

**REGULAR MEETING  
HISTORIC DISTRICT COMMISSION  
ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE**

**CITY COUNCIL CHAMBERS**

**7:00 p.m.**

**October 4, 2006**

**MEMBERS PRESENT:** Chairman John Rice, Vice-Chairman David Adams, Members Richard Katz, John Golumb, Ellen Fineberg; Planning Board Representative Jerry Hetjmanek; and Alternates Sandra Dika and John Wyckoff

**MEMBERS ABSENT:** City Council Representative Ned Reynolds

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

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**I. OLD BUSINESS**

- A) Approval of minutes - August 9, 2006
- Approval of minutes - September 6, 2006

It was moved, seconded, and passed unanimously to accept the minutes as presented.

- B) 7 Islington Street – Motion for Rehearing – Submitted by 7 Islington Street, LLC

Chairman Rice stated that they would not be taking testimony from the applicant or the public. He stated that in Article 10, aggrieved applicants are encouraged to reapply. Mr. Golumb pointed out Section 10-1005 (B) and Section 10-1005, 2.

Mr. Hetjmanek spoke to one of the complaints in the Motion stating that he should not have voted on the application since he joined the Board after the work sessions had taken place. He pointed out the intent of work sessions is to provide guidance to the applicant. He added that there is no requirement that applicants attend work sessions. Mr. Hetjmanek stated that the official action takes place during the public hearing; therefore, he felt that not attending a work session did not disqualify him as a voter.

Mr. Katz stated that the relevant section for the Commission to concern themselves with was Section 10-1009 titled Appeal.

Chairman Rice asked that if they granted the rehearing, would it be reheard tonight. Mr. Clum replied that it would be reheard at the next regularly scheduled meeting.

Ms. Fineberg made a motion to rehear the application based on the fact that it is in the Commission’s best interest to rehear petitions where an aggrieved party may have some new information to present to the Commission. The motion was seconded by Ms. Dika.

Chairman Rice asked if there was discussion.

Mr. Katz said that he read the applicant's submission and he felt that the third objection which pertained to the votes of the City Council and Planning Board representatives, was not worthy of a rehearing. He did feel that the objection pertaining to the fact that there was no written finding of fact was a worthy consideration. He continued that the last objection, the fact that the decision was to a great extent based on consideration of the Tanner Street property, was worthy of consideration since the Tanner Street property, he felt, was beyond their mandate.

Mr. Clum interjected that one of the reasons the Tanner Street property was included in the hearing was that the Planning Department realized that the three parcels would be combined and would become one parcel with frontage on Bridge and Islington Street and therefore, the Tanner Street property, which is now separate, would be part of the overall project.

Mr. Katz asked if therefore, the Tanner Street property would be in the Historic District. Mr. Clum replied yes, that he felt that was accurate. Mr. Katz asked about the other buildings on Tanner Street. Mr. Clum said that they are not in the Historic District. Mr. Katz stated that those buildings not in the District should not be considered in the discussions and the decision of this project. He said he felt they should have a rehearing.

Ms. Fineberg stated that if and when the applicant comes back for a rehearing, they would be rehearing their proposal based on the merits of the aesthetics of the proposal. She said that there were some arguments included in the Motion for Rehearing that were not relevant to the conversation.

Chairman Rice remarked that that was a good point. He said that he was willing to support Ms. Fineberg's motion, however, he remembered distinctly at the last work session sensing that there was some discomfort among some Commissioners about the application going forward. The applicant wanted to move forward with the public hearing. Chairman Rice said that they probably did need another work session. Sometimes it takes a while; he said it took a year for the 100 Market Street project.

Mr. Adams stated that he did not agree with the motion that the Historic District Commission is flawed. He found other parts of the motion to be short of the fullness of what took place, especially by the suggestion that the whole decision was based on Tanner Street. Mr. Adams said that he saw nothing in the motion that motivated him to rehear the application on the basis of the material submitted.

Mr. Wyckoff asked if the applicant could make some changes in the plan and resubmit.

Chairman Rice said that if there were elements of the design that the Commission found unacceptable, they could rehear it and table it to another work session and work on those elements and try to resolve the design.

