

**REGULAR MEETING  
HISTORIC DISTRICT COMMISSION  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**CITY COUNCIL CHAMBERS    AUGUST 1, 2001**

**6:40 p.m. – Site Walk – 41 Salter Street**

**MEMBERS PRESENT:**    Chairman John; Vice-Chairman, David Adams; John Golomb; Ellen Fineberg; Paige Roberts, Joanne Grasso; Rick Becksted; and, alternates, Richard Katz and Maija Hibbard

**MEMBERS EXCUSED:**

**ALSO PRESENT:**            Roger Clum, Assistant Building Inspector

---

**I.        OLD BUSINESS**

**A)        Petition of Fleet Bank – N.H., owner and Carol Bugbee, applicant,** for property located at 3 Pleasant Street wherein permission is requested to remove existing free-standing sign and replace with three (non-illuminated awnings and six (6) adjacent lighting fixtures) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 031 and lies within the Central Business B and Historic A districts. (This application was tabled at the July 11, 2001 meeting to the August 1, 2001 meeting)

Since the applicant was late in arriving, the application was moved to the end of the Public Hearings.

---

**B)        Petition of Carol W. Doyle, owner,** for property located at 116 State Street wherein permission is requested to allow exterior renovations to an existing structure (install window sills; repoint mortar on front façade; replace first and third floor windows and replace second floor windows as needed; Move existing recessed right entry door flush with the front exterior wall; add new door trim; add new brickwork between first floor window and right entry door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 055 and lies within the Central Business B and Historic A districts. This application was tabled at the July 18, 2001 meeting to the August 1, 2001 meeting.

At the request of the applicant, this application was postponed to the September 5, 2001 meeting

---

**II.       PUBLIC HEARINGS**

**1)        Work Session/Public Hearing of Patricia Tobey and Robert Byrnes, owners,** for property located at 41 Salter Street wherein permission is requested to allow work otherwise authorized under Article X, Section 10-1011 (move a free-standing dwelling

back 15' to provide two parking spaces) as per plans on file in the Planning Department. Said property is shown on Assessor Plan102 as Lot 030 and lies within the Waterfront Business and Historic A districts.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Lyons, representing the owners, submitted a findings and facts report that addresses the issues to be discussed. The petitioner has done what they could with putting together the most schematic photographs showing what the area would look like. Their home will be refurbished and will be an enhancement and not a detraction from the neighborhood. We have received approval from the Board of Adjustment for this application. We are requesting that this application be approved as submitted.

Chairman Rice stated there are two options in the packet A or B and which do you prefer. Attorney Lyons replied A.

### **FURTHER SPEAKING IN FAVOR OF THE APPLICATION**

Ms. Sylvia Reif, an abutter at 21 Salter Street, stated that the owners have had a challenge in maintaining their home in the past. Over the years, the home has remained vacant for many years. This is not a haphazard project; the owners have put much time and research into the matter.

Mr. Grossman, an abutter at 170 Mechanic Street, stated this neighborhood is a good example of why we need HDC; however, they arrived a little too late on this street. The 18<sup>th</sup> Century feeling left a long time ago. With the house across the street setback 18' and large lawn in front, feels this application will have no affect on this street other than to enhance it. He feels this application should be approved.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Chairman Rice stated that we all have a very large document and all the Commission members have read; therefore, he added he will limit Mr. Allerd's remarks to 10 minutes.

Mr. Charles Allerd, an abutter at 35 Salter Street. He stated he did not believe the petitioner put the amount of homework into his project that is required for this move. He stated he questions option "A" and option "B" because they both seem like the same thing. He stated abutter impact. He stated that he and his Grandmother have lived there for many years and that it is our way of life. To allow the house to be moved will obstruct our views of the water and of the area. This plan will cause additional traffic to the area.

Chairman Rice stated this Board is a design review board and added that he did not see a parking problem.

There being no further speakers, the Public Hearing was closed.

### **DECISION OF THE COMMISSION**

Vice-Chairman Adams made a motion to approve as presented and advertised for discussion; Mr. Becksted seconded. Vice-Chairman Adams stated he was troubled by this application and feels that it encourages us to strengthen the local economy and added that

he feels is enhances the history of the neighborhood by placing parking in front of the house. Very few driveways are place in front of the building. Mr. Becksted stated he wondered how other properties in the Southend would wonder how other property owners would re-act if this application was granted; therefore, he will not support the motion.

