

**REGULAR MEETING OF THE
HISTORIC DISTRICT COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE
City Council Chambers**

7:00 p.m.

February 1, 2006

MEMBERS PRESENT: Chairman John Rice, Vice Chairman David Adams, Members, Ellen Fineberg, John Golumb, Richard Katz, City Council Representative Ned Raynolds and Alternates Sandra Dika and John Wyckoff

MEMBERS ABSENT:

ALSO PRESENT: Roger Clum, Building Inspector

I. APPROVAL OF MINUTES

Meeting of November 2, 2005 – Mr. Adams moved to approve the minutes as presented and the motion was seconded by Ms. Dika. The motion passed by a unanimous vote.

Meeting of January 4, 2006 – Mr. Adams moved to approve the minutes; Mr. Golumb stated that on page 8 he was the one that made the motion to table the 99 Bow Street application. Ms. Fineberg seconded the motion to approve the January 4, 2006 minutes as amended. The motion passed by a unanimous vote.

II. NEW BUSINESS

A) 99 Bow Street – Motion for Reconsideration – Submitted by Concerned Citizens Coalition

Chairman Rice asked if anyone was present to speak to this motion. Mr. Adams made a motion to table this for discussion after the break and the motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

III. PUBLIC HEARINGS

1. Petition of **Judith Tausch, owner** for property located at **110 Penhallow Street** wherein permission is requested to allow exterior renovations to an existing structure (insertion of light tubes into roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 19 and lies within the Central Business B, Downtown Overlay and Historic A Districts.

SPEAKING IN FAVOR OF THE PETITION

Judith Tausch, owner of the property, spoke on behalf of the petition. She stated that she is requesting permission from the Commission to insert two light tubes into the roof in order to provide light into 110 Penhallow Street, which is a residence. She noted that, as a result of the

addition being built onto 112 Penhallow Street, her building will have three windows covered, which will reduce the amount of light coming into the building. Chairman Rice asked if the applicant has specific distances from where the light tubes will go into the edge of the roof. The applicant noted that, until the addition is completed, there would be no point because they need to see their structure to determine exactly where the tubes should be placed. Ms. Tausch stated that they will be put as close to the abutting wall as possible. It was noted that these have been approved before. Chairman Rice stated that he does not have any problem with the concept of the light tubes, but, is struggling with the idea of approving the application with no measurements. He stated that the Commission normally requires all applicants to supply some specifics. Ms. Fineberg suggested that the applicant give the Commission some idea in inches of what the dimension would be.

Ms. Tausch stated that they will be no more than 18 inches.

Mr. Adams asked what size the light tubes are.

Ms. Tausch stated that they will be going with the largest size possible, which would be about 22 inches.

Mr. Adams asked if they will be located where the windows had been.

Ms. Tausch confirmed this.

Ms. Tausch stated that she is proposing only two light tubes because the back room, which has one window, does have other window availability.

Chairman Rice asked how far apart they will be.

Ms. Tausch stated that it would be about a yard to a yard and one half and not to exceed 42 inches.

Chairman Rice stated that they have an application before them that has two light tubes that are 22 inches in diameter, not to exceed 18 inches from the edge of the roof and not to exceed 42 inches from the roof line.

Councilor Reynolds stated that he is familiar with this product, and, it is his understanding that it cannot be more than 18 inches from the edge of the roof. He is not sure if the applicant wants to install them that close to the edge of the roof.

Chairman Rice asked if it would make more sense to table this application until the applicant knows exactly where she wants to put these light tubes. He noted that he has no problem with the concept, but, has a problem with the non-specific data as to where they will be placed. He feels this should be tabled until the applicant can provide specific measurements from the edge of the roof.

Ms. Fineberg suggested that Ms. Tausch bring an amended drawing to the next meeting.

Chairman Rice asked if there were any further questions for the applicant, hearing none, Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE BOARD

Mr. Adams moved to table this application until the March 1, 2006 meeting and the motion was seconded by Mr. Golumb.

Chairman Rice asked for all those in favor and the motion passed via a unanimous vote.

2. Petition of **6-16 Congress, LLC, owner**, for property located at **6-16 Congress Street** wherein an amendment is requested to a design previously approved by the HDC (change two street level doors, change one window to a door, change two fifth floor dormers, remove one chimney, change roofing material on portion of the building and add two skylights) 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, Downtown Overlay and Historic A Districts.

SPEAKING IN FAVOR OF THE PETITION

Steve McHenry of McHenry Architecture spoke on behalf of the petition. He stated that they have made some minor changes to the original application. He noted that all the spaces are condominium spaces and the new owners have new requests, which affect the exterior of the building. He presented to the Commission a cover sheet, which includes 6 items for approval.

Mr. McHenry explained that items #1 and 2 are very similar. They would like to change the entry doors to the area that is described as the north elevation and east elevation. He stated that on Building A they have reduced the scale version of the Congress Street elevation, which is the north elevation. Building A is to the left of the north elevation. Mr. McHenry noted that the drawing below the notation shows a change of the location of the doors, which means recessing the doors. He noted that the tenant spaces have been combined so the doors need to swing out. The bricks turn around the size of the piers as you get into the storefront door system. He noted that this will also occur on page 2. He stated that the east elevation on the existing approved plan shows a bubble, and, they would like to change this from a window to a door. The window opening is the same as the three other windows to the right. On the far right hand side, the recess door needs to swing out to make it code compliant. This will require the removal of the window. They would also like to change the brick line opening to the store front exit door.