Mr. Wyckoff added that it seemed like it was a couple of design elements that were at issue. He felt it didn't make sense to continue to go over the same elements.

Mr. Golumb referred to Section 10-1005, 2. (B) and said that is what Mr. Wyckoff was alluding to. He said that instead of rehearing what they've already heard, he suggested that they present them with something that has modifications to it.

Mr. Katz referred back to Section 10-1009. He said he did not feel they wanted to change the design. He felt the motion for rehearing before them was more about the process being unlawful and or unreasonable.

Ms. Fineberg stated that this is a process and the applicant wants them to follow the process. She asked the Commissioners if they were willing to follow the process. She felt it was up to the applicant as to whether he wants to come back for a work session. Ms. Fineberg thought they needed to open the door and give the applicant the opportunity to return to the Historic District Commission. She said she would be casting her ballot from the notion of showing a good faith effort.

**DECISION OF THE BOARD**

Chairman Rice called for the vote. The motion passed with a unanimous vote in favor of a rehearing.

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**II. PUBLIC HEARINGS**

1. Petition of **6-16 Congress, LLC, owner**, for property located at **6-16 Congress Street**, wherein permission was requested to allow an amendment to a previously approved design (add rooftop privacy screen, add trowelled concrete surface at south foundation, and change sidewalk grade at northeast corner) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lots 37, 38, and 39 and lie within the Central Business A, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Steve McHenry of McHenry Architecture spoke to the petition. He said that he was before them to seek approval for three minor items that were changes from the original design. He pointed out that of the three changes; the privacy screen is a new change. He said that the other two items were compliance issues. On page one of the packet, he pointed out the location of the new change, a privacy screen. Mr. McHenry pointed out that there are two open decks on the rooftop and the owner of the deck on the right side of the building would like more privacy. Page three of the packet showed a straight on view of the privacy screen. Mr. McHenry stated that the detail portion of the privacy screen would be 1 x 6 Azek with a 3” gap. He added that there is no portion of the privacy screen that is visible from the sidewalk.

Mr. McHenry pointed out that there was a retaining wall located on the abutters’ property. He said that they made an agreement with the abutters that if the wall got damaged during construction, they would rebuild it exactly as it was. It was damaged during construction and so the wall was removed with the promise to rebuild it, however, the neighbors liked it better without the retaining wall there. An agreement was made to not replace it but what was left in its place was a two foot high exposed concrete foundation wall. He said that the intent now is to trowel over the concrete making the exposed foundation more presentable. There was an agreement between both parties that that was the look they were agreeable to.

Mr. McHenry spoke to the final change which pertained to a change in the grading plan. The sidewalk at Church Street had to be made a little higher than they had originally planned on.

Chairman Rice asked if the concrete wall finish and the proposed grade have been completed. Mr. McHenry replied yes.

Mr. McHenry said that page 7 of the packet showed the area where the slight change in the sidewalk had occurred. He said that the sidewalk height is 2 ½” higher than originally proposed. He said that it was recommended by the Planning Department to get these discrepancies approved by the Commission.

Ms. Fineberg asked if the new height in the sidewalk was a problem or just a difference. Mr. McHenry replied that it was just a difference. He said they tried to make it as low as possible. He said that the grading and pitching was not working out so they had to raise the sidewalk.

Ms. Dika asked if the privacy rail could be seen from the residential units on Porter Street or any of the surrounding units. Mr. McHenry said he didn't know if the top portion of the Porter Street units could see it but if it so, it would a limited view.

Ms. Fineberg asked if the existing railing would remain and would they add addition railing to it. Mr. McHenry replied yes.

Ms. Dika stated that the resurfacing that has been done on the foundation looks very sloppy. Mr. McHenry replied that it is essentially the surface. Ms. Dika said she did not think that it was an adequate solution. She pointed out the foundation of the Porter Street Condominiums where they have a cement base with a more finished look. Mr. McHenry replied that a lot of that is precast. Mr. McHenry said that that was the solution agreed upon. He also said that it will only be seen by the abutters.

Ms. Dika asked if there was to be some landscaping in that area. Mr. McHenry replied yes, it would be low maintenance ground cover.

