

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

7:00 p.m.

June 14, 2006

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

MEMBERS ABSENT: None

ALSO PRESENT: Roger W. Clum, Building Inspector

I. PUBLIC HEARINGS

- A. Approval of Minutes: January 11, 2006
March 1, 2006

Mr. Adams made a motion to approve, which was seconded by Mr. Golumb.

The motion to approve both sets of minutes was approved unanimously.

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- B. Request for One-Year Extension of approval for property located at 112 Penhallow Street.

Mr. Adams moved to approve, which was seconded by Mr. Golumb.

Mr. Adams stated he was surprised that it was a year ago. Looking at the issues of the abutters, he understood. There was little significant architectural change on the street, and approval should remain the same.

The Commission voted that the approval be extended through June 13, 2007. The extension includes the previous stipulation that a brick and mortar sample be approved on-site.

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I. PUBLIC HEARINGS

1. Petition of **Market Wharf Condominiums, owner** and **Thomas Magruder, applicant** for property located at **59 Deer Street** wherein permission was requested to allow renovations to an existing structure (replace siding, decks, and railings with new composite materials) as per plans on

file in the Planning Department. Said property is shown on Assessor Plan 119 as Lot 1B and lies within the Central Business B, Historic District A and Downtown Overlay Districts.

SPEAKING IN FAVOR OF THE PETITION

Peter Sipiell spoke on behalf of Novel and Associates, who generated the plans for this proposal.

Chairman Rice asked about the shingles. He asked if they were fiber cement shingles, and asked if he had any samples.

Mr. Sipiell stated that they were manufactures by Hardy Materials. These are a simulation of a wood shingle, with patterns stamped on them. They are akin to cedar or pine shingle. The clapboards are the same material, a fiber cement product.

Chairman Rice asked why shingles and not clapboards

Mr. Sipiell stated that the radius of the location of the building is curved, and the clapboard cannot take the radius.

Chairman Rice asked if the shingles would have to curve with it.

Mr. Sipiell stated that the shingles were narrow enough, and that much of the radius is flat enough that it won't require a curve.

Mr. Wyckoff asked how they chose a differential point between the shingles and clapboard.

Mr. Sipiell stated that that was where the curves begin.

Mr. Golumb stated he was not familiar with this type of shingle. He requested a sample. He needed to see the product before going on.

Ms. Dika agreed.

Chairman Rice stated that he felt as though the Commission should abstain from voting until they could see a sample of the material that was to be used.

Mr. Sipiell stated that he could bring them in next week.

Chairman Rice stated that none of the members were familiar with this, and asked him to bring a sample of both the shingle and the clapboard.

Mr. Adams stated that they rarely saw both used together on the same side wall, and is rarely done as a treatment on a visible corner. The curve begins and ends at odd points, and the architectural elements were not reinforced. There is no change in façade, there are no corner posts and it is an architectural faux pas. He thinks they picked some poor locations. He is not convinced that the juxtaposition is not something that he would support because it is not a great treatment. He would shift the line on Deer

Street down to encompass elements rather than bisecting them. The balcony with the flanking windows as an element would be an architectural point to have the siding materials change. He guesses that this would not break the bank, to move from one material to another. He would like to see an updated drawing that reflects this suggestion. He asked if their intention was to reside the entire building.

Mr. Sipiell stated that that was correct.

Mr. Adams asked if the shingle was only due to the side curve.

Mr. Sipiell stated yes.

Mr. Adams asked if the new trim board was due to the new siding.

Mr. Sipiell stated that they would be installing that due to the new siding.

Mr. Adams asked if they had any intention of replacing any other part of the structure.

Mr. Sipiell stated that they would just be moving from one material to the other.

Mr. Adams asked if it was just strictly siding. He asked if there would be any other changes.

Mr. Sipiell stated that they would also be replacing the trim, fascia, soffit and corner boards. All of this would be replaced.

Mr. Adams asked what they were going to replace it with, and what sizes they would be using. He would like some details.

Mr. Sipiell stated that it would all be made to match the existing. The material would be PVC and cement board, all painted to match the existing.

Mr. Adams asked if there were to be any changes to the railings.

Mr. Sipiell stated that the railings would be PVC products to match the existing.

Mr. Adams would be more comfortable if he could have a cut sheet of the railing changes that he specified. There are a couple of doors with uncharacteristic trim. Does he intent to replace these with another colonial mold?

Mr. Sipiell stated that they would be matching to the existing trim.

Mr. Adams asked if the soffits were currently a breathable material. What do they intend to use as a replacement material?

Mr. Sipiell stated that they would again be using PVC material. That will stay in place depending on the condition. The fascia will be replaced depending on their condition.

Mr. Adams asked if it was their intention to make any arch changes to windows.

Mr. Sipiell stated that they had no intention of making any other renovations. He stated that signage was to be removed and the siding around the windows on the first floor is not to be changed in this proposed renovation.

Mr. Adams asked about the north elevation. He stated that the corner entry into 59 Deer Street shows four windows beside it. This shows three windows on the first floor and a door.

Mr. Sipiell stated that that was an error in elevation.

Mr. Adams asked if the drawings around the perimeter show a fairly broad element on base. Would they be repairing and upgrading this?

Mr. Sipiell stated that they would. They would be using Azak trim boards for ornamental trim. They would use crown molding on the top.