Mr. Wyckoff asked about the width.

Mr. McHenry stated that the width is three foot eight inches.

Ms. Fineberg asked about changing the window to a door on the east elevation.

Mr. McHenry stated that the opening goes all the way to the top and it has a glass transom.

Mr. Wyckoff asked if the transom on the east elevation door is out front.

Mr. McHenry confirmed that it is.

Mr. Wyckoff asked about the decorative windows on the north elevation in the front of the building.

Mr. McHenry explained that there will be a grid system applied to the inside and outside of the glass.

Mr. Wyckoff asked if they are on the outside or inside.

Mr. McHenry stated that they are flush with the outside.

Mr. Adams wanted to know where the ceilings will be. He stated that the doors are in the storefront opening recessed in the transom which is flush with the building, as are the windows.

Mr. McHenry stated that the ceiling is at the base of the window on the arch of the doorway.

Mr. Adams asked if the glass transom is hanging in space.

Mr. McHenry stated that it is.

Ms. Fineberg wanted to know how the north elevation relates to the storefront panel system as it goes all the way from the floor up to the transom.

Chairman Rice asked about the south elevation of Building B.

Mr. McHenry stated that on page 3 it shows the configuration of the dormers on the fifth floor, and, he noted that these have been changed more than once. He stated that at the December 7, 2005 HDC meeting they requested that the change be from a triple door and a dormer with a single window to what they are requesting this evening, which is a triple door with a double door to its right rather than a single window.

Chairman Rice asked if this was already approved.

Mr. McHenry noted that the original approval was triple doors with a single window. It was changed to double doors with a single window. Now they want to change it to a triple door and a double door.

Mr. McHenry stated that the face of the dormer sits back from the window.

Ms. Fineberg requested that, in the future, the previously approved plans be included in their packets.

Mr. McHenry stated that he has the original approved plans with him, along with the requested change. He passed around the original plans to the Commission.

Chairman Rice asked if anyone had any questions for Mr. McHenry about this change.

Mr. McHenry stated that they are also requesting permission to remove the chimney from Building A. He explained that there was concern expressed at the last meeting about removing the chimney. He stated that the issue was that the chimney, as it was originally designed, was going to house an exhaust for the boiler system in the basement, and, that accounted for the size of the chimney. However, that design has changed and there is no longer a need for a chimney like that. He stated that there was some concern about the rear elevation. That portion of the elevation is very close to the Porter Street entry and is on the property line. Therefore, they are not allowed to put functional openings on the façade. On Pages 4, 5, 6 and 7 it shows views to the chimney from various points including the alley between the rear of the church and at the Stonewall Kitchen facility. He stated that one can see the chimney from only two places. He noted that the chimney cannot be seen from Congress, State and Fleet Streets.

Ms. Dika noted that, at the last meeting, their hesitation in approving the removal of the chimney was that it is a beautiful chimney. However, she stated that, looking at the photographs submitted tonight, she would not insist that they put the chimney there.

Chairman Rice moved on to Item #5 where they are requesting changing the roof material on the center building on the north and south elevation of Building B.

Mr. McHenry explained that they are maintaining the approved roofing materials on Buildings A and C which are on the mansard portions of the roof. He stated that it is very expensive to change the roofing materials. He noted that the roof pitch on Building B is 12 12 and very little will be visible on the center building. They are proposing high quality material and highly visible roofing material.

Mr. Fineberg asked if the color will match the other colors.

Mr. McHenry stated they would like to get different colors on each roof. They are looking at possibly using a gray on the center and green and red on buildings A and C.

Mr. Adams asked how the tab sizes relate.

Mr. McHenry explained that the exposure of composite units vary and the slope of the asphalt material is 1/8 inch.

Mr. Adams asked about the exposure on the slate.

Mr. McHenry stated that it is the same exposure.

Mr. Adams asked about the widths of the pieces of the asphalt material.

Mr. McHenry stated that they are 10-inch pieces.

Mr. Adams asked about the thickness of the shingle.

Mr. McHenry replied that they are 425 pounds.

Chairman Rice asked about the roof on Building C and wanted to know whether they are adding 4 x 4 pyramid skylights on the flat portion of the roof.

Mr. McHenry explained that on page 1, on the north elevation, the skylights start at 15 feet from the front of the building and 10 feet from the chimney, and, they sit on a 10 inch curb. He noted that the skylights will not be seen from anywhere on the street.

Chairman Rice stated that Mr. McHenry's presentation is complete.

Chairman Rice asked if there were any further questions for the applicant, hearing none, Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE BOARD

Mr. Katz made a motion to approve the application as presented and the motion was seconded by Ms. Fineberg for purpose of discussion.

Mr. Wyckoff stated that he is not comfortable with the doors on the streetscape of the north elevation with the floating transom windows. He indicated that it looks like something that was a storefront that would have been changed at a later time. He noted that having the transoms flush with the front of the building and doors leads to problems. He stated that the ceiling has to be higher than the transom. He asked if there are transoms over the door. He noted that there are no cross sections and it looks awkward.

