

**REGULAR MEETING OF THE
HISTORIC DISTRICT COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE
CITY COUNCIL CHAMBERS**

7:00 p.m.

December 7, 2005

MEMBERS PRESENT: Chairman John Rice; Vice-Chairman David Adams; Members, Ellen Fineberg, John Golumb and Richard Katz; Alternates, Sandra Dika and John Wyckoff, City Council Representative, Joanne Grasso; Planning Board Representative, Kenneth Smith

MEMBERS ABSENT: None

ALSO PRESENT: Roger W. Clum, Building Inspector

I. OLD BUSINESS

A. Work Session/Public Hearing for Peirce Block Condominiums, owner and Donald Rosella, applicant for property located at **3 Market Square** wherein permission was requested to allow exterior renovations to an existing structure (replace existing windows facing Market Square and High Street with vinyl windows containing the grids inside the glass) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 17 and lies within the Central Business B and Historic A Districts. *This application was tabled at the October 5, 2005 meeting to the November 2, 2005 meeting and tabled at the November meeting to the December 7, 2005 meeting.*

Chairman Rice stated that this was requested to be tabled.

Mr. Adams made a motion to table this petition, which was seconded by Ms. Grasso.

All were in favor of tabling.

The petition was tabled until a later date.

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**II. PUBLIC HEARINGS**

1. Petition of **Bradford and Alyssa Duncan, owners** for property located at **36 Rogers Street** wherein permission was requested to allow exterior renovations to an existing structure (replace existing single-pane windows with aluminum clad insulated windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 46 and lies within the Mixed Residential Office and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Ms. Alyssa Duncan, owners, stated that she wanted to replace old draft windows and storms. She wanted to replace their drafty windows with something more energy efficient. They chose the windows because they had been approved by the HDC before. They would like to also take off the storm windows around the house as well.

Chairman Rice asked if the windows would be snap out grills.

Ms. Duncan stated that they would be simulated divided glass.

Chairman Rice asked if it was in between the panes or outside the panes.

Ms. Duncan stated that it was in between the panes. They have the specs, she is not quite sure of the details. It is not a snap in.

Chairman Rice stated that he was looking for a window with a reveal on the outside with no metal grilles on the inside, but rather grilles that are affixed to the outside.

Ms. Duncan stated that these were permanent.

Mr. Smith stated, just for clarification, that the grilles were permanently affixed on both sides.

Mr. Adams asked what simulated lights they would be divided into.

Ms. Duncan stated that they would stay as existing. Most of their windows are 6 over 6.

Mr. Adams asked if it was her intention to leave those with a 6 over 6 sash.

Ms. Duncan stated that all the windows with that are 6 over 6 now would be replaced identically. The one window in the kitchen, which is 2 over 2, will be the same as existing.

With no one further rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Smith made a motion to approve as presented, stipulating that the grilles are permanently affixed to the exterior and interior, which was seconded by Ms. Grasso.

All were in favor, none were opposed.



- 2. Petition of **Scott R. Derouin, owner**, for property located at **188 Gates Street** wherein permission was requested to allow exterior renovations to an existing structure (replace siding on the garage with cedar clapboard) as per plans on file in the Planning Department. Said

property is shown on Assessor Plan 103 as Lot 17 and lies within the General Residence B and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Gerard Thibeault, on behalf of Scott Derouin, stated that they would like to replace the siding on his garage with cedar clapboard to match the house.

Mr. Katz asked what he meant by replace.

Mr. Thibeault stated that they would be taking off the existing siding and replacing it with cedar clapboards.

Mr. Katz asked if the novelty siding was not siding with sheathing.

Mr. Thibeault stated that it was. They will put the sheathing behind the cedar boards.

Mr. Adams asked if they would be putting new trim on the windows, doors, corner boards and loose edges of the building.

Mr. Thibeault stated that they will be redoing the corner boards, but most of the trim will be staying as is because everything will be measured out to be the same width.

Mr. Adams asked if he would butt the clapboards into the trim and it will look as the house and garage does now.

Mr. Thibeault stated that it would.

Mr. Adams asked why they didn't just clapboard over the existing novelty siding.

Mr. Thibeault stated that some of it is rotted, and he doesn't like building on rotted material.

With no one further rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Katz made a motion to accept the application as presented, which was seconded by Mr. Adams.

All were in favor, none were opposed.



- 3. Petition of **Kayla, LLC, owner and Fantabulous Cakes & Cones LLC, applicant**, for property located at **62 Market Street** wherein permission was requested to allow exterior renovations to an existing structure (renovate first floor façade including replacement of

windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 34 and lies within the Central Business B and Historic A Districts.

**DECISION OF THE BOARD**

Chairman Rice stated that there was a request to table this application to a time indefinite.

Mr. Smith made a motion to table, which was seconded by Ms. Dika.

All were in favor, none were opposed. The application was tabled.

Mr. Adams stated that when he made the original request to table this that it was uncertain. Do they need to do anything else or clarify that? The last time they tabled it, it was to wait until the end of the meeting.

Chairman Rice stated that it was set for an indefinite time.

Mr. Adams stated that it is tabled without prejudice.



- 4. Petition of **Worth Development Corp., owner and Pesce Blue, applicant**, for property located at **103 Congress Street** wherein permission was requested to allow exterior renovations to an existing structure (relocate door from left side to right side of façade) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 6 and lies within the Central Business B and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

The representative from Pesce Blue stated that they are just trying to relocate the door from one side of the building to the other. There are no different materials being used; they are all the same.

Chairman Rice asked if it would be the same kind of door.

The representative said they were.

Ms. Fineberg asked what it meant when it says that they approved the plastic walkway. There is a covering over it, for the winter. Will that move with this?

The representative stated that it would. He is not sure, but he thinks they will just be moving the whole entrance over to the other side.

Ms. Fineberg asked that if they decided to change the design of that then they would have to come back before them with the new design.

The representative stated that there were no plans to change anything.

With no one further rising, the public hearing was closed.

**DECISION OF THE BOARD**

Mr. Adams moved to approve the application as presented and relocate the door and winter screen, which was seconded by Mr. Golumb.

Mr. Adams stated that there is no impact whatsoever by moving a door.

All were in favor, none were opposed.

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- 5. Petition of **GMP Real Estate Holdings, LLC, owner**, for property located at **19 Islington Street** wherein permission was requested to allow exterior renovations to an existing structure (installation of 3 collapsible fire escape apparatus) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 50 and lies within the Central Business B and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. George Pappas, of GMP Real Estate, stated that he looked for the least obtrusive fire escapes possible. When they are folded up, they look like downspouts for a gutter system. They've been approved at Victory Restaurant on State Street on the third to the second floor. Also, they are used on the Vice President's quarters in Washington, D.C. If Dick Cheney can use them, anyone should be able to.

Chairman Rice asked if they would be orange in color.

Mr. Pappas stated that they would not.

Mr. Adams asked how wide they would be. Is he correct in assuming that there are three going on the building?

Mr. Pappas stated that there would be three, yes.

Mr. Adams asked if it would be mounted over the existing vinyl siding on the building.

Mr. Pappas stated that that was correct.

Mr. Adams asked how that was going to happen.

Mr. Pappas stated that they would be bolted into studs. There are several every so many feet.

Mr. Adams asked if his intention was to not remove any of the siding.

Mr. Pappas stated that they would just be bolting right through it, and that the siding would not be disturbed in any way.

Mr. Adams stated that one will go on the other side of the building there is a corner board. One is going down beside the electric meters.

Mr. Pappas stated that the electric meters are being moved for this project.

Mr. Adams stated that cars were parking near the electric meters when he viewed the building. If that were to happen after the renovations, it would be inoperable.

Mr. Pappas stated that it would do more damage to the car than be inoperable. He would have to just discuss with whoever parks there that this will come out 24”.

Mr. Adams stated that something had to be done. They have to find a way to stop cars from parking near the building.

Mr. Pappas proposed a cement barrier.

Mr. Adams asked if it would be a curb stop barrier or a wheel stop barrier. Even though this is technically out of their purview, this is something that they have to approve and he has knowledge that it will not work. This is something that he felt he had to mention.