Mr. Adams asked if the decks had a waterproof membrane.

Mr. Sipiell stated that they would.

Mr. Adams asked if there was any edge detail required.

Mr. Sipiell stated that there was some edge flashing detail in the package. The plan reference number is SK 11. He brought it forward to show the Commission.

Mr. Adams stated that the reason he asked was because people were previously using a grubber membrane material, which is difficult to hook. How much would this affect the appearance of the roof?

Mr. Sipiell stated that this was not to scale.

Mr. Adams stated that he needed to be convinced about several things. He made a motion to table the request, which was seconded by Mr. Golumb.

Mr. Reynolds asked if there was any prohibition against using this as a material as opposed to natural materials. He is asking specifically about PVC.

Chairman Rice stated that they are just starting to see this as a material.

Mr. Adams stated that many applicants have brought PVC as material and most times they look very much like the wood elements that they are replacing. It seems appropriate for this.

Ms. Fineberg stated that they didn't have enough physical information, so that was why they were postponing a vote until next week.

Mr. Katz asked about the hardy plank. He thought hardy planks had a constant thickness.

Mr. Sipiell stated that they had a beveled thickness. Their technical rep said they wouldn't take the radius with any of their products. Solid thickness would have worked better than others.

A vote was taken to table the petition until next week. All were in favor, none opposed.

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2. Petition of **Wenberry Associates, LLC, owners** for property located at **155 Fleet Street** wherein permission was requested to allow exterior renovations to an existing structure (replace 8 windows on top floor to match existing windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 12 and lies within the Central Business B, Historic A and Downtown Overlay Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. James Kenny stated that he did not know why the windows were not replaced when the building was upgraded. The new windows were made to match the old windows on the parking garage side of the building. Half of them are not visible from the street. They are badly corroded, old and terrible for keeping in heat.

Chairman Rice asked if they were matching the front of the building.

Mr. Kenny stated that it would.

Mr. Adams asked if he could walk him through what windows were to be replaced.

Mr. Kenny stated that the top floor windows overlooking the metro parking lot in the rear would be replaced. Only the top ones would be replaced.

Ms. Dika asked if there were five windows.

Mr. Kenny stated that there were eight all together, but five in that section. He is not sure if one is on the extreme right or on top of the fire stairwell.

Mr. Wyckoff asked why he was leaving the other three windows intact. They have rusted bars on the windows, and they are in poor condition.

Mr. Kenny stated that the bars provide security and that no one has been concerned about the bars.

Mr. Wyckoff stated that it was a concern of his, and would like to see it all done.

Mr. Adams stated that the three windows would be the only ones not replaced.

Mr. Kenny stated that that was correct.

Mr. Golumb stated that he agreed with Mr. Wyckoff. It would be appropriate to clean up all the windows.

Mr. Kenny stated that he would consider doing all the windows.

Mr. Adams asked if there were any changes to the masonry openings.

Mr. Kenny stated no.

Mr. Adams asked if there would be any work done on the masonry or just normal repair of wear and tear. There would be no change in size or dimension to the windows.

Mr. Kenny stated that that was correct; there would be no enlarging or changing.

Mr. Adams asked if the new windows would be placed in the divided pattern that had been demonstrated with other windows.

Mr. Kenny stated that it would.

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

**DECISION OF THE BOARD**

Mr. Adams made a motion to approve the windows as requested and amend the petition to allow the replacement of the other remaining windows in the rear of the building.

Ms. Dika seconded the motion.

All were in favor, none opposed. The petition as amended was granted.

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3. Petition of **St. John's Church, owner** for property located at **101 Chapel Street** wherein permission was requested to allow exterior renovations to an existing structure (replace double entry doors with single 36" accessible door with side light and add a brick retaining wall) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106, Lot 2 and lies within the Central Business B, Historic A and Downtown Overlay Districts.

Chairman Rice recused himself.

Mr. Adams assumed the chair.

Ms. Dika recused herself.

Mr. Reynolds recused himself.

SPEAKING IN FAVOR OF THE PETITION

Ms. Anne Whitney, speaking on behalf of St. John's Church, passed out an additional photograph to the Commission. She proposed to improve the accessibility of the entrance to the rectory. As of now, there is a concrete sloping patio level with the entry doors. They want to shift the curb cut up 4' and redo the higher level, and regrade that section. They will be coming up to the level on top of the step. They would keep the slope under 1 and 20 so they do not have to treat it as a handicapped ramp. She pointed out the areas changing on the plan display. There is a proposed brick planter and a small standing area. She outlined the features and dimensions. They will be getting a sample from Vermont. She stated that the balusters would be $\frac{3}{4}$ with a slight twist.

Mr. Adams asked if they had to meet the softball code with the balusters.

Ms. Whitney stated that they did just for the small section with the balusters. The double door that is there now will be changed to an electronic opening door. It will take an existing panel pattern and have a single 3' door with sidelight to match above. The existing transom windows will be mimicked in the side light. There will be a custom door.

Mr. Wyckoff asked if the moldings would remain the same as on the existing door.

Ms. Whitney stated that that was correct.

Mr. Wyckoff asked the age of the building.

Ms. Whitney stated that it was from 1953.

Mr. Wyckoff asked if it was a single paned glass sidelight.

Ms. Whitney stated that it would be.