Ms. Fineberg stated she is concerned about how the skylights will look, if they are approved. She noted that normally the Commission does not approve skylights on the fronts of buildings. They are usually approved on the backs of buildings. She stated that the skylights would be seen poking up from the building, and, people would see them at night, as they would be lit up.

Mr. Katz stated that his impression is that these skylights are period correct, as far as the general era that the building is configured at.

Mr. McHenry noted that the skylights have metal at the corners and triangular pieces of insulated glass. Therefore, they will look like period skylights. He stated that on page 8 it shows that the roof drains and the water will drain back onto the flat roof section, and, not on the front of the building, and, the skylights will be sitting on the flat roof.

Mr. Adams stated that he agrees with Mr. Katz. He indicated that the classic form of manufactured skylights from that period are appropriate for that kind of building. He noted that he has used these particular skylights and finds them to be a dream. He noted that they are of extraordinary quality, are extremely durable and they do perform well. He also stated that any ambient light will go up through them rather than shining to the street.

Chairman Rice asked if there were any other issues or concerns regarding the front door on the north elevation. If the Commission has serious problems with the front door on the north elevation the Commission can ask the applicant to remove this request from the application.

Mr. Adams asked if there is a particular reason why they want to maintain the transoms at the face of the building rather than aligning them with the doors themselves.

Mr. McHenry explained that they would like to set them back in line with the doors as that would be easier. However, he would be happy to entertain that change.

Mr. Adams discussed the transom and expressed concern that the transom looks like a door blew off and is hanging in the air. Without being connected to a door frame, if the door moves, logically the transom should move with it. If that is not acceptable, he needs to be convinced, and, he cannot support this.

Chairman Rice suggested that the applicant amend the application by removing this section from the application.

Mr. Wyckoff asked if this is extruded aluminum storefront material. There is no detail on what is going to contain these transoms.

Mr. McHenry explained that only part of the storefront system is extruded aluminum.

Mr. Wyckoff discussed the two doors and indicated that they are rather tall and out of proportion without the transom. He indicated that he is hoping they could be finished off a little better and treated more seriously.

Chairman Rice stated that the north and east elevation doors have been removed from the application and tabled to a time uncertain for a work session/public hearing.

Mr. Adams made a motion that the applicant remove the north and east elevation doors from the application and tabled for a time uncertain for a work session/public hearing and the motion was seconded by Mr. Golumb.

Chairman Rice asked for all those in favor and the motion passed by a vote of six in favor and one opposed.

Mr. Adams stated that the architect is demonstrating the situation correctly with regard to the doors on the deck portion. He stated that it bothers him that the dormers have become located from their vertical alignment. They were either over a pair of windows or a single window. He noted that the triple unit is so large it cannot sit over the two windows below, and, because of its size, the one next to it has to get shifted over as well. Also, if there was a view from far away, it would not make sense, but the view does not exist. In the process of making modifications this is getting a little out of hand.

Chairman Rice asked for all those in favor of approving the original application as amended with the applicant removing the request for the north and east elevation doors, the motion passed by a 6-1 vote with Mr. Adams voting in opposition.

3. Petition of **Cheryl Yennaco and Mark Horton, owners and Debby Peretz, applicant** for property located at **77 South Street** wherein permission is requested to allow exterior renovations to an existing structure (replace two sets of louver windows on seasonal porch with vinyl windows, replace double hung with picture window in center, replace existing window in back of the house with two vinyl reduced size 3' x 3' double hung, install a dental strip along roof pitch in front of house, add fixed skylight on back roof of house facing Johnson Court and install 3 crossheads above existing windows in front of house) and allow new construction to an existing structure (remove existing fence along side of house and seasonal porch and replace with 6' lattice white wood fence enclosing entire back yard along Johnson Court side and Northwest end). Said property is show on Assessor Plan 102, as lot 48 and lies within the General Residential B and Historic A Districts.

SPEAKING IN FAVOR OF THE PETITION

Cheryl Yennaco spoke on behalf of the petition. She stated that, after speaking with their neighbors, they have decided to remove the installation of the fence from the application.

Ms. Yennaco stated that on the front of the house on South Street they would like to install a dental stripping on top of the house with crossheads over the windows, and, on the gable work on the dental at the top peak of the house. They are changing the color of the front door. It was noted that the HDC does not approve paint colors. On page 3 on the left side of the house, they would like to remove the windows and the existing fence, and, put a skylight in the roof going into the kitchen. On page 5 there is a picture of the skylight. On page 6 it shows the back of the house. They would like to remove the left side picture window as well as the lower windows.

Mr. Wyckoff asked about the dental strip. He stated that he cannot determine what it is looking at the gable. He asked if there is crown molding there now on the existing house.

It was noted that there is fascia board on there now.

Mr. Golumb asked if they will be adding wood.

It was noted that they will be adding vinyl or polyurethane.

Chairman Rice stated that this is a classic New England design property. It is a very simple design and is typical of what is seen all over town. He stated that, in his opinion, the introduction of more complicated elements is unnecessary and out of character. He suggested that the owners would be better off saving money and putting it into something else. He does not feel it is in character with the house and what one sees of that period for that property.

Mr. Adams stated that he agrees with Chairman Rice.

Mr. Wyckoff stated he agrees as well.