Chairman Rice asked if there were any other questions or comments from the Commission.

Ms. Dika stated that the top attic window did not line up with the frame of the window below it.

Mr. Pappas stated that he had not measured it, but was pretty sure there was enough space between the two windows that it may cover up a bit. He needs the fire escapes.

Ms. Dika asked if he was planning on changing the windows on the third floor.

Mr. Pappas stated that he wasn't planning on that. He would rather stick with the same framing and would just bolt above and below. There is a little space between the building and the down pipe that's closest to the wall.

Mr. Adams asked if they fire escapes were right or left-handed.

Mr. Pappas stated that they were both, and they just had a handrail. There are some built with just the handrail.

Mr. Adams asked if there was any way that they could relocate this to the other side, in which case it could remain in the window without going down through someone else's window.

Mr. Pappas stated that he would have to put on a second fire escape for the second floor, or would have to put on a middle walkway. He figured that this was the best solution.

Ms. Fineberg asked why this had to be on the trim. She is concerned about putting on the corner trim in this way.

Mr. Adams stated that they wanted to be able to reach this from the roof of the porch.

Ms. Fineberg stated that they room had only one window.

Mr. Pappas stated that the room had several windows, but he thought that the proposed place would be the easiest place to attach it to look like a downspout.

Ms. Finberg stated that she was concerned with the fragility of the trim. It seems that it will be destroyed if anybody puts anything over the awning. It might be better on the side wall of the window by another window.

Mr. Wyckoff stated that the corner board structures on the house are very solid and very thick fiberboard and at least he would have a change to hit a beam or a stub by the window. This would make it sturdier.

With no one further rising, the public hearing was closed.

### **DECISION OF THE BOARD**

Mr. Adams made a motion to approve the petition as presented, which was seconded by Mr. Smith.

Mr. Adams stated that he was concerned about the way the one on the northeast side was banging on moving it to the other side of the window, recognizing a need for the first floor window. The subtly of the insulation is an appropriate fix. If they are going to strike a line across the other window, it would cause some architectural harm. That particular installation would be difficult. He agrees that the corner board installation is the most solid and has the most change of being architecturally invisible. He remains concerned about the utilization of the parking space below, but a curb stop could take care of it. The unit on the northeast side is inappropriate.

Chairman Rice asked if the applicant would be willing to change the ladder. Perhaps he could run it down a corner board if possible.

Mr. Adams stated that it had to be near a window.

Chairman Rice stated that it wouldn't be near a window and that isn't so.

Mr. Clum stated that the Commission would be seeing more of these as time goes on. In the futures, insurance will require a second means of egress stairs and the choices these days are spiral stairs, metal fire escapes or these types of structures.

Mr. Smith stated that the applicant had stated that if it isn't there, then they would have to get two and he would rather see just one. He does not want to see a large metal staircase coming down. He will support the motion, but would like to stress to inspection that something on the ell could be a bollard or curb, something spiked to the ground to prevent parking underneath.

Ms. Fineberg asked if they could move it to the other side and not hit any other windows.

Mr. Smith stated that the applicant has stated that if it is not there, then they would have to put two of these on and he would rather see just one and not see any metal stairway.

Mr. Wyckoff asked if there would be any special finish on them.

Mr. Clum stated that it would be an aluminum box.

Ms. Fineberg stated that she was being 'fussy' and asked the commissioners if they could ask the applicant to install the other two first, and see how offensive they looked on the façade of the building. Then they could have two and preserve the window on that side. It might be better to have the two and not destroy the window frame.

Ms. Grasso liked the idea.

Ms. Smith asked if the applicant felt the escape had enough room to come down.

Mr. Pappas stated that there is enough space to fit it between the two. From the diagrams, it looks like it's bolted so that there is room between the wall and the beginning of the ladder system. That might give enough room to go over the window.

Ms. Dika stated that part of the problem is that the picture does not allow them to see the angle of where it comes down. It looked like it did run over the window frame when she saw the building earlier that day.

Mr. Smith proposed an amendment to the motion. They could say that there be no harming or touching of the window frame then they can proceed. If not, they would have to come back.

Ms. Fineberg added that they could proceed with the other two.

Ms. Grasso seconded the amendment.

Mr. Smith rephrased it to say that he can place a ladder on the east side without destroying the window frame then they can proceed. If they do have to made modifications to any window frame, they must come back before the Board.

All approved the petition with the amendment, none were opposed.

Mr. Pappas asked for some additional clarification after the vote.



Mr. Adams stated that the stipulation also included the cover over the window. This rephrasing was not voted on.

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6. Petition of **RRJ Properties Limited Partnership, owner, and Martingale Wharf, LLC, applicant**, for property located at **99 Bow Street** wherein permission was requested to allow new construction to an existing structure (two additions creating a mixed use building of restaurants, street level retail and offices) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 54 and lies within the Central Business A and Historic A Districts.

Ms. Grasso stepped down.

Ms. Fineberg asked if they could wait to discuss this petition so that she could read through the packet.

Chairman Rice stated that he would be continuing.

Chairman Rice stated before someone steps up to present, he stated that he received communication from the Concerned Citizens Coalition, and would like a few minutes to look it over. He has never heard of the group before, however they have just received the packet and would like a few moments.

Mr. Adams stated that while they do that, considering the size of the drawings that he and Mr. Golumb propose to move down to the table in order to stretch out. He wants to hold the hearing in a larger area.

Chairman Rice stated that that was fine with him.

The Commission moved to the table.

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

Mr. Malcolm McNeill, attorney for the applicants, stated that he was there with Bud and Bob Ricci of TMS Architecture. He noted that he also received a communication in opposition at 4:45 that afternoon. The writers express concern for the inclusion of an unsigned document. He doesn't know who these people are, he doesn't know where they live and he doesn't know what their interests are. There are many communities that he appears before that do not accept documents where the names aren't written down. He recognizes that there may be legitimate concerns from the people in the letter, but it is unfair to accept the letter. He doesn't know who he is responding to, and would like to address the documents at back. There are some other signed documents such as an October letter from St. Paul's Church. Their two primary concerns are parking and the view of the parking area, both of which are not HDC concerns. If the Commission looks at the addition letters, they are joined on the issue. There are no new allegations. They are the same as the church. It terms of this last minute document, the documents are beyond the jurisdiction of the HDC (on the parking and the views). Unless there was someone there from the Coalition to provide clarification, the letter should be stricken from the record.

Mr. Adams stated that they are in a public meeting, and that it cannot be 'unread'. This is a formal condition, not a work session.

Attorney McNeill stated that it could. It is similar to a case where a piece of evidence is submitted, but not allowed to be part of a record. He is just saying that he received it at 4:45, he thought, "Who is this, and why should it be considered?"

Mr. Adams stated that the Commission is not in the position of questioning material, because they assume that everything presented to them is in good faith. Sometimes people cannot physically attend the meetings, and their opinions are represented by the letters. What are you asking? Are you asking the Commission not to review this application tonight?

Attorney McNeill stated that they should read the letter. He has lost some of his bounce in asking them not to read the letter. Maybe there is someone present in the room that is part of that group. However, if there is no one representing it, the letter should be stricken.

Chairman Rice stated that he thought that was fair.

Mr. Wyckoff stated that it should not be stricken.

Attorney McNeill stated that in terms of the project itself, the three work sessions and the prominent location, they took a water visit. He showed the evolution of the plan, and the early stages. There were concerns about the glass, so through the Commission's comments, they brought it to a level where windows have been further considered, and the glass amount lessened. The amount of glass was previously thought to be too much, which resulted in the waterproof front. The masonry structure and windows create a public access on the side of the building. It conforms to land use requirements. He showed the last plan that the Commission saw, that the architect stated would not work. They have reduced the height on the plan by one story. In terms of the height of the project, they have reduced it to lessen the impact on the church. They continue to believe that it is reasonable in terms of building height and is comparable to others in the district. He pointed out the Martingale and stated it provided retail uses on the first floor and a logical progression of structures along the roadway. The two buildings on either side are lower, but in totality, the streetscape shows that it fits in. It seemed to them that glass issues and height may still be a concern. They believed that the proposed use is compatible with the surrounding properties and will integrate well with the river walk. The Riccis have provided written support to the River Walk proposal and the front of the building would be compatible. They are certainly in a position to deal with materials and finishes on the plan and look forward to comments of the public. They want to come forth with the plan and their stamp of approval. They've attempted to please them with this plan. He asked John Merkle to explain the technical part of the plan.