Mr. Adams asked if they intended to make any connection to the door frame itself, such as wooden jams or transom.

Ms. Whitney stated that they do not anticipate that.

Mr. Adams asked if the concrete platform and stairs would be square edged.

Ms. Whitney stated that there would probably be a little bit of a cutback on the step.

Mr. Adams asked if it would be Hollywood style.

Ms. Whitney stated that it would not be like that, they will be oversized and square edged.

Mr. Adams brings it up because there is a nearby building with a stone entryway that has square edged stairs.

Ms. Whitney stated that they could do that, but there is no need for a drastic slope.

Mr. Adams requested a glazed door.

Ms. Whitney stated that she did not because the existing doors were fine. There seemed to be enough glazing with the transom and the side lights. It seemed like a lot of glass to her.

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

DECISION OF THE BOARD

Ms. Fineberg moved to accept the application as submitted, which was seconded by Mr. Katz.

All were in favor, with no one opposing. The petition passed unanimously.

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4. Petition of **Perry Silverstein Revocable Trust 2001, owner** for property located at **10 Commercial Alley** and **Perry Silverstein and Kristin Magnus, owners** for property located at **Penhallow Street** wherein permission was requested to allow new construction to an existing structure (addition extending into adjacent vacant lot) as per plans on file in the Planning Department. Said properties are shown on Assessor Plan 106 as Lots 9 and 10 and lie within the Central Business B, Historic A, and Downtown Overlay Districts.

Chairman Rice, Ms. Dika and Mr. Raynolds returned.

**SPEAKING IN FAVOR OF THE BOARD**

Mr. Tony Fallon, architect representing Perry Silverstein and Kristen Magnus, stated that he made a few modifications to the packet. He has a new set of information to hand out. The building is going to be 16” narrower and some other small changed details. He brought 19 copies to hand around.

Chairman Rice noted that he assumed that they were going to stick to exterior elements, not interior, which is of no concern to the HDC.

Mr. Fallon has a PowerPoint presentation on the big screen. He stated that a month ago, they come before the HDC with a similar project. They propose an addition to the rear of an existing building in Commercial Alley. The existing building is a small property, now a coffee shop. The proposal is to add an addition to the rear of the existing building. He directed the Commission to 8-20, which shows the elevations coming down Commercial Alley. They’re keeping the 2 over 2 light style. They plan on replacing the windows. They also proposed a deck that has a roof. The owner would like to have apartments in the upper stories. Those apartments exit over a roof deck and down exterior steps. Currently, those apartments exit over the roof deck and down the exterior steps. This addition will be a



cover for that. It will provide it protection and dress it up substantially. Figure 8-21 is the view from Commercial Alley. The existing building is to the right and the windows have 2 over 2 lights and they propose the same replacement. Figure 8-22 is the view from Penhallow Street. The eave of the existing building is only going to be a few feet above the existing one on Commercial Alley. There are more details in the information packet.

Chairman Rice stated that they didn't have to get too terribly into the details unless the Commission wants to or has a question.

Mr. Fallon stated that the general summation of the request is a brick veneer building. The roof would be asphalt shingle and the top of the wall would be copper half granite gutter. The rakes are fairly close to the building. The windows have granite sills with a stone rusticated face, with heads projecting out a bit. The cornice would be very simple. This is a duplication of what is across the street.

Mr. Adams stated that the plans showed quarter inch detailing, which seems light for masonry. 5/8" or 1/2" seems more typical. The 1/4" is almost nonexistent.

Mr. Fallon stated that that could change. They will have visible sign lights. The door and mentioned decks with pressure treated frame and composite railings are visible to only a few. They would like to install a railing to replace the fence between FA Gray and the parking lot.

Chairman Rice asked if the fence would be a board fence with granite.

Mr. Fallon explained that they would use granite pillars as the main support, as well as wooden boards. It is mostly 6', but gets as low as 3' in some areas. They tried to mimic the existing plants on Commercial Alley. They would like to have a gate in the planting area to allow vines to grow upward.

Chairman Rice stated that there were some large trees there. How many were coming out?

Mr. Fallon stated that there would be one coming out in the front right corner for sure. They sought permission from the Mayors' Committee on Trees and Greenery in order to propose this. The smaller one on the left hand corner is going to be maintained, he hoped.

Chairman Rice asked if the Mayors' Committee asked for the removal of the tree.

Mr. Fallon stated that the Committee sent him a letter. He read parts of the letter. They approved the idea.

Mr. Golumb asked why he did not present a streetscape so they would have an idea of how the building would fit in with other buildings.

Mr. Fallon stated that the elevations tried to show that.

Mr. Golumb stated that it would be helpful to see how it fit in with the others.

Mr. Fallon stated that he did what he could have with the elevation, but he didn't go down the whole alley.

Ms. Fineberg asked about the fence they were putting in; is that part of the project?

Mr. Fallon stated that they have made it part of the project. It is figure 8-2 on the top left. There is also an image of the applied grill and planters on A-2. There are also some planters around the building. There will be a few granite cobblestones to dress it up as well.

Mr. Golumb asked how far they would be building up to the property line, and asked if they would be building up to the brick retaining wall or disappearing.

Mr. Fallon stated that they would be building up to the parking lot side of the retaining wall. The wall is on city property. This is a very small building, certainly the smallest commercial building he has worked out of. He tried to come up with something to make the existing building more viable, and give it a little more room.