Mr. Adams stated that this is a simple working class house and very few of these houses are decorated in this way. He noted that this is far more playful than this building requires.

Ms. Yennaco stated that they were trying to go along with what is over the door.

Ms. Fineberg asked why they would like to change the windows on the backside where the Jalousie windows are.

Ms. Yennaco stated that the windows that are there now are very drafty and they would like to use the living room as a four-season room instead of a three season porch.

Ms. Fineberg stated that there will be a lot of window space and asked why they want to add the skylight.

Ms. Yennaco stated that there are two rooms and there is a wall between the two rooms to the right of the electrical piping that will remain. Also, the skylight will be in the room on the left and the room on the right will have one window.

Chairman Rice indicated that item #4 should be removed from the application as it is requesting the painting of the door and the Commission does not approve painting of items.

Mr. Katz suggested that it might be a little less jarring if the 4 Jalousie windows were replaced with four double hung. He stated that a little of the view will be lost, but, the effect would be minimal. In addition, he has no problem with the skylight.

Mr. Golumb stated that he agrees with Mr. Katz.

Ms. Yennaco stated that four double hung windows would be totally different than installing the picture window.

Mr. Wyckoff stated that this would be headed off properly now and that the Jalousie windows have no support. He indicated that the opening would be properly supported now so that the windows could be replaced with double hung vinyl windows, which, are the same type they are suggesting.

Ms. Yennaco stated that she does not know if you can put four double hung windows in that opening without framing.

Mr. Wyckoff stated that they would go in with 2 x 4's and some work would need to be done.

Chairman Rice stated that the Commission is not comfortable with the picture window, and, that it is out of character for the house.

Mr. Adams stated that, if they can do it with the space that is there now, there are no drawings needed.

Chairman Rice noted that they are going to get rid of the fence on page five.

Ms. Fineberg asked about grills.

Ms. Yennaco noted that there are no grills on the windows.

Mr. Adams asked about the windows as it relates to the conversion of the kitchen. He stated that the width will remain the same, but, the sill height will have to be brought up.

Ms. Yennaco confirmed that with the Commission.

Chairman Rice confirmed that they will install six double hung windows.

Chairman Rice asked if there were any further questions for the applicant, hearing none, Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Lewis Harriman, owner of property located at 57 South Street, thanked the applicant for removing the fence from the application.

Sean Tracey of 24 Johnson Court stated that, on behalf of all the neighbors and immediate abutters, they are happy to see the fence is being removed from the application, and, they welcome the new neighbors to the neighborhood.

Chairman Rice asked if there was anyone in the public that wished to speak to, for or against the petition.

Seeing no one rise, the Chairman declared the public hearing closed.

DECISION OF THE BOARD

Mr. Adams made a motion to approve the application with the following amendments:

1. Removal of the fence from the application
2. Change the request for the Jalousie window replacement units from two double hung and one picture window to four double hung
3. Remove request for decorative composition elements for the front façade of the gable end of the building

The motion was seconded by Mr. Golumb.

Chairman Rice commended the applicant for their stewardship on removing the fence from the application.

Ms. Dika stated it is nice to see work being done on the house.

Chairman Rice asked for all those in favor and the motion passed via a unanimous vote.

IV. WORK SESSIONS

A) Work Session requested by **Harbour Place Group, LLC, owners** for property located at **1 Harbour Place** wherein permission is requested to allow new construction to an existing structure (addition of recessed balconies at fifth (top floor) of building #1, modifications to building #2 to provide roof top penthouses and a new entry from courtyard to first floor) and to allow exterior renovations to an existing structure (modifications of exterior glazing to provide operable sash at fifth floor of building #1) Said property is shown on Assessor Plan 105 as Lot 2 and lies within the Central Business A, Downtown Overlay and Historic A districts.

- Dann Batting of Dann Batting Architects spoke on behalf of this application
- The original application included modifications to two buildings that exist on the site. The taller building is Building one, the shorter one is Building 2
- They would like to remove consideration of Building 2 from the table
- They are proposing to convert the fifth floor to residential use. As part of that conversion, they would like to introduce outside space, mainly recessed balconies. They would like one balcony per unit. There is one unit that will have two balconies
- On the top floors they would like to get some ventilation within the existing window frames. Right now it is all fixed. Therefore, they would have to do some modifications to the basic window storefront to introduce some operable sash
- Mr. Adams asked if there is one owner of this building
- Mr. Batting stated that there is one owner that owns both buildings
- Mr. Adams asked if this proposal would change the ownership of the building
- Mr. Batting stated that only in the sense that they would convert the building to a condominium as far as ownership. The units that would be developed would be purchased as a condominium by that owner. There would be one owner within the condominium. Part of it would remain a commercial application and part of it would be residential. It would be one condominium with several different types of owners involved
- Mr. Adams asked if they will be dealing with a condominium association rather than individual owners, and, if there will be one exterior owner
- Mr. Batting stated it could end up being an association, which is one entity with several people
- Mr. Batting showed the Commission the fifth floor plan. They are planning to have nine homes. They are proposing to recess a balcony into the space, which would change the appearance of the exterior. There would be glazing and some patio doors with access so people could get to the outside
- They have an arched window unit where they would place the balcony. They would remove the glazing and push the operable door and its related enclosure four to five feet back into the building to create an outdoor balcony. For purposes of safety, they would install a railing. They are proposing a simple pipe railing
- In keeping with the industrial style of structure, they would like to modify the window element itself in several of the large windows to introduce some operable venting sash. It would be within the same plain. It is all basically storefront, which is fixed glazing. Within the storefront frame, they can modify a portion of it to introduce an operating sash
- Mr. Adams asked how they are going to drain them
- Mr. Batting stated that they will install interior drains to bring water into the building