Mr. Golomb stated he sympathizes with the parking dilemma for this property. He added that he was glad there was a site walk before the meeting to this property because the driveway will be right in front of the house. There will be no benefit to park vehicles right in front of the house and to approve the application will not solve the problem.

Ms. Fineberg stated this application is not about vehicles, but about driveways and streets. She added that she wished there was a compromise about 15' because it is a big jump and will affect the character of the neighborhood.

Ms. Roberts stated she agreed and added it about streetscape and the integrity of the district.. To move the building back she does not see a compromise.

Ms. Grasso stated that to grant this application will affect the character of the neighborhood.

The motion to grant failed with a 1 – 6 vote with Ms. Fineberg, Mr. Golomb, Vice-Chairman Adams; Ms. Roberts, Mr. Becksted and Ms. Grasso voting in the negative.

---

**2) Petition of Thomas Kaufhold, owner**, for property located at 53 Rogers Street wherein permission is requested to allow a new free-standing structure (erect a 15' X 24' oval above ground swimming pool) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 115 as Lot 001 and lies within the Mixed Residential Office and Historic A districts.

**SPEAKING IN FAVOR OF THE PETITION**

**SPEAKING IN OPPOSITION TO THE PETITION**

There being no further speakers, the Public Hearing was closed.

**DECISION OF THE COMMISSION**

---

Let the record reflect that Mr. Becksted stepped down from the following application and alternate, Ms. Hibbard sat in.

**3) Petition of Cate Irvine, owner,** for property located at 300 Court Street wherein permission is requested to allow exterior renovations to an existing structure (construct a two story-porch addition to the rear) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 012 and lies within the Mixed Residential Office and Historic A districts.

### **SPEAKING IN FAVOR OF THE PETITION**

Attorney Bernard Pelech, representing the owner of the property, stated this proposal has had many work sessions and has gone before the Board of Adjustment to allow a two-story porch where the application was approved. This lot is unique because there is only 50% lot coverage. Ms. Irvine resides at this property and would like to construct a porch for outdoor living space in the rear and would also create a second means of egress from the property. He added that with the exception of the abutter to the rear, all the neighbors are in favor of the porch addition.

Attorney Pelech then presented four different sets of plans that have been presented to the Commission on the porch at various work sessions. He stated that Ms. Irvine has received mixed messages from the Commission and we need to have some direction from the Commission to know what would be acceptable and what would be approved, if anything. A two story porch will not adversely affect the neighborhood and would not in anyway destroy the character of the neighborhood. The style of the porch is appropriate and is not visible from the street. The proposed location is the only practical place for the porch. The design does compliment the building and the area. There will be no diminution to surrounding property values to allow the porch.

Attorney Pelech stated this request is reasonable and meets the criteria of the Ordinance. The porch is not out of character for the neighborhood and fits in and added, the scale is appropriate as well as the architecture of the building. Traditional type materials will be used to construct the porch.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Mr. Peter Mechaud of S.P.N.E.A. and a direct abutter to the rear stated this porch definitely affects the Wentworth Gardens. The proposed porch will dominate the landscaping and detract from the feeling you get when you are in the back yard.

There being no further speakers, the Public Hearing was closed.

### **DECISION OF THE COMMISSION**

At this time, Ms. Grasso stated the plan before us shows a 34' porch which does not seem to be the same plan the Board of Adjustment approved for a 24' porch. There was discussion between Commission members on whether the porch was 24' or 34'. The Board of Adjustment approved a 10' x 24' porch with a slightly excessive lot coverage. The leftside setback was 10' and meets the requirement in this district; however, if the porch grows, the

10' setback will get smaller and the lot coverage will increase. To approve this application is not in-keeping with the Board of Adjustment zoning approval.

Mr. Clum, the advisor from the Inspection Department to the Historic District Commission stated if the porch was advertised to the public at the BOA level that the porch was 24' long and approved, it would have to be re-advertised again at the BOA level for the porch to be 34' long.

Vice-Chairman Adams stated a negative decision from the Commission would seem like a cruel trick since the porch from the beginning was always in the vicinity of 34'.

Chairman Rice did not feel that the Commission could approve a request that was different from the Board of Adjustment approved.

Mr. Katz asked if the stairwells were part of the porch? Chairman Rice stated the proposed plan is not the same plan that was approved by the Board of Adjustment because the proposed plan before us does show a 10' x 34' porch

Chairman Rice stated we have a problem with this application in that it is not drawn properly; It is not what has been approved and we cannot consider something that is 10' x 34 when a Variance would be required for a larger porch.