Chairman Rice stated that they may have a dilemma. He refers everyone to section 10, which reads, "Specified sets of streetscapes shall be required for all projects whose cost for exterior renovations only would exceed \$25,000. Streetscapes shall show the view form any side having frontage or any access to a public street, walkway or having water frontage."

Mr. Katz stated that this should have been put out at one of the work sessions.

Ms. Fineberg asked what would be presented in the visual.

Mr. Fallon stated that it would be the same as presented at the work session. It is a three dimensional model with video.

Chairman Rice stated that if the Commission feels as though they have seen streetscapes and feels comfortable with that, he will accept the decision.

Mr. Wyckoff asked if all the windows were going to be 2 over 2.

Mr. Fallon stated that they would, the reason for the difference in the packet is because he included the option of 1 over 1.

Mr. Wyckoff stated that he liked the design of the new bay window with balcony, but he suggests that the top of the window where it turns into balcony should be more of a projection. Something should be put to offset this and make the railing look as though it is sitting on a solid base. It looks too flat as it is. He doesn't see any type of detail on the type of molding that you're using, he would think it would be about 1 ¾ or so.

Mr. Adams stated that Mr. Fallon mentioned a basement, and there was some discussion of subgrade materials there. How much of the construction area was he hoping for? How high, how much coverage?

Mr. Fallon stated that he would like to get a full 8' basement, and will be part of the construction process. The owner will have to figure out what to do with the ledge. They will do what they can to minimize any related problems.

Mr. Adams stated that there has been so much discussion that he did not know how wedded they were to the idea of a basement. He doesn't see any windows or outside basement access so it seems to be for internal purposes.

Mr. Fallon stated that there are three stairs that serve the basement, and there is a hope to have them actively used. That is the direction that they're going in.

Mr. Adams stated that the replacement of the fence is wonderful and is glad that it has been tidied up. At the end of the fence where it terminates into the street, there is currently a galvanized gate. Will that remain?

Mr. Fallon stated that it could be a stipulation.

Mr. Adams stated that was not necessary. He stated that it looks like they stepped up the exterior wall abutting the existing building, so the foundation and wall separate. This deducts 16" of floor space out of the current building. The front façade suggests that that's coming out of the two windows on either side.

Mr. Fallon stated that they would be on the right side of them.

Mr. Adams asked if it was really 16".

Mr. Fallon stated that it was; they would be using concrete forms and skins with brick. With that, it works about to be about 16".

Mr. Adams asked if they would be laying up the brick wall and running masonry.

Mr. Fallon stated that they would be laying the wall up to the existing or go up with the blocks. He stated that they could possibly do a shelf angle, as discussed in their options briefly.

Ms. Dika asked for details on the balcony doors.

Mr. Fallon stated that they would be using colored material in the information packet. It is the third to last sheet. The drawing for the rear balcony is similar to that.

Ms. Dika stated that the door was very plain for a view that everyone was going to have. It is very plain and contemporary.

Mr. Fallon asked if they would be more interested in a wood door. The exit door to the left below that on the 8.2 plan was going to be a fiberglass door. The owner prefers a fiberglass door for maintenance.

Chairman Rice stated that it was a solid door.

Ms. Dika stated that it just seemed plain.

Mr. Fallon stated that the original packet shows lights in it. The lights are in the original packet.

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

Ms. Barbara MacDonald, owner of an abutting business, Wisteria Jewelers, stated that she was unclear about the particulars of what the Commission hears. If she is encroaching on an inappropriate venue, bear with her.

Chairman Rice stated that they were a design review board, so her comments should pertain to design, not site issues such as drainage, etc.

Ms. MacDonald stated that the building could be an asset to the community, but she has concerns. She would like to see a streetscape, an outline of the building in relation to others and more information on the planters and greenery. In her letter, she noted that the trees were a valuable asset to the community, providing a beautiful and healthful place to live. She read excerpts from her letter. She is very concerned about aesthetics and enjoys the alley as it is. If they lose the mature trees, they will be affected. She spoke with Public Works, and they told her a decision had not been made about the removal of those trees, they were awaiting the permit first. This would severely affect the neighboring communities and the streetscape. She mentions what she is seeing there, and would like to know what happens to the 7 brick high wall that is down half the alley, which has fruit trees planted. That is on city property. She wonders if the seating area will have to come down. She also wonders about the streetlights. Her other visual concern is the space utilized for the restaurant. There is an existing dumpster in that lot right now, where would it be moved to? There is no space in the alley for it, so she wants to know how that would be taken care of.

Chairman Rice stated that it was not an HDC issue, but maybe more of a Site Review issue. Unless they were planning on making some type of enclosure for the dumpster, they would not have control over that aspect of the building.

Ms. MacDonald asked if they had a proposal for that.

Chairman Rice stated that they did not.