- Chairman Rice asked if the applicant is looking for the HDC to advise them if they think the concept of taking the glass out of the windows and creating recessed balconies will fly
 - Mr. Wyckoff asked if this is just one opening operable door
 - Mr. Batting stated that they may take the storefront system and have fixed annals that will match. In terms of how much it operates will vary from unit to unit
 - Chairman Rice stated that there are two members that like the design
 - Mr. Katz stated that it is an intriguing idea
 - Mr. Adams wanted to know about the ceiling
 - Mr. Batting stated that they may have to treat it with some kind of exterior gypsum with some sort of plaster coat. It could be colored to blend in. They could also use synthetic stucco material that would be very weatherproof
 - Chairman Rice stated that it adds interest to the building
 - Ms. Fineberg asked whether there will be a pattern to the balconies or will it be more random
 - Mr. Batting stated that there will be a loose pattern. It will relate more to how the floor plan is
 - Mr. Golumb feels it is an intriguing design, but, the railings need to be a lighter design
 - Mr. Wyckoff stated that he is already covering 18 inches of the code so the railing needs to be only 18 to 20 inches high
 - Mr. Batting stated that they will investigate this as there are other options. There are other systems such as aircraft cable. If this was used there would be many more needed, but, they would be less visible
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A) 99 Bow Street – Motion for Reconsideration – Submitted by Concerned Citizens Coalition

Mr. Adams made a motion to remove the Motion for Reconsideration from the table and the motion was seconded by Ms. Fineberg. The motion passed by a unanimous vote.

Chairman Rice wanted to know if he is allowed to ask if anyone from the public wishes to speak to this.

Mr. Clum stated that he was advised that the consideration for rehearing is strictly among the Commission members themselves. The Commission decides whether or not to rehear the petition, and, if they do decide to rehear it, the rehearing will take place at the next meeting.

A Motion for Reconsideration was submitted by the Concerned Citizen's Coalition, wherein, they claim denial of procedural of due process.

Chairman Rice asked the members if anyone feels that the Concerned Citizen's Coalition has any valid points with regard to section one, items A – K of their letter, and, whether, based on these items, the application should be reheard.

Ms. Fineberg stated that when the Concerned Citizen's Coalition submitted their report in December, it was automatically entered into the record, even though it was not read into the record. She asked if the Commission is required to read correspondence into the record. It was

her understanding that, because the report is part of the packets, it is automatically entered into the record. She feels that the coalition's interpretation of it is not accurate.

Chairman Rice noted that one letter was read into the record.

The letter submitted by the Coalition indicated that there were public hearings that were held on January 4, 2006 and January 11, 2006 without proper public notice.

Ms. Fineberg noted that those meetings were continuations of the first meeting. She asked what the procedure is for follow up meetings on a particular application.

Assistant Building Inspector Clum noted that, once a petition is advertised, it is not readvertised after being heard at the first meeting. He stated that, if someone is interested in following the procedures, they would attend the meetings and find out that something had been continued.

Ms. Fineberg also noted that the hearings are published on the website and in the newspaper as being on the agenda.

Ms. Dika asked about the reading of the report of the original letter into the record. Without looking back at the minutes, she does not recall, that Attorney McNeill suggested that we should not consider what was in the letter because it was unsigned.

Chairman Rice noted that the Commission members considered it anyway.

Ms. Fineberg noted that, by accepting the information, and, making it part of the HDC packet, it is automatically part of the public record because it is on file. Whether or not it is read into the record is a technical issue, and, there are many times that the Commission does not actually read correspondence. The Commission will usually acknowledge receipt of a letter and state who it is from and give a summary of the letter. This is usually done by the Chair, and, it was done in this case.

Chairman Rice indicated that the Commission did review the unsigned letter, and, every Commission member had a copy in front of them.

Mr. Wyckoff noted that in all the work sessions the Chairman always invites members of the public to come up and speak, and, ask questions, if they have any. He stated that no one from this group came up and spoke or asked any questions. They kept mailing letters to the Commission, and, are now complaining they were not give enough attention.

Chairman Rice noted that there may have been some people in opposition to the application that spoke that were from this group. However, if there were, they did not identify themselves as part of the Concerned Citizen's Coalition.

Mr. Wyckoff indicated that the majority of their complaints were view related and the HDC does not have control over that.

Ms. Fineberg stated that the Commission cannot consider that here. All the Commission is doing here, is dealing with what is in the coalition's letter.

Mr. Katz indicated that, having been presented this information, which everyone on the Commission did read, negates any contention that it was not accepted and considered. The Commission had a hearing, discussed it and it was judged accordingly.

Mr. Golumb asked Mr. Raynolds if the City Counsel reads letters from the public into the record, or, are they just accepted into the file and made part of the record.