Mr. John Merkle, of TMS Architects, stated that Malcolm did cover a large portion of the items that he wants to discuss, but that that was fine. After the third work sessions, they did make an attempt to make adjustments to the height, glass and brick, which his reflected in what is presented to the Commission now. They decided to shed a story and pointed it out on the plan. The building grade now is 49, which is a change in the average grade, but is very close to others in the area. Some are

even above that grade. The information is in the packets. At this point he asked if the Commission wanted to talk about materials.

Mr. Adams stated that he should just continue with his presentation.

Mr. Merkle stated that they submitted an insert into their submission that addresses the materials for the project, many of which the HDC has used before. They will not be on the Bow Street side, they will use light flash and mortar struck brick. It would be a buff color, not stark white. They will lay it up at 4 and 10. There would be granite arches and some trim pieces at the base of the building which would be standard gray. The windows on the Bow Street side will be a wood aluminum clad window with simulated true divided light and a 2" sill. They plan on replacing the windows in martingale with the same type of windows. Currently, they are an old type vinyl window with wire lights between the glass and there are no other historical windows with the exception of the two bays, which will remain. Exterior doors will be a combination of wood and glass. The roofing will be metal, made of copper/zinc alloy, which weathers to the color of lead coated copper. This material is formed just like a copper roof. It is great for metal forming and can be soldered. They are proposing this material for all roofs.

Mr. Adams asked if this required any special seaming or etching.

Mr. Merkle stated that it is formed in the same way as traditional roof forming.

Mr. Adams stated that some modern systems have 2.25" by 3.5" battens on the seam or have a requirement of heavy anchorages. Are there any requirements like that?

Mr. Merkle stated that there was not. On a sloping roof, there would be a standard or flat seam. It is not an engineered roofing system. He showed a formed piece of the wood.

Chairman Rice asked why they decided to go with a metal roof as opposed to an asphalt shingle.

Mr. Merkle stated that they had spandled pieces on the riverfront side, which was a design decision to not do in brick. In the original design, they needed a way to reduce the mass. They could reduce mass and be consistent by using that material. It seemed like a good mix.

Mr. Ricci stated that it was a more long lasting material.

Mr. Adams stated that water might affect that.

Mr. Merkle stated that the riverside has a contemporary influence with glass that is place in front of the martingale and a glass fenestration that is different than what it seen from Bow Street. The design intent here is to be like a working shorefront building. They felt it was appropriate because it was new and thought they handled it in a way that was sympathetic to the neighborhood. They decided to use a more contemporary material and a blazing system to match lead colored copper, but used the same brick and granite treatment. The base of the building where it meets pedestrian level would be in granite and then brick to the second floor of what would be the river by the front side. The design

concept doesn't really deviate from what they presented before. They feel that it is compatible with what is going on down there.

Mr. Wyckoff asked if there was any protection in front as far as gutters.

Mr. Merkle stated that there isn't. The thought behind that is that they chose the metal roof because it does not hold the snow.

Ms. Fineberg asked if there were going to be awnings for the people walking below.

Mr. Merkle stated that there would not.

Mr. Smith asked if they were going to have snow stops in case it does build up so that there is no rush of snow or ice along Market Street.

Mr. Merkle stated that they were not planning on that. They will have some snow cleats, but it is a pretty good composite system. Currently, Bow Street is sometimes blocked off due to icicles.

Mr. Ricci asked if there was going to be some type of snow guard, but not gutters as such along Bow Street.

Mr. Merkle stated that the material is known as Swenson gray granite.

Mr. Adams asked if it was his intention for all surfaces to have parapet caps also?

Mr. Merkle stated that they would be metal.

Mr. Adams stated that they are speckled in a pattern that is consistent with the lintels and sills in the drawing. He asked if it was his intention of using metal ones on the metal roofing.

Mr. Merkle stated that he believed so.

Mr. Adams asked if this was glazing and panel work.

Mr. Merkle stated that there would be metal spandel bars the same color as the gray.

Mr. Adams stated that even though the back of the martingale was cobbled stone, the drawing shows a foundation section of one portion of the building. The drawing shows brick that may be glazed, is that because they didn't have a stone image or the technician let them down?

Mr. Merkle stated that if they looked at it from the water, they wouldn't even know what it is. It is not intended to be changed from the way it is presented.

Mr. Adams stated that Mr. Merkle stated that there would be a public access maintained on the north side of the building. Is that their property?

Mr. Merkle stated that about a foot and a half of it was on the property, and they will supply the city with an easement on that foot and a half and Mr. Ricci's section.

Mr. Ricci stated that it was about 4' wide. He points it out on the drawing. It is above the Bow Street Property.

Mr. Adams asked them to talk about mechanicals. He stated that he had seen a mechanical roof deck. Will that be recessed enough so that they won't see it?

Mr. Merkle stated that the roofs slope up and drop back down to a flat section. They feel that it is a sufficient barrier that will not be see through.

Mr. Adams stated that over the years, things have grown. How deep is that?

Mr. Merkle stated that it was anywhere from 4.5' to 6' in some areas. There is some space in martingale that is not usable which will become the mechanical systems near the floor.

Mr. Adams asked if the mechanical systems were their way of rationalizing the myriad of floor heights that they showed before.

Mr. Merkle stated that it was.

Mr. Adams asked if there would be forced or natural ventilation.

Mr. Merkle stated that they were not there yet. The chimneys are not all vented for combustion, they are anticipating that they will use some for the restaurant and some will be needed for the hood.

Mr. Adams stated that the assumption is that everything short of his car will be turned into a restaurant at some point, but he will keep driving it. They will need some sort of restaurant ventilation at some point, even though it is unwieldy and almost always runs through someone else's space. They have to be fire resistant and fire proofed and it cannot vent within 10' of an opening, and the rules change constantly. Can they use the chimneys?

Mr. Merkle stated that that was their intention. They are trying to avoid any wall penetration because they don't want that happening. There is no place for a dumpster so they must hand all trash internally, which has been thought of as part of the design process. The specifics of it have not been discussed yet.

Mr. Adams recognized that but he wants to anticipate problems. Are they going to duct the ventilation from the chimney with some sort of apparatus at the roof?

Mr. Ricci stated that some sort of apparatus would be affixed to it, but not on top of the chimney. The chimney would be an exhaust.

Ms. Fineberg asked if they had discussed that with the inspections department.

Mr. Merkle stated that the technology is there already.

Mr. Adams asked if the four grayed out windows are for the ventilation area.

Mr. Ricci stated that they were.

Chairman Rice asked if there were any questions or final words.

Mr. Smith asked if the grills on the windows would be permanently affixed to the exterior. Would they be affixed to the interior as well?

Mr. Merkle stated that they would.

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

Mr. John Grossman, of 170 Mechanic Street, stated that he was there as an individual and not representing any organization. He saw plans from Market Street and saw the Eagle Photo plan. He does not think that the building plans are complete enough. He proposed that they open that for discussion.

Chairman stated that they did discuss finishes and have the architectural drawings for the proposed building.

Attorney Tom Watson stated that he represented Hazel and Bob Hall, who reside at 111 Bow Street, next to the proposed project. At the outset, his clients are not there opposed to development of open spaces, or with the idea that they need to preserve the view of the river. They do have concerns that he asked the Commission to address and the developers to consider revision. There are actually two different settings on Bow Street. He described the setting of the buildings surrounding the houses. The proposal will change part of Bow Street, and change the setting to a large blank wall. That is an important thing to consider because it affects the look of the street, and the neighborhood. This is considered public access, and the building would create a solid wall for a significant portion of the street. It would also raise the height of the wall. They suggest a more appropriate design for the building. They are not asking for the entire proposal to be canned, but they want to make the transition from a blank wall face to something else. They believe that reducing the number of stories on that section (right of the Martingale) in order to lessen the impact on Bow Street. There is a market change from going to the substantial brick wall to two story wood structures. They need to scale it down.