Mr. Robert Sevigny, owner of the Paper Patch, stated that he had a number of issues with this proposal. He shares Ms. MacDonald's concern about the alley. Commercial Alley is a very economically fragile area. He does not believe that any trees should be removed for the construction of this building. His main concern is the sheer size of the building on the lot. He has tried to picture it, and it is very substantial on a very small lot. The building that this will be added to is quite smaller in comparison, and the proposed addition is larger than his whole store. This also comes out further beyond the patio along the retaining wall, and will be higher than his building. It will be the largest building on the right side of the alley. He thinks that this will make the alley very dark. He takes care of the flowers and the trees, and he takes pride in it. It is a rare part of the City, which is enjoyed by both the business

owners and the tourists. To shadow this area by a large building would be a shame. If this building is constructed, the light at the end of the alley will be diminished. This will overwhelm that part of the alley. The other businesses are all smaller in scale, and not as tall as this proposal. His other concern is the architect calling it an addition. This is not an addition because it is larger than the building they wanted to attach it to. Since they will now *not* be attached, it should be classified as new construction. The lot that they propose to build in is not a vacant lot, it is a parking lot. It is a resource to the neighboring area. Certainly something two stories or smaller could be a decent fit to go there, but not a building of this size.

Ms. Alison Tucker, owner of Gulliver's Books, stated that she has many concerns, many of which are not addressed by the HDC such as ledge and blasting. She shares Barbara's concerns about the alley. She understands that they will be removing two of the three trees because it is so large. She is concerned about the drainage and the roof of the new building. It will have a smaller roof, and drainage will fall into the alley. She wants some assurance that there will be some type of guttering or drainage, because water has always been an issue in the alley. She would like to stress the importance of greenery in the City. Every single business and property owner in Commercial Alley has expressed concerns and signed the letter that was distributed. Meredith Stolker, owner of Isis Restaurant and Mark Collier, owner of Corks and Curds intended to speak tonight, but were unable to attend. They asked her to mention their names as being against the proposal. She asked the Commission to take her concerns into consideration when making a decision.

Mr. Tom Holbrook, owner of Riverrun Bookstore, wanted to add the shop owners on Commercial Alley have never unanimously agreed on anything but the refusal of this petition. He did have a change to talk to the architect and believes that the proposed building would be a nice looking building, but out of place for the alley. He walked around town to find another place with similar circumstance, and did not find any. Their alley is special and welcoming, and they would like to keep that space open. He is anxious for more retail space in town and believes it is important, but this particular addition would be a detriment to the alley. If the building were set back more, and was less tall, it would be a good fit. He does not see how a restaurant dumpster does not affect the visuals of downtown.

Mr. Adams stated that it was because it is on wheels. They cannot keep that in their jurisdiction.

Mr. Holbrook stated that ledges have an impact on the surrounding businesses and that should be taken into consideration when deliberating.

Mr. Adams stated that this has come up a number of times. The commission has to assume that the owner of the property has to maintain a certain level of quality control regarding the noise and the construction. They are not in a position to assume that he will not be as diligent. Construction workers will be doing the service. Mistakes and accidents can happen.

Mr. David Ekholm, owner of an apartment on lots 5 and 7 of Commercial Alley, has received complaints from tenants regarding this construction. Most of his concerns were already detailed in the letter, such as drainage and visual problems. He has the same visceral reaction to the size of the building, and believes that if they place a structure at the end of the alley, it will become a regular city alley – dark and unpleasant to walk down. Although they are trying very hard to make this an

attractive building, he thinks that if it were scaled back at all it would be much, much better for the community. He just wanted to go on record stating that he was opposed and would prefer a much smaller building.

Mr. Fallon stated that he would like to address the drainage problem. He would like to keep the type of gutter there instead of a half round.

Chairman Rice asked if it would be going across the original building.

Mr. Fallon stated that it would, and that it is included in the original packet of information.

Mr. Jim Ziesig stated that he frequents Commercial Alley a lot. He would hate to see this part of town turn into a dark alley. This proposed construction will have a negative impact on the alley, and hopes they will try to minimize it.

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

## **DECISION OF THE BOARD**

Mr. Adams made a motion to grant the petition as presented for the purpose of discussion, which was seconded by Mr. Golumb.

Ms. Dika stated that when so many abutters are concerned about the size of a project, she has to think again as to whether or not it is appropriate. They have seen streetscapes, work sessions and presentations from the owners and architect. She feels right now that she could go back and look at the streetscapes, and believes that the type she saw did not answer her questions such as proportion to other buildings. In some new projects, they have required landscaping and that might be an option for this project. There has not been much of a discussion for landscaping.

Mr. Reynolds stated that he agreed with his colleague and shared the concerns expressed by the abutting businesses. He is familiar with Commercial Alley because he works downtown. The neighbors are right about the unique ambiance that that area has in downtown Portsmouth. This is a result of a unique combination of the configuration of the space and its orientation of how the sunlight comes in during the day. The scale of the buildings that make it up are significantly smaller than the proposed. The addition would substantially change the ambiance of the alley. Now, there is a European ambiance and a historic nature to the alley. Constructing this maybe present a risk of losing a unique piece of Portsmouth. He wanted to be on record voicing that.

Mr. Golumb agreed with what had been said so far and appreciated what the audience had to say. A building on that location are an asset to Commercial Ave, but also feels that it is their intent to fit the building in architecturally. Keeping with the area is possible, however, the building must be scaled down. As it is, the building will overwhelm the other businesses and the alley. He has major concerns with the east elevation and believes that this is not pedestrian friendly. There needs to be windows to provide visibility from Penhallow Street. The size is overwhelming. He would like to go on record stating that he supports the building, just not the size proposed.

Mr. Katz stated that a problem is that the abutters are not required to be notified for work sessions. They're at the point where they've had three work sessions.