Counselor Raynolds indicated that, more often than not, the Counsel will not read letters from the public into the record. However, they will make a formal motion to accept the correspondence and place it into the file. It was noted that every Counselor has an opportunity to read the correspondence.

Chairman Rice asked if the City Attorney had given any advice to the Commission on this matter.

Mr. Clum indicated that he did not.

Chairman Rice asked if the City Attorney is aware of the letter.

Mr. Clum answered that he is. Mr. Clum stated that he was not given any direction or asked to give the Commission any direction. He was informed that this is just another part of the process.

Mr. Adams stated that the letter submitted is interesting to read. He stated that, in his perusal of this application and all the materials and work sessions that took place, he reviewed all materials placed before him as best he could. He indicated that it was a steady flow of material. He never judged any piece of material as being any more or less worthy, whether it had a signature or not. He indicated that he does not know the abutters. He stated that he voted on the application for this proposal in good faith that the materials were properly before the Commission and that it was properly advertised by the Planning Department. He stated that, to the best of his ability, he voted on the proposal to approve it, and, as he felt that it had significant impact to the streetscape and the neighborhood. He felt that the design met with his responsibility of mitigating the loss of the view to the public and the impact that it would have on the neighbors by enhancing the strength of the streetscape, by making more of a connection from one building to the next, by taking the residential buildings and moving them into a retail first floor situation, etc. He stated that there were many issues that he felt mitigated the other assumed losses there may have been.

Chairman Rice stated that he wished to move on to the second item in the letter, which deals with the Denial of Due process.

Mr. Katz stated that Section 2, letter A, is an opinion. He stated that Letter B is erroneous because the letters were substantively considered and every member of the Commission read these letters and considered them. As a result, as far as he concerned, Letter C has no validity.

Mr. Katz made a motion to deny the Coalition's Request for Reconsideration and the motion was seconded by Mr. Golumb.

Ms. Fineberg wanted to know if there were any Commission members that felt this should be reheard, and, if so, what are their reasons.

Chairman Rice stated that, in this case, this application has been beaten to death and it was reviewed more closely than any other.

Mr. Adams agrees completely, and, stated that the applicant will not present any other plan that is any better than the one that was approved. He sees no reason to rehear this application. He noted that his decision would not change.

Ms. Dika noted that there were enough modifications in the final plan to make it acceptable. She also noted that some of the abutters that spoke against the plan prior to that evening, supported it that evening. She stated that the Commission has had discussion about having more conversations about heights of the buildings.

Chairman Rice asked for all those in favor and the motion for denial of the Motion for Reconsideration passed via a vote of six in favor and one abstention.

B) Work Session requested by **Annie Rainboth and Michael Rainboth, owners** for property located at **122 New Castle Avenue** wherein permission is requested to allow new construction to an existing structure (add a 15' X 22' two-story addition to rear elevation and a bay on the existing east side) and exterior renovations to an existing structure (related renovations). Said property is shown on Assessor Plan 101, as Lot 27 and lies within the Single Residential B and Historic A Districts.

- Ann Whitney spoke on behalf of application
- The top photograph was taken to the east of New Castle Avenue and the bottom photograph is up Bridges Court
- The Site plan gives an overview
- They would like to put on a two-story addition in the rear, a bay on the existing façade and a small expanse to the deck
- The existing shed will be torn down and they intend to rebuild a smaller version
- The photograph shows quite a large deck in the rear elevation with a one story bump out and the end gable of the main body of the house. She is proposing to take off the right side of the gable and do a similar gable, which will be a little bit smaller than the one that faces out to Bridges Court, and, to extend it out 22 feet from the main part of the house. Doing this will overlap the one-story addition and a little more than 8 feet of the deck
- They would like to match the pitch on the existing house by coming in a bit and installing a dormer on the Bridges Court side a couple of feet in the full length, and, on the rear elevation putting on an 8 foot section
- The existing house has a five foot knee wall so there is pretty good head room. This will be popping up about 30 inches and there is a seven-foot wall height so it does not peel up too

much from the existing roofline. This allows them to put a bedroom and bathroom on this side. On the rear side there will be closets that can live within the kneewall space