Chairman Rice asked if there were any more questions. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application.

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

Mr. Rob Hamblet, representing the abutters on Porter Street, spoke to the petition. He distributed pictures of the area. He stated that over the course of the construction, they have had a number of agreements. The original retaining wall was constructed at a cost of \$4,500. In addition to that cost was landscaping. He thought the total cost was around \$11,000. He said that they moved the wall when construction began. He said that the wall was removed and has not been replaced. He felt that the work they did to clean up the façade is shoddy. There has been no landscaping other than spreading mulch and planting three trees. Mr. Hamblet invited the Commission to come and take a look at the area. He also pointed out a granite curb that was damaged during construction and he felt the repair they did was not acceptable. There was also a drain that the construction company used for more than a year. He said they did not make any attempt to clean it. As for the privacy screen, he said that you can see the railing of the decks from their units. Mr. Hamblet said that he thought the process was to get approval first and then do the work and clearly that is not the process here.

Chairman Rice suggested that they table the application and have a site walk before the next meeting.

Mr. Paul McEachern, representing 6-16 Congress St. said that what Mr. McHenry said about the retaining wall was accurate. He said that they offered to replace the retaining wall and they are still willing to do that to comply with the Certificate of Appropriateness. He said that the neighbors brought them to court and they paid them to settle the case. The retaining was there before the property was built on Porter Street. The City used it at one time to separate a parking lot from a pocket park that sat on the property. He said it was a much higher retaining wall at that time. Mr. McEachern stated that they settled with the Porter Street owner on concrete. He said that they entered into the agreement in Superior Court. Now they are before the Historic District Commission trying to enforce a private right that they think they have. He felt they should go back to Superior Court. He added that they have Mr. Hamblet's signature on the agreement.

Mr. Clum said that Attorney Bob Sullivan said that the Historic District Commission has the right to rule on the exterior appearance of the building.

Mr. McEachern replied that he agreed with that but they are willing to put the wall back the way it was originally approved.

Mr. Wyckoff asked Mr. McEachern if the agreement was to cover the wall with a stucco look. Mr. McEachern responded yes. Mr. Wyckoff said that he felt they painted the wall with a theroseal product, a cement paint and that is different than stucco.

Chairman Rice stated that the applicant is asking for approval after the fact and he felt they as a Commission should review it.

Mr. Wyckoff mentioned that if they are asking for a stucco, concrete finish, he said that there was no real to do a site walk. They have not given a stucco finish.

Chairman Rice replied that he felt it would be helpful to look at it. Mr. Golumb agreed.

Mr. Adams stated that they had never planned on putting stone there and so the previous approval had a concrete wall there.

**DECISION OF THE BOARD**

Mr. Adams made a motion to table the petition to the next meeting, October 11, and to have a site walk prior to that meeting at 6:15 p.m. in the alleyway behind the building. The motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

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- 2. Petition of **Regan Electric Co., Inc, owner, and Bruce A. Clark, applicant** for property located at **6 Dearborn Street** wherein permission was requested to allow exterior renovations to an existing structure (replace windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 123 as Lot 4 and lies within Mixed Residential Office and Historic A Districts. *This item was tabled at the August 2, 2006 meeting.*

**DECISION OF THE BOARD**

Chairman Rice stated that the applicant had requested to table the application to the next meeting. Ms. Fineberg made a motion to table the application to the November 1, 2006 meeting. The motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

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2. Petition of **Market Wharf Condominiums, owner** and **Thomas Magruder, applicant** for property located at **59 Deer Street** wherein permission was requested to allow an amendment to a previously approved design (changes to and application of exterior trim to rear of the building) 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 TO THE PETITION**

Ms. Wendy Welton, architect for the project, spoke to the petition. She stated that this petition was an amendment to last month's approval. Ms. Welton realized that when she got approval last month, she failed to give elevations of the trim on the back of the building. She also said there was a part of the design that they wanted to change. They would like to do a more traditional trim around the building that would be more attractive.

