and construction of a 1-story addition to existing main house) and exterior renovations (new trim and siding on the east and north elevations) as per plans on file in the Planning Department. Said property is shown on Assessor Map 145 as Lot 3 and lies within the Character District 4-L2 (CD 4-L2) and Historic Districts.

SPEAKING TO THE PETITION

Project designer Brendan McNamara was present on behalf of the applicant to review the petition. He explained that the previous approval lapsed, and now there was a signed contract on the house and a new owner. He said there were no changes to the proposal or zoning.

Mr. Adams asked for more details on the windows. Mr. McNamara said they were Green Mountain traditional wood windows with integral casing and sills. Ms. Ruedig asked where the egress window would be and was told that it would be on the second floor.

Acting Chair Wyckoff opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

Elizabeth Bratter of 159 McDonough Street said she had always loved the garage and was glad that it was staying, and she thought Mr. McNamara did a great job in renovating the building.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one else rose to speak, and Acting Chair Wyckoff closed the public hearing.

DECISION OF THE COMMISSION

*Ms. Ruedig moved to **grant** the Certificate of Approval for the application as presented, and Mr. Ryan seconded.*

Ms. Ruedig said the project would conserve and enhance the surrounding property values, complement and enhance the architectural and historic character of the District as well as the relationship to the historic and architectural value of the existing structure.

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

4. Petition of **Philip & Joy Rowlands, owners**, for property located at **199 Middle Street**, wherein permission is requested to allow the demolition of the existing shed and the addition of a new shed on the property as per plans on file in the Planning Department. Said property is shown on Assessor Map 127 as lot 6 and lies with the Mixed Research Office (MRO) and Historic Districts.

SPEAKING TO THE PETITION

The applicant wasn't present.

DECISION OF THE COMMISSION

*It was moved, seconded, and passed unanimously (7-0) to **postpone** the petition to the August 11 meeting.*

5. **REQUEST TO POSTPONE-** Petition of **William & Barbara Southworth, owners**, for property located at **39 Pickering Street**, wherein permission is requested to allow the replacement of the existing shed with a larger shed on the property as per plans on file in the Planning Department. Said property is shown on Assessor Map 102 as Lot 5 and lies within the General Residence B (GRB) and Historic Districts.

DECISION OF THE COMMISSION

*It was moved, seconded, and passed unanimously (7-0) to **postpone** the petition to the September 1 meeting.*

6. Petition of **Dagny Taggart, LLC, owner**, for property located at **93 Pleasant Street**, wherein permission is requested to allow renovations to an existing structure (several maintenance repairs, new roofing, windows, and gutters) and the demolition of a 1-story rear addition as per plans on file in the Planning Department. Said property is shown on Assessor Map 107 as Lot 74 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts.

SPEAKING TO THE PETITION

Project designer Tracy Kozak was present on behalf of the applicant to review the petition. She noted that the project was split into two parts and that the restoration of the existing building would be discussed. She said the changes included maintenance repairs, new gutters and synthetic slate roofing, and window changes. She showed a sample of the proposed window.

Mr. Adams said he didn't think the window was an appropriate replacement. City Council Representative Trace agreed. Ms. Kozak remarked that energy-code windows were important. In response to further questions from the Commission, Ms. Kozak said there wouldn't be any egress windows because the building has a full sprinkler system, and the fan light would remain.

Ms. Kozak presented the asphalt sample. She noted that a window detail noted that the existing fanlight would be re-glazed, and the glass panes would be replaced as needed but in general would be repaired and not changed. She said the shutters needed to be repaired and missing shutters would be replaced, and the metal grills covering the basement windows would be removed. Acting Vice-Chair Doering asked if the rolled-down concealed interior screens were top to bottom. Ms. Kozak said they were on the bottom and were concealed on the sill and would roll up on the inside. Acting Chair Wyckoff asked about the porch columns. Ms. Kozak said there was a lot of rotted wood and that they would be repaired in kind.

Ms. Ruedig said the planned restoration work was wonderful and that she had no problem with the later additions being removed or the slate roof because it wouldn't be very visible. She said she could not support the replacement of the windows because the existing historic windows were elegant and light, and even a new window that exactly matched the muntin profile would look a lot heavier and just wouldn't be the same. She said she was very intrigued by the product but thought a nice storm window would be a better fit to preserve the building's fabric. She noted that windows were a major part of the very focal building in the downtown and would be more inclined to consider the new windows if the location wasn't so pristine or central. Ms. Kozak said it was noted in one of the work sessions that the windows in the back could potentially be replaced. Ms. Ruedig said she'd have to look at the back side.

Mr. Adams said he was inside the building and found that it had six of its original sashes. He said it was a unique molding profile of that time because it was two different molding shapes delicately put together. He said what fooled people from the street view was that the replacement sashes seemed to have been done at a particular time and matched, in terms of the scale of the elements. He said it didn't make sense to have two different kinds of sashes in the building, back and front, and that it seemed like there were enough sashes on the building to encourage someone to make a replacement, but that the sashes were from the early Federal period and were unique to the period. Mr. Ryan asked if the new window would be used in the addition. Ms. Kozak said probably not. He noted that the addition tied into the north elevation but that he had to agree that doing anything to the existing building's windows would be a travesty. City Council Representative Trace said the roof was an improvement but she couldn't support the new windows because the building was front and center in the District and was one of the major ones left. Ms. Kozak explained that there was a new glass called vacuum glass that was 1/8" thick and thought it might be appropriate to replace the existing glass. Ms. Ruedig asked Ms. Kozak to bring a sample of it.

Mr. McNabb asked that the windows be pulled from the application and said he would restore the existing windows and do an interior storm window to meet code.

Acting Chair Wyckoff opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Sue Polidura of 245 Middle Street said she did some research and believed that there was a well in that area that went back to the original 1696 era. She asked that the Commission preserve anything that might be found relating to the well.

No one else rose to speak, and Acting Chair Wyckoff closed the public hearing.

DECISION OF THE COMMISSION

*Ms. Ruedig moved to **grant** the Certificate of Approval, with the following **stipulation**:*

- *That the window replacement shall be removed from the application and the windows shall be restored in place.*

Mr. Ryan seconded.

Ms. Ruedig said the project would preserve the integrity and special character of the District and would be consistent with the special and defining character of surrounding properties.

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

At this time, the three applicants who were not present for the 64 Vaughan, 199 Middle Street, and 55 Hanover Street petitions were still not present.

*Mr. Ryan moved to **postpone** the 64 Vaughan Street petition to the September 1 meeting, seconded by City Council Representative Trace. The motion **passed** unanimously, 7-0.*

*Acting Vice-Chair Doering moved to **postpone** the 199 Middle Street and 55 Hanover Street petitions to the August 11 meeting, seconded by Mr. Ryan. The motion **passed** unanimously, 7-0.*

VI. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Joann Breault
HDC Recording Secretary