- The other addition that exists there is a bay window and picture window that was added at another time. These are much lower than the existing windows. They are proposing doing a full bay, which includes floor space on that side
- Chairman Rice asked if they are taking out a picture window
- Ms. Whitney stated that they are taking out a picture window because it doesn't match any window sizes in the house. Within that space, they will bump out the bay and install new windows that will meet height. She stated that the bay is 9 feet
- Ms. Whitney indicated that the existing windows were replaced and they are vinyl with muntins between the glass. She stated that any new windows will be Anderson vinyl and they will apply muntins, which will be similar in size
- Mr. Adams asked about the untouched existing windows
- Ms. Whitney stated that, at this point, they will remain
- Mr. Katz asked if the existing windows are the replacement windows?
- Ms. Whitney confirmed that they are. She stated that they took the existing sash out, but the frame is still there and they are covered up by the siding that was added. The existing window casings and frames are existing. Only the vinyl inserts were put in
- Ms. Whitney stated that the aluminum siding is old and anything new would be clapboard. She indicated that, in the future, the owners may convert the entire house back to clapboard
- The small bay that is in the addition as the center window will be 8 over 8, and, she downsized some windows on the second floor to 4 over 4
- Mr. Wyckoff asked if they will be craftsman style grids in the large bay
- Ms. Whitney stated that it is craftsman style, and, it is not that uncommon, as some victorian houses have a picture window with a single row of lights
- Ms. Whitney stated that all the vinyl windows in the house were replaced and they are 6 over 6
- Ms. Whitney noted that the little bump out on the rear elevation has a little piece of the one-story that will remain. She will be getting rid of one of the windows in that elevation and doing a corner window on the one-story. Also, there will be a similar smaller size window in the bathroom facing the adjacent property
- They would like to take the little shed and create an 8 x 16 shed with a similar pitch to the roof and a couple of windows with a four foot door
- In doing the addition, they will be losing one window in the bedroom. Therefore, she would like to install a small 21-inch by 39 skylight near the bedroom in order to bring in some cross ventilation and light into that bedroom. This will be smaller in width than the windows
- Ms. Whitney stated that they will be covering up the existing bulkhead opening to create more storage on the site
- The existing bathroom windows will have to shift and will have to be replaced
- The living room window will also be shifted from the addition and will align with the window on the other side to balance the front gable
- Mr. Adams asked about the foundation
- Ms. Whitney stated that the bay that is part of the new construction will be concrete wall
- Mr. Adams asked if that will be kind of tall
- Ms. Whitney stated that it would be about 30 inches from the ground

- Ms. Whitney stated that the steps are accurate where the finished grade is on that end, and, they are mostly covered up with the deck except for one corner, and, as it wraps around the back. She stated that they could drop the siding another foot to mitigate that
- Mr. Adams indicated that he would prefer not to have the side wall of the building bouncing up and down
- Mr. Adams noted that the area where the little shed dormer is located seems kind of diminished. It has the eaves edge of the existing house represented on both sides. On the courtside, the shed dormer is being run into the house. He asked if they need the headroom along that wall
- Ms. Whitney noted that they would love to have the headroom. She stated that she was trying to minimize the impact of the dormer on that side. She noted that it does not raise the ridge at all. It would be great to have a little more headroom and extend the dormer
- Mr. Adams stated that he was going in the opposite direction. He recognizes that it makes the head room tight if one is trying to walk along the wall
- Ms. Whitney stated she thought maybe she could put a cheek wall up that high, in terms of snow catching. She does need some head room with the window and wanted to align it with the window below
- Mr. Adams stated that the continuous sidewall becomes unnaturally high and it is on the back of the house, which would be the least ostentatious portion of the building. He was thinking of some way to try to reduce that in scale. On the opposite side, the dormer looks understandable as a small element. Recognizing they wanted a larger element on that side, had they explored that at all
- Ms. Whitney stated that she did explore that and even thought about putting two dormers, one for the bathroom. She stated with the five-foot e wall they have a fair amount of floor space, but, they wanted to get a window in the bathroom. She felt this was the best way to do it
- They want it to look more like a regular two-story
- Ms. Whitney noted that the roofline stays the same but the height is taller. They thought this balanced and simplified it
- Mr. Adams stated that it does simplify it
- Mr. Wyckoff stated that it is the simplest and probably the best way to put a small return on the gable that faces the Bridges Court, and, to put a small return of a foot or two with a bit of roofing material
- Ms. Whitney suggested that a small dormer be put on
- Mr. Wyckoff stated that this would complicate the roof
- Mr. Adams noted that it is an aesthetic issue
- Mr. Katz stated that maybe it would help to mirror the other side by making it larger
- Ms. Whitney stated that doing a small dormer in the bedroom may do it
- Mr. Wyckoff asked the Commission how it feels about metal bulkheads
- Mr. Katz stated that they have been around for so long they are historical on their own

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- C) **Work Session requested by March Twenty-Two, LLC, owner** for property located at **58 State Street** wherein permission is requested to allow a new free standing structure (build a multi-use four-story wood frame brick building). Said property is shown on Assessor Plan 105, as Lot 12 and lies within the Central Business B and the Historic A District.

- This packet illustrates, not only the building on this lot, but, also the adjacent vacant lot. The owner is not sure if they will combine the lots or keep the two lots separate
- The application will show two different options. One being two buildings that will look like two separate buildings on the lot. The second option is a single building
- The second page of the perspective shows what the two buildings would look like in the location
- Page 3 is the elevation of those two buildings
- The building will be a typical downtown building with asphalt roof shingles, fire walls and replacement tubes of the buildings
- What is new in this location are the dormers
- The Window heights will stay close to what is existing now
- The Ridge heights will match both buildings
- There will be a Brick façade
- The windows will be Divided lights
- The first floor will be retail with a sign band, window boxes and somewhat more residential in feeling of the storefronts
- On Page 4 it shows an illustration of a wider structure on those two lots
- It will be the same as above with the same dormers
- The patterns on the windows have changed slightly
- There is more glass on the retail level
- There is one main retail entrance in this version, but, there is no reason why a single building cannot have more than one door
- They do not know who the tenant will be yet
- There is a scale version of the site
- There is a similar roof view
- What is new is that, with the vacant lot filled in, there will be more decks below
- The driveway will be consistent with the original driveway. The tenants will utilize the driveway to access their condos
- Mr. Wyckoff asked if there will be parking under the building
- It was indicated that some parking will be under the building similar to what currently exists in the neighboring buildings
- Chairman Rice stated that he likes the first scheme with the two buildings without the dormers. He feels that the dormers disrupt the rhythm of the roofscape that has become the hallmark of State Street. He noted that you can see how the dormers on the buildings on the end do not add to it
- It was noted that they were hoping to present a more traditional dormer scheme
- It was suggested that maybe smaller shed-like dormers instead of the dog house dormers would be more appropriate
- Mr. Adams stated that he had the same reaction as Chairman Rice when looking at this plan. He found himself gravitating to the shed dormers because they have less of a sidewall. He stated that the doghouse dormer, which he calls a gable dormer, started as a window frame propped up on a full pitched roof. The shed dormers have no sides, no width to it other than the frame itself and had no roof space to it other than what it took to close the top of it. Also, the sidewalls are relatively small, which is not the case in these dormers at all. The shed