Chairman Rice asked if there would be clapboard in between. Ms. Welton replied yes. She said that they planned to continue with the same design elements proposed on the front of the building. She pointed out that the windows do line up with the windows on the side and the front so they will use clapboard around the building. They would also use the same Spectis moulding. Ms. Welton brought a picture of the front curve of the building since she did not have a picture of it at the last meeting. She added that she would also like to see if she could get approval for concrete block steps for the back of the building.

Chairman Rice asked if there were any questions for Ms. Welton. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed.

**DECISION OF THE BOARD**

Mr. Adams made a motion to approve the application as amended to include the addition of concrete steps. The motion was seconded by Mr. Hetjmanek. The motion passed with a unanimous vote.

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4. Petition of **Harbour Place Condominium Association, owner**, for property located at **135 Bow Street** wherein permission was requested to allow exterior renovations to an existing structure (replace wood siding of dormer areas with vinyl siding) as per plans on file with the Planning Department. Said property is shown on Assessor Plan 105 as Lot 2-1-00 and lies within the Central Business A, Historic A, and Downtown Overlay Districts. *This item was tabled at the September 6, 2006 meeting.*

**DECISION OF THE BOARD**

Chairman Rice stated that the applicant requested to table the application to the next meeting. Mr. Adams made a motion to table the application to the November 1, 2006 meeting. The motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

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5. Petition of **Strawbery Banke, Inc., owners**, for property located at **Washington Street** wherein permission was requested to allow a new free standing structure (new 5000 sq. foot building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7 and lies within the Mixed Residential Office and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Larry Yerdon, president of Strawbery Banke spoke to the petition. He said that they have incorporated ideas gathered from their work session for their proposed collection center. Mr. Nick Issak from JSA Architect presented the plans. He stated that at the last meeting, there was a request to modify the doors on the barn. He said that they are planning to do a traditional sliding door with a cedar covered track. They have also modified the windows to be 6 over 6 and 9 over 6. Mr. Issak also pointed out that they added arches to the garage doors. He said that he was trying to keep a simpler detail on the barn.

Mr. Wyckoff asked about the window frames and the crown moulding. He said that it appears to be upside down.

Mr. Issak replied that it could be a drafting error.

Mr. Issak brought a model of the buildings at Strawbery Banke. Ms. Fineberg asked him to show her on the model where the proposed building would be located.

Chairman Rice commented that he felt they did a good job of putting a 5,000 sq. foot building in a neighborhood of historical buildings.

Mr. Adams said that he noticed that the windows on the front and rear of one part of the project are not engaged in the cornice. He added that he has come to know that that it is not as common of a thing as he thought. He explained that there are three courses of clapboards above the windows before the horizontal banding of the roof edge. He wanted to know why it was designed that way.

Mr. Issak replied that they have 9 foot ceiling heights and they need that ceiling height in order to store particular items.

Chairman Rice asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed.

**DECISION OF THE BOARD**

Mr. Adams made a motion to approve the application as presented. The motion was seconded by Ms. Dika. The motion passed with a unanimous vote.

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6. Petition of **North Church of Portsmouth, owner**, and **Milestone Engineering and Construction, Inc. applicant** for property located at **2 Congress Street** wherein permission was requested to allow exterior renovations to an existing structure (remove slate roof, replace with architectural asphalt shingle roof) as per plans on file in the Planning Department. Said property

is shown on Assessor Plan 107 as Lot 83 and lies within the Central Business B, Historic District A, and Downtown Overlay Districts. *This item was tabled at the September 20, 2006 meeting.*

**DECISION OF THE BOARD**

Mr. Adams made a motion to table the petition to the November 1, 2006 meeting. The motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

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7. Petition of **Jamer Realty, Inc.** for property located at **80 Hanover Street** where permission was requested to allow an amendment to a previously approved design (allow fence to stay up year round) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2-1 and lies within the Central Business B and Historic A Districts.

**SPEAKING TO THE PETITION**

The petition was withdrawn at the applicant's request.

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8. Petition of **Robert W. Morin Revocable Trust**, for property located at **20 Partridge Street** wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 8 and lies within the General Residence B and Historic A Districts.

Chairman Rice recused himself from this public hearing.