Mr. Adams asked what he meant by blank wall.

Attorney Watson stated that he meant that there are openings. He means that a series of buildings create a solid structure. He means that the transition from the lower end to the upper end, it goes from crowded to sparse. Constructing this will mean a change in the setting. He suggests that there needs to be a transition on the last section of the building. The design of the building is vertical, and is three or four bay windows wide. That is not consistent with that last building before his clients.

Mr. Adams asked if this building was actually more like his clients building.

Attorney Watson stated that this building is attempting to carry a theme into the middle section of Bow Street. That theme, up to this building, would be narrow and shorter. This building would be better suited to the neighborhood if it were narrow or only 2 to 3 windows wide. It would keep the consistent theme and would allow for the open spaces between buildings, as the theme is now.

Mr. Adams asked how much of the gap between the buildings is his clients'.

Attorney Watson stated that the site plan shows that most of it is not. Most of it sits on the property. There is a part that is 20' back from the front that has a small addition. Basically, his clients suggest that it does conflict with the setting that it's in. That can be addressed by the proposed changes such as narrowing and reducing height.

Attorney McNeill stated that he had to look at his clients' fenestration relating to the windows. There are three windows on the Bow Street side and a deck on the front side that faces his clients' property. The applicant has made an effort not to heavily window the area next to their property. With all due respect, his clients' building is an anomaly on the street. His clients' property builds right up to the property line and they do not. There is space provided between his clients' structure and the proposed, and there will be an opening at the end of the structure. They've previously looked at this proposal in comparison with the other properties on the Riverfront. The reduction in height is basic comparability with the others. They already met with Attorney Watson and his clients before the meeting, and they attempted to please them, but in all candor, this is a view issue. This proposal does comply with all zoning requirements and has basic compatibility.

With no one further rising, the public hearing was closed.

## **DECISION OF THE BOARD**

Mr. Adams moved to approve the application as presented, which was seconded by Mr. Katz.

Ms. Dika stated that from the time the original plan was brought, it has been very convoluted and chaotic. They have modified it to be more attractive and worked very hard to address the concerns of the other buildings. She has spent a lot of time looking at the site from every angle, and in spite of the fact that they've made wonderful progress, there is a certain rhythm to the old part of town and for some reason, this just does not reflect that. Part of it is too massive and there is a certain disruption of rhythm that does not flow with the rest of the street. Mr. Watson's comments are correct; it disrupts the flow. For those reasons, she cannot vote in favor of the project.

Mr. Smith stated that he agreed with the opening comments, and that the developers have come a long way to get to where they are today. However, he will be voting in favor of the application. He thought that it was a nice fit to show that there are some modern aspects downtown. Everything doesn't have to be the way it was in the early 1800's. The martingale was preserved nicely and additions can be tasteful. Portsmouth is a growing city and they are adding tastefully to it. He thinks that they've done a terrific job.

Mr. Katz stated that he would also be supporting the application. A number of considerations brought him to that conclusion. The fact of the continuity or flow is not so. If you expand the scope and carry it throughout, it is not out of proportion, and that should be taken into consideration. Off the subject, he is impressed by the effort the applicant has put into using quality materials. There is an awful lot of pride in this application, as well as an inclination to develop this property. It is evident in the attitudes and willingness to listen and take objections to heart. He is very satisfied with the outcome.

Mr. Adams stated that he agreed with Mr. Katz and Mr. Smith. In going through the work sessions, the applicant handled the materials and rationale for what they have done. They are real team players. They still have unresolved issues on the Bow Street Side of the building with the height and the overemphasis of the roof. There is a definite utilization of the roof as an occupiable space. The amount on the roof section of the Bow Street side is too much, but they have nailed down every other thing that the Commission has asked. They have done a remarkable job. If they could approve only one half of the building, he would approve that right now. This is not an easy thing to do. He does not think that this is the way to preserve architectural heritage. This is too strong a demarcation. It may be that it is just the roof section of the building itself, but all they have is the drawings. He is left not believing that that is the best thing that could happen there, but it does fit the criteria of the charter, it fits the scale of the building. In now way is he saying that it shouldn't be done, but he cannot support the motion that is before him.

Ms. Fineberg stated that she echoed a lot of what was said in regards to the work that has been done on the building, especially the waterside. She is beginning to understand that they need more work on the Bow Street side. The first floor needs more discussion, and she is not comfortable with what is before her. She is very concerned with the height and she believes that the scale of this is too large in terms of height and where it is to be placed. It works on the waterside, but not the market side. She will not be approving it.

Mr. Golumb stated that he thought everyone had done a great job working on the project. He feels that the Bow Street side does have a problem. It falls a little short of what should be there. The approximate size is too large, and he will not be supporting the motion because of that. He would like to go out before the Commission votes, and maybe table this to another work session if there is going to be another negative vote. He is trying to find a way to fit this in, because it is important to the street and to the City.

Mr. Smith asked about a comment brought up earlier about the drawings themselves.

Mr. Adams stated that he would like to avoid that issue all together. It is common practice to have hand drawings presented at times, but as it is, the Commission does not have the proper information on the doors, window sizes, window openings or sizes. He is not suggesting that they are not accurate, but he just doesn't know and feels that is their habit to have the proper scale. If this were to go ahead and be approved, it must be done so with the caveat that they must have drawings with measurements and details on them.

Mr. Smith made a motion to table this application to allow the developers to have drawings more accurate and scales be denoted on the drawings, and also have the opportunity to make any changes that they see fit. This should be tabled until the next meeting.



Mr. Golumb seconded.

Ms. Fineberg asked if they should have a work session instead.

Chairman Rice stated that they would move to table this as Mr. Smith stated.

This was tabled until the next regularly scheduled meeting.

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- 7. Petition of **Seacoast Properties, LLC, owner**, for property located at **117 Bow Street** wherein an amendment was requested to a design previously approved by the HDC (move the proposed new exit door on the north elevation back to the location labeled ‘masonry infill’ and replace the proposed ‘Type 4’ window and door with a ‘Type C’ window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 57A and lies within the Central Business A and Historic A Districts.

At the request of the applicant, the petition was tabled to the January 4, 2006 meeting.

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- 8. Petition of **6-16 Congress, LLC, owner**, for property located at **6-16 Congress Street** wherein an amendment was requested to a design previously approved by the HDC (remove roof railing, two ornamental plaques, a window at west elevation, and a chimney at southeast corner; and change window style at first floor west, dormer style at fifth floor south, door/window style at fifth floor east, and window manufacturer from Eagle to Pella) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117, as Lots 37, 38 and 39 and lies within the Central Business A and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Steven McHenry, of McHenry Architecture, stated that there were a series of minor changes to the approved plan. He has a cover summary sheet of the eight items to address, and following are the 1117 drawings which to go through four elevations of the building. The first drawing shows the approved design, and the second shows the highlighted changes. The first item is the parapet at the building’s east end. This is the north elevation. To the far left, the building steps down one story and has a railing detail at the roofline. The intent there is for an outside terrace. The way that they completed the design has a recessed roof and no longer needs a railing so they would like to remove it. It is not essential to the aesthetics of the property, so they suggest that they eliminate the railing.

Mr. Adams asked if in removing that termination, there would be metal coping terminating at the roof only. The dimensions of that would be less than an inch.

Mr. McHenry stated that the coping has a cap that is three inches high.

Mr. Adams asked if that was like a highly articulated cap on a slate roof.

Mr. McHenry stated that that was correct. Next on the north elevation, they would like to remove two ornamental plaques. In the center building, there are a series of light fixtures on the ground floor. They are shown as white rectangles on the plans. They thought that these would be used for signage, but when they went to seek approval, they felt that four is too much. Their size had changed and moved toward the sidewalk, so they propose to get rid of the far right and left ones. There's a brick recessed panel where the light fixture will remain. That is shown on the second elevation sheet. The third change is on the west elevation.

Ms. Fineberg asked if he could talk about the change in the windows.