Chairman Rice stated that abutters are only notified for direct work sessions. One abutter was at a work session, and didn't realize that she could speak in opposition.

Mr. Katz asked how this got so far without the Commission voicing more concerns over it. Not only have they been in multiple work sessions, but the Commission approved this public hearing and now nobody likes the plan. He would like to bring up some input. He read from the ordinance, section C, where it says the Board should consider the subject site in terms of the historic time period, context or immediate setting. This is what should be applied to the application, but the Board seems to be judging this on some sort of ineffable ambiance that was created under fortuitous circumstances. He sees a map from 1877 with arrows pointing a large building, which he considers relevant. The applicant showed that there have been large buildings there in the past. They are trying to bring the site back to that particular configuration. A lot of time and effort has been put into the work sessions. He appreciates the abutters concerns and objections, but there has been much time and consideration given to this in the work sessions.

Ms. Fineberg stated that it would be helpful if the applicant could provide a scale model for this. She has seen other situations where this has helped, as with the Pier 2 project. Too many abutters raised concerns, and asked the applicant to create a scale to get a better perspective of the building.

Mr. Wyckoff stated that that was a good idea. In defense of the Commission, they are looking at the building in the way that it is presented. He is concerned with the size, and thinks it would be a good addition to a community if it were in a larger lot. Pulling it back 4' will not make much of a difference, and the building needs to be as high as it is presented. This is a problem, because a lot really cannot be changed.

Mr. Katz asked if this should have been brought up to the applicant during the work session.

Ms. Dika stated that the HDC is a public body, and when abutters come forward and raise concerns they cannot turn their backs on them. That is not responsible.

Mr. Adams spoke directly to the Commission. He told them not to be swayed or confused about the issues. The issues have been the same since the work session; the Commission's purview has not changed nor has their perspective. They are being confused by things that are not part of their problem or the architectural problem. They heard an argument about parking – when none of the people speaking provide parking. Also, every building on Commercial Alley covers 100% of its own lot. None of the people that spoke have any trees on their property. The drainage issues are significant, but all of the businesses have downspouts that empty into the alley. The owner is being held to a different standard than the others, simply because he wishes to build onto the lot that he owns. Mr. Adams is certain this is not the only 3-story façade on the alleyway. The fact that it has a shed roof that puts water in the alley is duplicated by a building that one of the men speaking here tonight owns. None of the other buildings have planters or stone walls either. The fact that the City has a brick wall that goes across the street is a problem and anyone can ask that this be removed from their façade. He's pretty sure that owners build on their lots in the City. The ambiance of the town is not confined to

Commercial Alley. There is some benefit to the community by pushing buildings to the lot line or the sidewalks. That is why they have a lot line of 0 downtown. This is a dense community that is subject to change. Change is wrenching. This represents a change to a sensitive group of people. The applicant and architect, both of who are easy to work with, dealt with the issues that they started worrying about in terms of materials, context and texture.

Ms. Dika stated that she would like to clarify that she agrees that many issues raised were not in their purview, but mass and scale are. The questions of the abutters are relevant and she cannot see how asking for a scale model or more streetscapes will hurt their ability to make a good judgment.

Mr. Katz asked if the abutters concerns were not raised, would they have asked for this.

Mr. Reynolds stated that that was an irrelevant question. It does not matter. The public and their concerns are part of the process, to come and give perspectives that they might not see.

Mr. Katz stated that it was not an issue until now. No one asked for a streetscape at the work sessions.

Mr. Golumb stated that he did ask for a streetscape at the last work session.

Ms. Dika stated that the streetscapes presented were not appropriate.

Mr. Reynolds disagrees with the assertion that this commission has focused its attention on architectural detail, etc. He takes this to mean that the review of the building has been focused mainly on the building itself in isolation. What they heard tonight caused them to think about the building in relation to its setting. He disagrees that it is not in their purview. This is the point in the process where the public gets to voice their concerns; they can't say to the public that they are too late in the process. He agrees with Ms. Fineberg's suggestion of a scale model. If they do ask the applicant for that, they could attempt to portray the amount of natural light in the alley, which makes the space what it is, by coloration on ground winter and summer. The natural light is affected because of the height and position of the building.

Mr. Katz stated that he did not consider this building in isolation. The maps and photographs were presented early on, so they were aware of its mass and its impact on the neighborhood. He takes exception to his contention that the building was considered in isolation.

Chairman Rice stated that he thinks that the debate is centering around the sense of place that is Commercial Alley, and how this building affects that. Historic districting is about preserving a sense of place. To do this application justice would require that they follow the ordinance to the letter, which calls for reviewing streetscapes. This is a major application that to go forward with without streetscapes or a model. This would only lead to a rehearing, since aggrieved abutters would want to hear this again should they accept the petition. In terms of doing business neatly, they should have those in their hands so they could deal with this issue of how this building affects the sense of place. This is under "context or immediate setting" in article 10, C, page 1.

Mr. Katz stated that section B is a nice, warm, feel good section, not criteria.



Chairman Rice stated that nevertheless, criteria for section A calls for streetscapes – and they still have nothing to hold in their hands. He went to the site and read all the letters. He still doesn't have an idea of how the building is going to look with massing and he believes that he would have to abstain from voting without that piece. The ordinance says that they require it – the screen image just doesn't cut it.