**SPEAKING TO THE PETITION**

Mr. Robert Morin spoke to the petition. He stated that he replaced some of his windows a while ago and now would like to replace the rest of them.

Mr. Wyckoff asked if they were going to be replacement windows or new casement windows. Mr. Morin replied that they were new casement windows.

Mr. Wyckoff pointed out that the windows in the pictures the applicant provided showed a brick mold casing around them. He asked if he was putting a flat casing around the molding. Mr. Morin replied that he would be putting in Marvin preconstruction windows. He said that when they put an addition on the house ten years ago, they used windows that were preferred by the Historic District at the time. Mr. Morin said that they planned to use the same windows this time also.

Mr. Wyckoff asked if he would be putting on outside historic window sill nosing. Mr. Morin said that it would be exactly like it is now.

Mr. Adams stated that the sills that are currently on the house were standard for the time. Mr. Adams clarified that there were seven windows on the front of the house, three on the gable end, and five that are on the back of the house. He said that there was a mix of existing windows in the house now.

Mr. Golumb asked if Mr. Morin was replacing them with 6 over 6 panes. Mr. Morin replied yes.



Mr. Adams asked if the applicant would agree to try to maintain the heavy sills of the existing windows on the front and the gable ends. He felt that the rear courtyard side and the "L" addition were not as important. He said that he would not like to lose the feeling of weight from the look of heavier sills. He believed that it was an option that could be obtained from the manufacturer.

Mr. Morin said that he is planning to have the windows exactly the way they are now.

Mr. Adams asked if there were any more questions. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed.

**DECISION OF THE BOARD**

Ms. Dika made a motion to approve the application as presented. The motion was seconded by Mr. Hetjmanek. The motion passed by a unanimous vote.

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9. Petition of **Guy and Jenny Marshall, owners**, for property located at **27 Gardner Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace asphalt roof with cedar shake roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 15 and lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Guy Marshall spoke to the petition. He stated that the Commissioners had pictures in their packets of what he is proposing. He stated that he would like to take off the existing black asphalt roof and replace it with western red cedar, with a copper drip edge, and a cricket.

Mr. Adams asked Mr. Morin about replacing the chimney flashings with copper. He wanted to know if it was going to be natural finished copper. Mr. Morin replied yes. He mentioned that they had to bring the chimneys down below the roof line and so as they bring them back up they will be flashed with exposed copper and the cricket. Mr. Adams asked if he desired to have the copper turn green. Mr. Morin replied that he had the choice of using either lead or copper. He wanted to use the copper for the aesthetics of it.

Ms. Dika asked if they were going to rebuild the chimneys to the exact height that they were. Mr. Morin clarified that they are bringing them up to code, two feet above the base line.

Chairman Rice asked if there were any more questions. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed.

**DECISION OF THE BOARD**

Mr. Hetjmanek made a motion to approve the application as presented. The motion was seconded by Mr. Katz.

Mr. Adams stated that he had a problem with the copper flashings. Ms. Feinberg asked Mr. Adams what he would prefer to see. Mr. Adams replied that what is traditional is lead. It has a soft silvery appearance. Also, lead coated copper can be used. He felt that it was the greening and the bleeding on the shingles that concerned him.

Ms. Dika stated that she thought it was exciting to have someone putting on a shake roof.

The motion passed with a 6 – 1 vote with Mr. Adams voting in opposition.

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10. Petition of **160 Middle Street Trust, and Wilfred L. Sanders, Jr., applicant**, for property located at **160 Middle Street**, wherein permission was requested to allow a new free standing structure (two-car detached garage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 127 as Lot 9 and lies within Mixed Residential Office and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Gayle Sanders, architect for the project, spoke to the petition. She stated that she is seeking approval for a simple garage. The garage that she is proposing would have all the siding, trim, and roof to matching the existing building. She said that the garage would have wood doors and the side door on the garage would be fiberglass.

Chairman Rice asked if the siding would be clapboard. Ms. Sanders replied yes.

Mr. Wyckoff asked about the front and rear elevations. He said that they did not show any detail for the gable ends of the structure. He added that it was probably the CAD drawing. Ms. Sanders replied, yes, it was.