Mr. McHenry stated that if she would look at summary sheet, that is number 8. He gave them the summary sheet so everyone could follow along by number. The third sheet in the packet is the west elevation. This shows the end of the building that faces Congress Street. On the first floor, there is a series of four windows that have been approved. The first window is more of a storefront pane, and they sought to put more of a storefront window on the corner, but felt it a little too complicated. Now the second window will be for a utility placement, specifically a gas meter. The window opens onto a mechanical vent from another building. They would like to eliminate the far right hand window, and make it brick infill panel, similar to the panel that is at its right. The other change is the style of the windows themselves. The second west elevation shows that they will be using the same storefront window with the panels below. It is simpler than having four windows, because they were not well placed for the function. Item 5 has to do with the dormer on the fifth floor. The south elevation sheet shows the change in the size of the dormer. The dormer in question has three lights, and they want to reduce the width of the dormer to make it overall 9' wide, and to only have a double door open up onto the terrace. There is no ill effect and it picks up the proportions of the other dormers that are along that elevation. It is recessed back from the other building and virtually out of sight of public view. It allows for a better layout of the interior space, which is why they opted to change it.

Mr. Adams asked if there was an error in the labeling of the south elevation drawing.

Mr. McHenry stated that there was an error.

Mr. Adams asked if the area around the roof was white. He asked if it was that way because they did not replace the slate roofing.

Mr. McHenry stated that that was just the drawing.

Mr. Adams asked if the parapet railing on the opposite side would be remaining.

Mr. McHenry stated that that one would remain. While on that south elevation, the other item is number 6, the chimney. The original design has the mechanical room in the basement below, which includes 2 large boilers. There is no need for a chimney there, so they are calling for its complete removal. The second sheet shows the simple mansard roof.

Ms. Fineberg stated that she is sorry to lose that element, because there is no other fenestration besides that and she thought that it added some interest to the building.

Mr. McHenry stated that they went to a lot of trouble to make this look ornate. The reason that there is no fenestration there is due to the building code that bans any large fenestrations close to the property line.

Ms. Dika stated that she agreed with Ms. Fineberg, in that it is quite a loss to see the chimney go.

Mr. McHenry stated that it is a loss, but it served absolutely no function. It is necessary for removal.

Mr. Wyckoff asked if it could be used by any other offices.

Mr. McHenry stated that it could not. The fire places would require a larger chimney. The residential units beyond the third and fourth floor could theoretically use them, but it would prove to be too costly to keep up with the maintenance for only 2 fireplaces. The other two changes are regarding the east elevation. Behind the railing is a window and door system with an arched top. That curve interferes with structural steel there and affects the height of the building. They decided they would change that to a straight across transoms on the doors. This is virtually invisible to the public as well, so they felt there was no loss there.

Mr. Adams stated that the doors would not reach as great of height as shown in the drawings. They will not arc up as much as previously shown, and will remain at a low dimension. The left and right hand extreme edges will remain as they are drawn. The header and the door will remain with the same specs and grade and the width will remain the same. All they will have to do is line up with the windows on either side.

Mr. McHenry stated that that was correct.

Ms. Fineberg asked if they needed a railing there for safety reasons.

Mr. McHenry stated that the roof is in recess and drops about 3' down, so it eliminates the need for a rail there.

Mr. Adams stated that their roof was lower than anticipated so they didn't need a railing.

Mr. McHenry stated that they thought they may be able to do that before, and they were able to get 3' from it. They thought the railing would just be redundant, and also restrict views. The final change will be the change in manufacturer from Eagle to Pella windows. There are cut sheets that describe the window system. The windows are virtually identical to what was approved previously. They are aluminum clad and have brick casings around them. The need to change the window is a function of the buildings negotiation with their vendors. They were able to get a better deal, but the quality has not diminished.

Mr. Adams asked what the brick mold would look like, because that could mean anything.

Mr. McHenry stated that they don't have a section cut showing that detail.

Mr. Adams told him to just describe it.

Mr. McHenry stated that it would be about 2" wide and extends about 1" and is clipped onto a piece of flap casing so the edge of the window frame has a flat section of casing that can be seen from the actual frame around the window which is 3.5 to 5". They've gone to a lot of trouble to make this look like traditional flat casing brick mold around the masonry opening.

Mr. Adams asked if they were losing anything by changing from the Eagle to the Pella windows.

Mr. McHenry stated that in terms of quality, no they would not. In fact, it came down to the warranty on the installation. Pella would do the installation instead of the builder, so they felt that with a building of this complexity, certified Pella workers would be a better bet. Plus the warranty covers the windows. The cost was about the same and they have used and been satisfied with the Pella windows before.

Mr. Adams stated that in terms of the quality of the sash and frames, they are really looking to the developer as a design expert to explain that.

Ms. Fineberg stated that she was concerned with the window change on the first floor on the west elevation. She asked if he had a picture of what the church windows would look like on that side.

Mr. Adams stated that that was not the church side.

Ms. Fineberg asked if he had pictures at all.

Mr. McHenry showed her on the photograph.

Ms. Fineberg stated that she was on the wrong side of the building.

With no one further rising, the public hearing was closed.

Mr. Adams moved to approve the proposed changes to this plan, which was seconded by Ms. Fineberg.

Mr. Adams stated that in general, all of the request have been well explained and make reasonable sense. Nobody will miss the fourth window in the alleyway. The railing on the parapet may be a loss for the people on the upper levels. They have reasonable testimony that the Pella window will not make any significant architectural change. He will also miss the chimney feature and stated that portions of this building have features derivative of Odd Fellows Hall. This is a chimney of a decorative feature. Of the list of eight items, he has no genuine problems, but wished the chimney remained. He is at a loss for what to do.

Mr. Wyckoff agreed with Mr. Adams. What they could do is require that the chimney stay. The chimney was the one element that stood out in the back on the corner, which is the most visible part of the building. That part has nothing – no windows, nothing. That chimney is very important.

Chairman Rice stated that they could approve all the changes and ask the applicant to withdraw the last one.

Mr. Katz stated that they should keep in mind that if they insist on a design feature whose function no longer it exists, it puts them in a ridiculous position.

Mr. Wyckoff stated that there a lot of design features that serve no function. That is what they are: design features.

Ms. Grasso stated that they did that on the building on Islington Street.

Mr. Adams stated that there was a chimney that was removed and had to be replaced. In some manner, the drawings were previously approved because of it. The loss of the chimney could be mitigated in some manner. Maybe something else could provide a feature to that corner.

Chairman Rice asked the applicant to withdraw that part of the application in order to move things along.

Mr. Smith stated that he agreed with Mr. Katz. It serves no function and wonders where it is seen from the street. It is in the back. Can it be seen from Congress Street?

Mr. McHenry stated that it could be seen from Porter Street.

Ms. Dika wanted to walk down the alley again.

Mr. Katz stated that it wasn't built yet.

Mr. Wyckoff stated that it was on the corner of the building and rose 20'.

Mr. Smith stated that you couldn't see it from Congress Street unless you were sneaking around the church. It cannot be seen from Church Street or State Street. The Border Street condominiums block that view.

Ms. Fineberg stated that clearly the Commission is not comfortable removing the chimney, so rather than continuing to argue, they should have a work session around it and come up with something else, even if it's not another chimney.

Mr. McHenry stated that if it was the will of the Commission, he will remove it. He will be back anyway to get approval for other parts of the building, so he will present more ideas.

Mr. Smith moved to amend the motion for the removal of number 6, which was seconded by Ms. Fineberg.

All were in favor to amend the motion.

They then voted on the application.

All were in favor of approval of the application.

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9. Petition of **10 State Street, LLC**, owner, for property located at **10 State Street** wherein permission was requested to allow the removal of all structures and replace with new one, two, and three story brick buildings as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 4 and lies within the Central Business A and Historic A districts.