Mr. Golumb stated that it helps when they are all there. When they don't have the packets in front of them, that's where the issue lies.

Chairman Rice would like to see the petition tabled until those items are made available and then vote on it having everything that the ordinance requires.

Mr. Golumb suggests a site walk as well.

Chairman Rice asked when they could produce streetscapes.

Mr. Perry Silverstein stated that the building is not that large, and that he tried to move forward several times. He proposed a historic building of the same size, where the parking lot could stay where it was.

Chairman Rice stated that this was limited now to Commission discussion.

Ms. Fineberg made a motion to table the petition to the July meeting or until the applicant notifies the Commission that they have the proper presentations.

Chairman Rice stated that they would table it until July, and if the applicant needed more time then to just tell the Commission.

Mr. Golumb seconded this.

All were in favor of tabling, none were opposed.

The petition was tabled until July.

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5. Petition of **Michael and Amy Quigley, owner** and **Bob Maranhas, applicant** for property located at **40 Mt. Vernon Street** wherein permission was requested to allow new construction to an existing structure (16' x 26' two story addition to rear of house with 6'x18' one story side porch) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 111, Lot 28 and lies within the General Residence B and Historic A Districts.

SPEAKING IN FAVOR OF THE PETITION

Bob Maranhas, contractor, stated that he was seeking approval of a two story addition to the back of the applicants' house. It will be a 16x26', 2-story addition with a 1-story side porch. They wish to extend the main roofline out past the rear of the property. The house presently has vinyl siding, but the new addition will be cedar clapboard. The new addition will match all the trim and molding on the house. Their hope is to take the rest of the siding off the house and restore it, but right now they want

to concentrate on the porch and the addition. They will be replacing the windows, and a side door will be added to the patio. It will be a fiberglass door with a light. The rear patio door will be a single door.

Chairman Rice stated that they visited this in site walks and had work sessions on it.

Mr. Wyckoff stated that there were no sizes mentioned of any material used on the porch roof. It is between the trimmed out beam going between the post and the new addition. He can't tell if it's a crown molding.

Mr. Maranhas stated that it was an 8" board with a 5" post. The soffit material is the same as the rest of the house. The windows are a flat 5" board, and may have a band molding.

Mr. Adams asked if the new window frames would be set in a manner to match the windows on the rest of the building. The drawings suggest that he will be using 3/4 or 7/8 sills. Is it his intention to remodel so the sills appear to match the existing?

Mr. Maranhas stated that he will be creating a match for the windows and they will look like the existing windows.

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

DECISION OF THE BOARD

Ms. Dika moved to accept the application as presented, which was seconded by Mr. Wyckoff.

The motion to approve the request unanimously.



6. Petition of **Jennifer A. Winkelman & James D. Ziesig, owners** for property located at **31 Sheafe Street** wherein permission was requested to allow exterior renovations to an existing structure (replace 3 casement windows with TrimLine 2 over 2 windows and increase 1st, 2nd and 3rd floor window sizes) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 107, Lot 18 and lies within the Central Business B and Historic A Districts.

SPEAKING IN FAVOR OF THE PETITION

Mr. James Ziesig, owner, stated that he came before the HDC last year to replace 10 windows, and now they would like to replace the casements that they were going to skip. It is a similar project as before, although there would be new construction trim lines to replace and match up with the old that went into the house last year. They would be 2 over 2 simulated divided light, and would be expanding the windows to 24" width. They are currently 16" or less in width.

Chairman Rice asked if the mulligans were permanently affixed to the windows.

Mr. Ziesig stated that they were.

Ms. Fineberg asked if they would operate.

Mr. Ziesig stated that they would be standard double hung flip out queen windows.

Mr. Wyckoff asked if they would be extending the horizontal lines, and asked if they would all be matching up.

Mr. Ziesig stated that they would be matched to the other double hung windows.

Mr. Wyckoff asked if they replaced the kitchen window in the back.

Mr. Ziesig stated that they did, but it has not yet been painted.

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 Ms. Dika.

The motion to approve the request passed unanimously.

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7. Petition of **Jo Ann R. Lamoreaux Revocable Trust and Thomas A. Lowcock Revocable Trust, owners** for property located at **77 Wentworth Street** wherein permission was requested to allow exterior renovations to an existing structure (remove aluminum siding from west side and replace with cedar clapboard and replace two 2<sup>nd</sup> story windows with double hung 6 over 6 windows with inside and outside muntins) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 109, Lot 11 and lies within the General Residence B and Historic A Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Thomas A. Lowcock, owner, stated that they were planning on repeating what they did on the east side of the house. They wish to replace the aluminum siding with cedar and replace the second floor window. It is only the east side above the lean-to. They are no proposing to do any work to the lean-to itself.

Mr. Adams was confused. He asked about the removal and relocation of the windows in the shed.

Mr. Lowcock stated that they would not be doing anything to the shed.

Chairman Rice asked if they were going to change the window openings.

Mr. Lowcock stated that they would be marginally smaller than the previous ones.

Mr. Wyckoff asked if the window sills had been chopped for the aluminum siding.

Mr. Lowcock stated that they would be replaced.

Mr. Wyckoff stated that these were not replacement windows; they would be entirely new windows with new sills and exterior casings. Do these windows have a historic sill?

Mr. Lowcock stated that that was correct.