dormer gives them an opportunity to get some light in and a much shorter window. There are large buildings on the street, but, this is clinging to what is there, knowing that there was a building of this dimension there. If it does not make any grievous challenge to the redesign of the property, he would view it more kindly. There are two dissimilar units and different fenestration. He would lean toward the two buildings and is all for it

- Mr. Fineberg likes the fact that there are two lots
- Mr. Adams stated that the two buildings would force the owner to portray the retail space as two units, which, would give her more than one door
- Mr. Wyckoff does not see the shed dormers as appropriate. He sees gable dormers fitting better on this building. He noted that, because of the double windows, it makes the dormers look massive in scale. As a result, it is very difficult to line up with the windows underneath on the second and third floors. They are not appropriate for a federal building and he does not like mixing them
- Mr. Adams stated that the two buildings will keep the centerpiece concept from being introduced
- Ms. Dika stated that she does not like the dormers, but, she does like the two building concept
- Mr. Katz stated that he does not think the gable dormers are appropriate and he feels that the shed dormers are better

D) Work Session requested by **Dilorenzo Real Estate, LLC, owners** for property located at **33 Bow Street** wherein permission is requested to allow new construction to an existing structure (replace existing solarium at the roof with a new structure) and to allow exterior renovations to an existing structure (Renovate existing wood frame addition at north elevation) Said property is shown on Assessor Plan 106, as Lot 48 and lies within the Central Business A, Downtown Overlay and Historic A Districts. *At the request of the applicant this application was tabled until the March, 2006 HDC meeting..*

At the request of the applicant, Mr. Golumb moved to table this application until the March 1, 2006 meeting and the motion was seconded by Ms. Dika. The motion passed by unanimous vote.

Chairman Rice read a letter addressed to the HDC thanking them for the work they did on the Pier II project.

Chairman Rice indicated that he has developed a pet peeve about work session/public hearings that he would like to discuss with the Commission. He stated that when the Commission gets an agenda with four or five of these, it becomes impossible to handle them in a timely manner. He has asked if the procedures regarding this can be changed to discourage work sessions/public hearings the first time around, so, that when an applicant comes before the Commission, they are encouraged to have a work session, and, then the next time around a public hearing. If it is so close, then they can have a work session/public hearing.

Mr. Clum stated that he was informed that this would require a change in the Commission's Rules and Regulations. He stated that when a member of the public demands a work session/public hearing, until the rules are changed, they have to grant the public's request.

Chairman Rice asked how they can change the rules.

Mr. Clum stated that he will have to find out.

Chairman Rice stated that the Commission had previously proposed that, if an application is more than \$25,000, a work session is strongly recommended. This is in the guidelines, but it is not a requirement.

Mr. Adams stated that he sought some advice from the State Preservation Officer about the situation regarding the 58 State Street project where they voted to demolish the building. He suggested that the Commission come up with some kind of survey of a series of brick buildings in the City. He stated that there are a lot of buildings in town that have had unnaturally large openings cut in them. It seems this kind of condition could be occurring in many locations and the Commission and owners do not know it. Someone pursuing a normal procedure of cleaning the place up and going for approval finds themselves with a building that really isn't worth continuing to work on. He would like to get some sort of a survey done of the masonry buildings in town to see how many of them have these kinds of conditions that would cause them to be demolished.

Mr. Wyckoff suggested that, when someone goes in for a permit on a demolition/renovation on a brick building, they receive a pamphlet or a printed page warning them on old brick buildings.

Ms. Fineberg suggested that Mr. Adams talk to the State Preservation Officer to get more information, and, discuss this further with the Commission.

Ms. Dika stated that the city workers dug a trench across from where the new library is going to be located, which was related to water and/or sewer. Above ground, after the digging, they found lots of shards of broken china and other things. Apparently, this was a colonial dumpsite. She stated that no archeologist was sent to the spot until after the trench was filled in again. She asked if the Commission is allowed to ask if an archeologist can check a spot.

Chairman Rice stated that the Commission is not allowed to do so.

Mr. Adams stated that this is beyond the HDC jurisdiction.

Mr. Wyckoff suggested that this be taken up with the City Council.

II. ADJOURNMENT

At 9:50 PM, a motion was made and seconded that the meeting be adjourned to the following month's meeting. The motion passed unanimously.

Respectfully submitted,

Gail McDowell
Acting HDC Secretary

/gm