**SPEAKING IN FAVOR OF THE PETITION**

Attorney Malcolm McNeill, on behalf of the applicant, stated that he is not there to bring renderings of the buildings. The last time they were there, August 12, 2004, they had completed that process. They reviewed the project and were about to approve, when opponents of the project gave rise to the 106 certification process. At that time, the applicant was told to go ahead with the 106 process. Subsequent to that, there was an initial inspection of the site where the individual inventory form was filed the NH Historical Resources. The 106 process concluded with a memorandum agreement in August that reflects the original inventory form, the inspection of the site and various materials and information, which resulted in the issuance of a MOA. The permit is valid. The applicant is in the process of renewing this permit. The upshot of the MOA is that the warehouse can be removed and that the process has been approved by all sections of the state and federal government. An independent structural report was completed on February 22, 2005, which indicated the seriously deteriorated condition of this structure. The best use of the structure would be what is proposed by the applicant. In terms of the requirements at the time that they left the HDC in 2004, they have in fact met those requirements. The requirements of the MOA have been completed, and supplied an independent assessment of the structure inspection. This warehouse was subject to removal. It only took 1 year to do that. They would like to complete the process, and they believe that they have done what is necessary to do that.

Ms. Fineberg asked if anyone could explain, in summary form, what the 106 process entailed so that it is part of the record.

Attorney McNeill stated that the process is prolonged and public, where third parties can participate in.

Ms. Monroe stated that the part she was involved in trying to prepare a NH DHR individual inventory form last fall, which was eligible. They then had an inspection. Part of the memorandum was to do additional documentation on the structure, which they did and submitted. That is all the documentation from the architectural perspective. There was also an archaeological study as well.

Attorney McNeill stated that the materials were reviewed by the Army Corps and state agencies reviewing this matter. The permit issued by the army corps of engineers and comes with several conditions. The documentation is one of them, as well as the disposal of the building, advertisements and that all third parties could use the building. They will then have an archeological dig.

Ms. Monroe clarified that the advertisements deal with allowing anyone to buy this should they want it moved. The structural report does not support this, but it is really unsound and doesn't make sense.

Attorney McNeill stated that that was the process. This case is not going anywhere else. They aren't sure where to go for additional permitting.

Mr. Clum stated that he and David Holden consulted with City Attorney Bob Sullivan today. In the packet is a letter from August 12, 2004 to the applicant, 10 State Street LLC, that talked about tabling the motion. It talks about independent assessment of the structure of John Rice to Paul Gosselink, the architect. It speaks of the wharf assessment of the physical and historical value of the one story wharf building as it appears likely to be demolished. This was on July 8, 2004. In the packet that they have now, there is an assessment of the physical state of the building at that time. The City staff feels that they do not have the historical value report of that building, and it is their opinion that without that report, the public has not had adequate time to review that at the time of this meeting. Therefore, it is the City staff's opinion that discussion can be held, but it is not appropriate to vote one way or another on this issue.

Attorney McNeill stated that this was never communicated to him. He had discussions with staff this afternoon. At the time that this matter was raised, they were asked to do a 106 report. Everything included during the assessment was done within those requirements. All the records are matter of reference. The whole purpose of a 106 is to make a historical assessment. If they are suggesting that the materials submitted to the state have to be part of a record, he doesn't see where that is required. What is required when they processed the MOA was two things: to get the 106 certificate the memorandum agreement, and to provide them a report of structure from an unbiased structure engineer, which they have done. They also attempted to go through minutes and DVDs with regard to this process. What they are suggesting here is exactly what the Commission had previously asked for. If they are asking them to do an independent study, he would like that to be made part of the record. They can do that. But to use another month to duplicate the materials that were part of the filing for the MOA seems superfluous. He understands what people who were not at the meetings are suggesting, but he is indicating that they have complied with everything that was asked of them. There is nothing to challenge the MOA in terms of this process.

Mr. Clum stated that he is not disputing the fact that he followed the rules and regulations of the state, but the letter written to the applicant discussed a letter written to the architect Paul Gosselin by John Rice and that letter speaks of an assessment of a historical value of the one story wharf building. The Commission has an interest in that value. As a matter of record, that documentation has been provided. It is true that you have provided structural assessments in due diligence with the state, but the Commission was interested in learning themselves about the historical significance of the building. He does not see that information here. The duties of the City Staff are to see that the public has a chance to view this documentation at the same time the Commission has it in their hands so that they can speak.

Attorney McNeill stated that in the case of this 106, if a third party took issue with a federal permit could that be an issue of discussion here.

Mr. Clum stated that he couldn't answer that question. He is not an attorney. All he is saying that the Commission had asked for some documentation. The public has a right to view that documentation, and the public has not had an option to view it, nor has the Commission.

Attorney McNeill asked if they were looking for the same exact documentation that was submitted to the state and federal government in order to obtain an MOA.

Mr. Clum stated that they needed the physical assessment, which he has given the Commission, and the historical value of the building, which he has not. The suggestion would be to table this until next month, and have copies of those documents made.

Mr. Golumb stated that they should table this until next month so that they can have time to review and read it, and the public will have that option also. They do not have all the information right now.

Chairman Rice stated that they have not had the chance to review it and neither has the public.

Mr. Katz asked for what purpose do they need that. Would it be to judge the validity of the document?

Mr. Adams stated that it would seem so.

Mr. Clum stated that legally, the HDC rules require 11 copies: one for each member, one for himself and one to be made public for review.

Ms. Fineberg stated that they do not have enough information in front of them to vote to demolish the building.

Chairman Rice stated that they have two reports – the 106 and the engineers report.

Mr. Clum stated that the engineers report is on the last page of the packet. That is the physical assessment, and is only one of the two things requested. It is required to have both a physical and historical one for the HDC. Attorney McNeill would state that his documents take precedence, but that is not what is asked for.

Attorney McNeill stated that they could probably sense his obvious frustration with this. If they take issue with the permit, the City chose not to become part of the permit. The HDC referred them to this process to determine the historical significance of this building. There have been inspections by the City, the state and federal officials. The reports are there, and from that conclusion was that the building could be removed and demolished subject to conditions which they have complied with or are in the process of complying. If this is a case of record keeping, there are the records. If they presume that they receive the material and take issue with it, where can they go with it? They already have a state and federal permit. Under the HDC, they have followed all the legal procedures that are required.

Chairman Rice stated that as a result of the 106, they have the permit.

Mr. Adams asked if Attorney McNeill was saying that they could just tear down a building in the Portsmouth City Historical District. The engineers report indicates something that he has no



knowledge of. It raises many questions for him. According to the report, parts of the building are framed in the mortise and tenon technique. He had the impression that previous testimony has said that it was all nailed construction, not mortise and tenon joinery. Now that he knows, that he questions what style and kind they are. That raises issues as to how old this building actually is. Mortise and tenon joinery predates the dimension stock and nailing joinery and moves the building into a different kind of significance. He asked Chairman Rice if the State can step in and allow a building to be torn down.

Ms. Grasso stated that she would try to address that. If the building can be deemed to be put in the national historic resource, that is where the state steps in. That is why they can use that 106 process. It is true that a year is a long time, but for them it is relatively short. It is going to take longer because it is designated as a possible historic site, so the state can make a judgment on that.

Mr. Adams asked if they could tell the City of Portsmouth that it must be torn down.

Ms. Grasso stated that they went through that 106 process with that in mind.

Attorney McNeill stated that during the course of all the applications, they informed every party that this was going to come down. By the HDC approval of the design, which resulted in the removal of the building, the HDC acknowledged that that was part of the applicant. What are they supposed to do with that now? If they go through this yearlong process again, what are they to do? The HDC is now second guessing on whether or not his building is historical – what could they have done the first time around to prevent that? If the HDC is in a position to make that decision, this is what the Commission would have done: they would have said that they would like a qualified professional to document the building, they would like to go out and have a site walk to look at it and they would like to have a structural determination. What in fact has been done is exactly that.

Chairman Rice stated that he agreed with him. He has done everything that he has needed to do. This Commission's vote is the last thing that he needs. From a personal point of view, he feels as though he has enough information to make an educated vote at this time. However, the City feels as though they asked for a report and the public has not had a chance to review the 106 report prior to this meeting. Therefore, they would be out of order to vote this evening on this. That is what the City is saying. The Commission can take that information and throw it out the window and say that they have the 106 report and an expert from the state, as well as an engineer's summary of the situation. On the other hand, there is a gnawing at the back of his mind that if they do not allow the public to review this 106 report, then there may be some kind of legal repercussion. That is just his worry.