Chairman Rice stated we could vote on this right now and add a stipulation that it go back before the ZBA for further approval.

Ms. Grasso made a motion to approve the application with the proviso the application be returned to the Board of Adjustment to allow a 34' porch and that Option II as presented be used; Vice-Chairman Adams seconded for discussion. Ms. Grasso stated she would be much happier if the porch was a 10' x 24' because it would fit in much better.

Ms. Fineberg stated a 34' porch would be excessive and is a lot of porch and cannot support the motion.

Vice-Chairman Adams stated he also cannot support the motion because it would be a detraction from the history of the building as well as our architectural heritage. The construction on the back of the building is not compatible with the previous use as a Church. There would be no benefit to the community at large and does not solve the problem as Attorney Pelech suggested that there is limited outdoor space. Does not see any usefulness to the porch to the district or that it enhances the use of the adjacent property, which unfortunately is one of the 'sacred cows'. The design of the porch is out of scale for the building.

Mr. Katz stated the porch design is not compatible with the former use as a Church. The applicant is trying make use of the property and has spent a lot of time and effort into it. To deny the application simply because it may offend visitors to the Wentworth Gardens is a little out of line.

Chairman Rice stated he appreciated all the work and time the applicant has invested into the project and added that he could support an application that had a deck component in the application; however, a second level deck is competing and a little hostile to abutters, in particular the Wentworth Gardens to the rear and will create an impact on this special area.

The deck is elaborate, ornate and the design that we have in front of us is not in keeping with area; therefore, he will not support the motion. He asked the applicant to come back with a deck on the first floor and would be something he could support.

Ms. Fineberg stated she would like to make it clear that her vote is based on scale, design and compatibility with the building itself rather than the effect on the Wentworth Gardens which is not a mitigating factor for her.

Ms. Roberts stated she was hoping to have a compelling reason to vote for the application; but she is concerned about the really special property adjacent to the site. She feels the design would have a negative impact on the Wentworth Gardens and the special character of the property and a very important part of Portsmouth. The abutting property is held in a State of preservation in perpetuity unlike most private property owners where preservation is the primary mission and is very critical because this design does not maintain the special character and does not compliment the area and will vote against the motion.

Chairman Rice stated that if Commission members vote in the negative to address the Ordinance.

Ms. Hibbard – voted not in favor referring to Article X, Section 10-1004 (A)(2)

Ms. Grasso – voted in favor of the motion

Ms. Roberts - voted not in favor and referred to Article X, Section 10-1004 (A)(2) as well as concern for A(4)

Ms. Fineberg – voted not in favor and referred to Article X, Section 10-1004(A)(2)

Mr. Golomb – voted not in favor and referred to Article X, Section 10-1004(A) (1)(2)

Vice-Chairman Adams – voted not in favor and referred to Article X, Section 10-1004(2)(3) – scope of review

Chairman Rice – voted not in favor and referred to Article X, Section 10-1004(A)(1)(b)1(3)

The motion to grant failed with a 1 – 6 vote with Ms. Hibbard, Ms. Roberts, Ms. Fineberg, Mr. Golomb, Vice-Chairman Adams; and, Chairman Rice voting in the negative.

---

4) **Petition of Louis Wyman, owner**, for property located at 18 Pickering Street wherein permission is requested to allow exterior renovations to an existing structure (repair existing structure, add window and construct a shed dormer on left side elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 023 and lies within the General Residence B and Historic A districts.

**SPEAKING IN FAVOR OF THE PETITION**

**SPEAKING IN OPPOSITION TO THE PETITION**

There being no further speakers, the Public Hearing was closed.

**DECISION OF THE COMMISSION**

---

**III. WORK SESSIONS**

A) **Work Session requested by Janet Park, owner** for property located on Round Island. Said property is located in the Single Residence A and Historic A districts.

B) **Work Session requested by Platt/Hichborn Architects for property owned by Louis Clarizio** located at 880 Middle Street. Said property is shown on Assessor Plan 152 as Lot 048 and lies within the General Residence A and Historic A districts.

C) **Work Session requested by Eric Bessemer for property owned by K.D. Paine** located at 133 Islington Street. Said property is shown on Assessor Plan 133 as Lot 015 and lies within the Central Business B and Historic A districts.

---

**V. ADJOURNMENT**

The motion was made and seconded to adjourn the meeting to the next scheduled meeting on September 5, 2001 and was approved unanimously with a 7 – 0 vote.

Respectfully submitted,

Joan M. Long  
Secretary  
Planning Department

/jml