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.

The petition passed unanimously, none were opposed.

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8. Petition of **Michael J. Lacroix, owner** for property located at **lot behind 151 High Street** wherein permission was requested to allow demolition of existing structure and new free standing structure. (remove garage and construct a three story structure with deck) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 118, Lot 19 and lies within the Central Business B, Historic A and Downtown Overlay Districts.

SPEAKING IN FAVOR OF THE PETITION

Chairman Rice stated that normally when they do new construction, they have a work session because there are so many elements to new construction. The Board can start this, but if it doesn't pan out then it will have to be tabled until the next meeting.

Mr. Lacroix stated that he has a five car garage in his backyard, shown in photographs. It is an old 2x4 frame garage that is barely standing. He would like to remove the garage and build a new single family home in the spot where the present garage is. It sits in the back of the lot and borders the two lot lines to the rear. It will be a wood framed structure with brick on the lower level. The brick type is called Olde Port and has been used on Deer Street in Portsmouth. The mid section will be clapboard, with the top being white cedar shingles. The windows would come from the contractor and they would be Green Mt. Window, which specializes in historic windows. He feels as though it fits the historic nature of downtown Portsmouth, and is an enhancement from what is there now.

Chairman Rice asked if they had cut sheets of the windows.

Mr. Lacroix stated that they did, and that the windows were noted for their historic quality.

Mr. Wyckoff asked if they were intended to vote on this, since there isn't any detail on any aspect of the building. There are no sizes.

Mr. Lacroix stated that the drawings were to scale 1/4" to a foot. His architect was present with structural drawings. His impression was that they were here to look at the exterior and see.

Chairman Rice stated that normally, when a project exceeds \$25,000 as the ordinance states, they must recommend a work session. He asks about the balustrades on the railings.

Mr. Lacroix intention was to use pressure treated balusters that are similar to the decks on the back of the property now.

Ms. Fineberg stated that she had a lot of questions. She appreciates the applicants approach to using a company that cares deeply about historic structures but she has many concerns about the design for the particular area. She thinks that it belongs in a more rural area, and not really in Portsmouth downtown. She also has questions about the way he will use materials and the amount of glass.

Chairman Rice recommended that they table the application to a work session next week if possible. This is only because that is what they normally do with a large structure. There are a lot of issues and details that cannot be done in a public hearing.

Ms. Fineberg stated that they would have the work session and make sure that his neighbors were notified.

Mr. Lacroix stated that his neighbors were already notified because this was a public hearing.

Ms. Fineberg moved to table the application to the next scheduled meeting of the HDC for a work session, which was seconded by Mr. Golumb.

The motion to table the request passed unanimously.

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9. Petition of **Betty Belcher and Seth Morton Associates, LLC, owners** for property located at **205 Market Street** wherein permission was requested to allow new construction to an existing structure (installation of ductless air conditioning) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 118, Lot 1 and lies within the Central Business A, Historic A and Downtown Overlay Districts.

**SPEAKING IN FAVOR OF THE PETITION**

Mr. Carl Londorf, of Prudential Realty, stated that he plans on putting two outdoor condensers behind the building. He would place them on a concrete pad in the back to accommodate both condensers.

Mr. Adams asked if he planned on putting both condensers on the pad that exists behind the building. He asked if he would be cutting through for duct work.

Mr. Londorf stated that they would have to run refrigeration lines to outdoor condenser. The indoor units will be in interior walls, in closets. They will run through the basement and come out on the right side of the condensers.

Ms. Fineberg asked if he would be going through brick. If he was, would he have to make additional holes or just use the present hole?

Mr. Londorf stated that he would like to use that hole that is already there, since it is an old drain and connects nicely in the back.

Mr. Wyckoff asked what kind of screening he is planning on putting in.

Mr. Londorf stated that they would not be putting in any screening.

Mr. Wyckoff stated that he thought this hearing was to determine the look of the condensers.

Mr. Londorf stated that they had been using window air conditioners and is in full agreement that one should be able to install condensers.

Chairman Rice stated that it was a commercial area and had a lot of industrial machines running.

Mr. Adams asked if this was a parking area.

Mr. Londorf stated that it was.

Mr. Adams asked if the stanchion next to the coal chute goes up 5 stories to a platform.

Mr. Londorf stated that it did.

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

**DECISION OF THE BOARD**

Mr. Reynolds moved to approve the petition, which was seconded by Ms. Dika.

Mr. Adams stated that the location of the town in relation to the lot would make the visual effect minimal.

All were in favor, none were opposed.

The motion to grant the request passed unanimously.

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10. Petition of **Melissa Bicchieri, owner** for property located at **206 Northwest Street** wherein permission was requested to allow renovations and demolition of two existing structures (remodeling existing garage and removal of two existing sheds) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 122 as Lot 6 and lies within the General Residence A and Historic A Districts.

Chairman Rice stated that the applicant requested that this petition be tabled until next week.

Mr. Adams moved to table the petition, which was seconded by Mr. Golumb.

All were in favor, none were opposed. The petition was tabled until next week.

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**III. ADJOURNMENT**

At 9:55 p.m., the motion was made, seconded and approved unanimously to adjourn the meeting.

Respectfully submitted,

Danielle Auger  
Acting HDC Secretary

These minutes were approved at the Historic District Commission meeting on September 13, 2006.