Ms. Fineberg asked Ms. Grasso if this building qualified to be on the national register because of its significant historical content. It was also said that it is in such disrepair that significant portions of the building would have to be rebuilt. This is not structurally sound enough to be moved.

Ms. Grasso stated that it was.

Ms. Fineberg asked why they wouldn't want to keep something that is on the national register.

Ms. Monroe stated that she would like to read two paragraphs from a letter of significance, since they haven't had a chance to read it. She stated, "The Pier 2 warehouse is one of the few surviving wooden warehouses on Portsmouth's waterfront. The structure contains framing from circa 1875 and was rebuilt circa 1910 after a fire. The building can now yield information about a rare once common vernacular building type. From the 18<sup>th</sup> century into the 20<sup>th</sup> century the Piscataqua riverfront was lined by piers with similar wooden structures on them. The Pier 2 warehouse is typical of the wooden warehouse type originally divided into sections used for storage of various items used for work space stairs. Characteristics of the waterfront warehouse building type include a waterfront location, narrow rectangular massing, gable roof, wood sheathing, lack of regular fenestration, large loading doors and heavy timber frame construction with unfinished interior unaccommodating rough and flexible uses. The Pier 2 warehouse and wharf are significant for their association with some of the most important contexts of Portsmouth City history such as shipping, fishing, mercantile trade and lumbering. The Pier 2 warehouse illustrates these contexts in a time period of the 1870's to the 1950's, which is not represented by other waterfront warehouses. Other waterfront warehouse buildings date from the 18<sup>th</sup> century and are larger 2.5 story buildings. The Pier 2 warehouse is now the only 1.5 story warehouse. The Pier 2 warehouse also contributes to a historic district in Portsmouth that was deemed eligible in 2001." She continued to say that the building was burned very badly and was restored in 1910. There are some mortise and tenon sections to this building, but they are very badly charred. Very few original framings remain. It is very interesting that they decided to rebuild it entirely in 1910. The pier underneath it has lost almost all structural integrity as well as quite a lot of the building itself. It is a very interesting building itself with an enormous amount of historical information, which they have gone to great pains to document in excessive detail as part of the mitigation measure. It is available to be moved if there is a way to do it. She knows that her client would be willing for anyone to take it, but it is not pristine.

Mr. Adams stated that the fact that it is not pristine is part of its charm. This means that it has a unique history. He has fears over things that are not all sound. One question that he has is that there are remaining 19<sup>th</sup> century parts to this 20<sup>th</sup> century building. He asked if the areas scattered throughout or concentrated in one area.

Ms. Monroe stated that the fire was started from the lime catching fire during a high tide during a storm. It created a flash fire, which burned several sections very badly. However, they did leave the charred timber and bolstered them in other ways. They act as evidence, but that's about it. It is interesting information, and they feel that they've captured that information in the report.

Mr. Adams asked if this pier was also used to store masonry materials

Ms. Monroe stated that that was correct and that it was a general warehouse for a lumber company.

Mr. Adams asked what its original purpose was.

Ms. Monroe stated that a general warehouse in the Pier Company. It was one of the three original piers and had mixed uses. It was specifically a lumber house in the mid 19<sup>th</sup> century through till 1910, when it burned. Part of the land was given over for the construction of the memorial bridge and eventually it became a lobster pier.

Mr. Wyckoff stated that that was the history of the building. On other demolitions on historic buildings, has the Commission asked for a historical report. He mentions examples such as the Wentworth House and Market Square.

Chairman Rice stated that they went through that building.

Mr. Smith stated that he gave a very detailed historical history of the property.

Mr. Adams stated that there were clues. They obviously react appropriately when you get clued in.

Mr. Wyckoff asked Mr. Adams if he really didn't know if it was a 19<sup>th</sup> century building. He stated that from looking at it, he thought that it could have been a 17<sup>th</sup> century building.

Mr. Adams stated that he saw it at night, so all he really got a look at was the frame construction. He saw that there were wire fasteners so he thought that it might be a late period waterfront building. Not that the date should determine whether or not the building should remain, but it sets flags off that question the uniqueness of the building. He just found out this evening about the time period. The proposed building has a wonderful design and he would like to see it go in, but this other historical building is in the way. They cannot just kick it aside.

Mr. Smith stated that Mr. Dodge's house had a little brick building in front of it, and he had tabled it in order for the owner to come up with a history of that. It is not out of this Commission's past to do this, and he doesn't think anyone here would say that they are "second guessing" the applicant's work, but they would like opportunity to read it. For those reasons, he would like to second Mr. Golumb's motion to table this application.

Mr. Golumb understood the frustration of the applicant, because they cannot table this until next meeting because it wouldn't give them enough time to advertise this to the public. They need to have seven days to present, correct?

Mr. Clum stated that it was 10 days.

Attorney McNeill asked why they would have to readvertise it. It already was advertised for this meeting. They can table it until next week just like any other application.

Mr. Clum stated that he didn't know the answer to that. He will point out that the state can declare that the building be torn down. The state can sanction it and require that, but the Commission can only give or deny approval. Attorney McNeill stated that the Commission had approved the application previously, but that is incorrect. They had voted to table it until August of 2004. He will say that this project has been going on for well over a year, and he doesn't see another month being a big deal. The issue remains that the Commission had asked for certain documentation that was either never received or have not had a change to be reviewed.

Chairman Rice stated that there was a tabling motion on the floor. He asked the Commission when they would like to table it for.

Mr. Golumb stated that they could table it until next week or until the first week in January.

Attorney McNeill asked that if counsel for the City states that a meeting can be rescheduled for a later date without republication, could they put this matter on for next week? He believes that that is the law. It seems to him that what they wish to do is take the public documents that they presented at another place and have enough time for the public to take a look at them. He thought that that was the only thing that the Commission needed. In response to Mr. Clum, if he misconstrued his comments about the building approval, he knows that there was no final approval. In terms of the discussion of the building itself, if the issue is to have these reports sitting here for someone to look at then a week's time is sufficient to do that. If counsel advises them that that is acceptable that is what he would like to do.

Mr. Golumb stated that he might have a solution. He could make his tabling motion conditional on the City Attorney's say for December 14<sup>th</sup>, and if not, to the first meeting in January.

Mr. Smith seconded the motion.

All were in favor to table the application until the next possible date.

Attorney McNeill stated that he wanted to make a point of clarification. He is presuming that he has already supplied everything that they need.

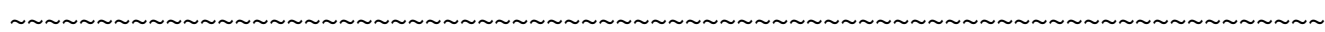
Mr. Clum stated that he didn't even have a chance to look at what was supplied, but if it meets the requirements of the HDC then it will be acceptable.

Attorney McNeill stated that nothing else is necessary and there are no outstanding issues to be considered.

Chairman Rice stated that he certainly hoped that was the case.

Ms. Grasso suggested that they leave a copy at the City library and also the City clerk's office so that anyone who wants to view it can.

Mr. Adams stated that that would be highly appropriate.



**WORK SESSIONS**

- A) Work Session requested by **Jonathan & Cheryl Booth, owners, and David Witham, applicant,** for property located at **19 South School Street** wherein permission was requested to allow exterior renovations to an existing structure (construct a two-story 6'x16' addition and a one-story 12' x 16'-6" addition to the rear, add a new roof over existing side door and relocate some existing windows). Said property is shown on Assessor Plan 101 as Lot 73 and lies within the General Residence B and Historic A districts.

Mr. Adams made a motion to table this until a work session in January, which Ms. Grasso seconded.

All were in favor of tabling the petition until a later date.

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B) Work Session requested by **Mark H. Wentworth Home for Chronic Invalids, owner**, for property located at **346 Pleasant Street** wherein permission was requested to allow exterior renovations to an existing structure (replace fire escape with fire stairs, add new ADA compliant entry, and replace façade material and some windows) and to allow new construction to an existing structure (construct a one-story addition to garden level nursing care unit). Said property is shown on Assessor Plan 109 as Lot 10 and lies within the General Residence A and Historic A districts.