Ms. Sanders said that it was felt that the note that said that the exterior trim would precisely match the building was adequate. She pointed out that there was a photo of the existing building in their packets that showed the rear of the residence and the detail of the gable end.

Mr. Wyckoff said that he personally would not approve the way the gable end is constructed. He said it was a very flat surface. His concern was lack of detail on the CAD drawing.

Mr. Adams asked Mr. Wyckoff if it was the termination of the rake boards that was a concern. Mr. Wyckoff replied that they did not make any sense with the corner boards. He said that they can only assume that the carpenter won't build it the way that it is drawn.

Ms. Sanders interjected that there are two gable projections on the rear of the existing building. She felt to make the garage harmonious with the building; they made them match the closer, more visible addition.

Mr. Adams asked if she felt the harmony of the garage will be achieved by matching the "L" of the existing building. Ms. Sanders felt it would because it is visible part of the building.

Mr. Adams said that there are many 50's and 60's vintage garages that looked like this design in the area. He said that their greatest distinction was the roof line. He asked how she came to the design.

Ms. Sanders said that when you stand in front of the house, you can not see the roof. There is a narrow driveway and it is some distance before you get to the backyard and all you see is what's in the back. She felt it was a reasonable way to go.

Chairman Rice asked if the garage was going to cost more than \$25,000. He said that when there are applications where the work is going to \$25,000 or more, they suggest a work session. Mr. Clum replied that the estimated cost on the building permit said \$16,000.

Chairman Rice stated that he was having discomfort with the paneled doors. He said that they have never recommended doors like that in the Historic District. He felt they looked contemporary. He also had questions about the lighting fixtures. Ms. Sanders said that she tried to match the lighting fixtures on the rear of the house. He also agreed with Mr. Adams about the roof.

Ms. Sanders said that she would be willing to look at other doors. After her research, she felt this was a reasonable wooden door without going to a custom door.

Ms. Fineberg mentioned the garage doors on an Austin Street property that came before the Historic District Commission a while back. It was suggested that Ms. Sanders take a look at those doors to get an idea of what the Commission is recommending.

**DECISION OF THE BOARD**

Ms. Dika made a motion to table the petition to the November 1, 2006 meeting. The motion was seconded by Mr. Golumb. The motion passed by a unanimous vote.

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Chairman Rice asked if everyone received a letter from Mr. Peter Loughlin in their packets. He thought it was a very nice letter, regarding a recent editorial. Mr. Loughlin said that he objected to it and complimented the work of the Historic District Commission.

Mr. Golumb asked if the Commission would set some time aside to discuss the 7 Islington rehearing so that they will be better prepared, from a legal standpoint, for the next time there is an appeal. He said that he agreed with Mr. Katz on Section 10-1009 that it (A) seems to apply to the Historic District Commission and (B) applies to the Board of Adjustment. He also pointed out Section 10-1005. Chairman Rice stated that he was referring to Section 10-1005 (B).

Mr. Katz said that the applicant contended that the decision was flawed. In Section 10-1009 stated "unlawful or unreasonable". He felt that was the relevant section. Chairman Rice and Mr. Clum agreed. Mr. Clum pointed out that the applicant does not need to come before the Commission with a modified application at this time.

Mr. Wyckoff asked why not. Mr. Katz replied that this is a step in a process. He said that the applicant is not interested in modifications.

Mr. Wyckoff brought up a different subject. He mentioned he had expressed his concern a year ago over the deterioration of the Powder House on Islington Street and nothing has been done about it yet. Mr. Clum said that the City is currently seeking demolition of the tank, which is next to the Powder House, so maybe some money might be put toward the roof of the Powder House.

Ms. Fineberg apologized to the Commission for having to miss next week's meeting because of obligations that could not be altered. Chairman Rice suggested that she watch the tape on the work session with Harbor Corp.

Mr. Adams stated that he went to attend the Historic District Commission Training Session in Somersworth on September 25 only to find out that it had been canceled. Chairman Rice thanked him for making the effort.

**III. ADJOURNMENT**

At 8:50 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good, HDC Secretary

These minutes were approved at the Historic District Committee Meeting on November 1, 2006.