Chairman Rice stepped down for this work session.

SPEAKING IN FAVOR OF THE PETITION

Mr. Bob Iafolla stated that the building was built in 1987 in keeping with the historic district. This is their first idea of what to do there, and they'd like to go thought it and see if they are going in the right direction.

Mr. Todd Verra and Mr. Christopher Tiernan of TMS Architects were present to give explanations about the project.

Mr. Tiernan showed detailed renderings explaining the project. He shows several drawings that show the site plan, scope, compilation of three buildings, original mansion and the brick addition. They have the existing conditions as well as the proposed. They propose to make major renovations to the inside of the building, as well as the outside. They wish to change the building materials and relieve the ethos. He showed more photographs of the building. They have a brick base and a lighter top with windows in the 1987 building. They are looking to replace the windows to be more in keeping with the community and the style of the building. They want to bring in hardy plank clapboards.

Mr. Iafolla stated that they were to be the same size as the Haymarket Condominiums with the bronze case windows.

Mr. Adams stated that they had to realize that this building has European roots and the other practical utilization for the lot was to make it a road. This was more of an emotional thing than how it fit into the contemporary setting.

Mr. Iafolla stated that they were trying to change the appearance of the building so that the residents would be more comfortable.

Mr. Adams stated that it was so they could feel as though they were living in a residence and not a warehouse. He feels responsible for what is there now.

Mr. Verra stated that it was their time to really fix some of the mistakes that many people feel were made when the building was first constructed. He stated that it was a good time to fix other aesthetic

elements as well, such as the air conditioning units sticking out of the windows. They want to remove some of the elements that have been added over time to make it look odd, and also make the interior run more smoothly and efficiently. They are trying to lessen the contemporary feel and make it more traditional by changing the windows and some of those elements.

Mr. Adams stated that the infill of glass can sometimes look like it isn't there, but somehow it doesn't like look like nothing is there.

Ms. Fineberg stated that it was the same philosophy as the library. She asked if there was another building behind this one that they were seeing.

Mr. Verra stated that that was the 1927 building and beyond.

Ms. Fineberg asked if the 1927 building was still there.

Mr. Tiernan stated that it was. He stated that all the buildings come together. They want to take the commercial generator and move it up to the roof area. They would be taking that annoying element and putting into a quieter space.

Ms. Grasso stated that the windows on the first floor seem to be much larger and higher than the windows on the second floor.

Mr. Verra stated that the first floor is not residential rooms or private quarters, but the lobby and dining areas. Since they will have an expansion, they will be adding dining rooms and a larger dining lobby on the second floor. They are proposing to set that larger part back and have a little terrace that can be stepped out onto.

Ms. Grasso stated that the second floor windows are top heavy over the others.

Mr. Verra stated that they were very early into the study and appreciates her comments.

Mr. Adams asked if they could explain the complexity that they see in the first floor on the right.

Mr. Tiernan stated that it was an interior fire stair. They tried to break up along the side of the building and allow the rhythm to change with the building.

Mr. Adams asked if that was the only area where they saw the unique elements on that side.

Mr. Tiernan stated that it actually ran into the other apartments. They are not as massive or large as suggested, in fact almost all the openings remain in the same position. This makes the project feasible as well.

Mr. Adams asked if they were going to be hacking through the rooms themselves.

Mr. Tiernan stated that they were going to be making some drastic interior improvements. This is an economical way to minimize a lot of the brickwork. It's a good way to really use that. In the original

design, the windows are square. The proposed windows will be more contextual. They will be dropping them down a foot and lowering the sills. The outside renovations have been really a response to the exterior fenestration. The overall renovations are shown on the display, as well as the Melcher Street View.

Mr. Verra stated that they were “correcting past sins” of sorts by changing the fire escapes and windows. The existing fire escapes are disturbing and generally unsafe. They will be eliminating those and building an infill, and the new construction would allow the fire stairs to be enclosed. They wanted to address the air conditioning units and eliminate the staining that it causes on the brick façade.

Ms. Fineberg stated that it all looked fine to her, but she wanted him to go back to the view showing the middle section. He finds that component discordant. The rounded cornice above the door appears nowhere else in the structure. She also cannot tell that all of the glass on the third floor is not broken up by anything. She knows that this is their first run, but this section is the least successful of what they have shown.

Mr. Tiernan stated that it was their intention to take some elements from the buildings and share them around to all three to sort of tie them together. As this is becoming more of one unified building, they are combining elements.

Ms. Fineberg stated that the problem with that is that if she could see the two elements relating to each other, that would work, but the other building is way on the other side of the property. Nobody is going to see them side by side so that it would seem like an echo to one another.

Mr. Verra stated that he wanted a way to demonstrate the public entrance to the building, and the arched doorway obviously did that. They don't want to do a replication of everything echoing the same scale and having the same elements; they need a way of unifying it as well as breaking it up. They don't want to do the same pattern and scale as what is marching around the rest of the building.

Mr. Adams asked if they were anticipating an arched canopy.

Mr. Tiernan stated that it was more of a doghouse vestibule coming out about 8'. This would allow the doors to work and would be used for handicapped access.

Mr. Adams stated that they might want to think about reinforcing the window composition directly over the archway. It looks odd, like a space station element. All of that is falling down in improvement in compatibility with its neighbors.

Mr. Verra stated that there were a few existing elements that they might want to draw from the building that did have echoes in other places. They show them on the Mill Pond side. There are arched windows over the windows on that side.

Mr. Adams asked if they were going to keep that smile at the roof edge.

Mr. Verra stated that while the curve cost a lot to put in, it would cost even more to take out. It would not really be a good expense for their budget.

Mr. Wyckoff stated that Mr. Adams suggested that the doorway be combined with the windows up above and keep the pediment out 8' and keep with the theme.

Mr. Adams stated that they would have to keep with the theme that partly masks that. He wants to reinforce the element of entering the building.

Mr. Wyckoff suggested continuing it up and give it a more contemporary feeling. Their proposal would almost bring it back to that 1987 feeling.

Mr. Verra stated that this was a sketch and it only shows a glimpse of what it will actually look like.

Mr. Adams stated that they are providing a reaction for them. It also has a sunken grade, which will make a challenge for anything that they attempt to do.

Mr. Verra stated that they were studying that closely, and that they might change the entrance to the other side, which would change the style drastically. There was concern about the two story elements, in three dimensions it might be too prominent.

Mr. Adams stated that they saw an open fence rather than the solid board fence. That seemed to lighten the ground floor.

Ms. Fineberg stated that the former fence was in place to hide the unattractive elements.

Mr. Adams stated that it provided a large sense of uniqueness.

Mr. Tiernan stated that the nursing residents were on that level and the fence provides some sort of privacy. The fence has many purposes.

Ms. Fineberg stated that it was exciting to see that kind of energy put into the building. She asked if they could "dress it up" a little by adding architectural elements and some trees.

Mr. Iofolla asked if they were on the right track with these plans.

Ms. Fineberg stated that the whole thing looked good and that they think it's marvelous.

Mr. Iofolla stated that they would be back in a month with more detail.

Mr. Adams noted that an approvable plan would have to have dimensions on it. It would be almost the same thing that they would hand to the contractor.

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C) Work Session requested by **Seacoast Properties, LLC, owners**, for property located at **117 Bow Street** wherein permission is requested to allow exterior renovations to an existing structure (construct roof deck and rooftop pavilion structure with skylight additions). Said property is shown on Assessor Plan 106 as Lot 57A and lies within the Central Business A and Historic A districts.

Ms. Grasso made a motion to table petition number 7 and work session C to January, which was seconded by Mr. Adams.

The motion to table the request passed unanimously.

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IV. ADJOURNMENT

At 10:45, a motion was made, seconded and passed to adjourn to the next meeting.

Respectfully Submitted,

Danielle Auger
Acting HDC Secretary

These minutes were approved at the Historic District Commission Meeting on September 20, 2006.