

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

7:00 p.m.

**October 11, 2006
reconvened from October 4, 2006**

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

MEMBERS ABSENT: City Council Representative Ned Raynolds, Ellen Fineberg

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

- A) Approval of minutes - September 13, 2006
- Approval of minutes - September 20, 2006

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

B) 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.

Mr. Steve McHenry, architect for the project, spoke to the petition. He thanked the Commission for their participation in the site walk earlier in the evening. He said that last week there was discussion about the product used on the concrete wall. He presented copies for the Commissions detailing the type of product that was used. It was a cement base product, not a paint product. He also pointed out that they looked at the sidewalk grade as well as the privacy screening on the top deck.

Chairman Rice asked if the Commission was approving the concrete wall this evening. Mr. McHenry replied yes, and explained that the retaining wall that had been there was damaged during construction. They had an agreement with the abutters that if the wall was damaged during construction, they would replace it. The abutters liked it better without the retaining wall and agreed to not having it rebuilt. That resulted in the exposure of more concrete foundation wall. Chairman Rice asked if the wall was

demolished without HDC approval. Mr. McHenry replied that the wall was not on their property.

Mr. Golumb asked if there was any way to neaten up the line where the brick meets the surface. Mr. McHenry replied that it could have probably been done in a cleaner fashion if they had known that it was going to be exposed all along.

Chairman Rice said that they will have to decide as a Commission, if they approve this application as presented, would they have approved it the way it is now, or would they have approved it with a more finished look.

Mr. Wyckoff asked if it would be possible to put another product over the existing product. Mr. McHenry replied that it is an acrylic emulsion with cement. He added that this wall is in an alleyway facing private garages and not in public view. He felt the issue was getting too much attention.

Ms. Dika stated that she is okay with the privacy fence and the grade but she is uncomfortable with the appearance of the wall. She questioned as to whose responsibility it was to come to the Commission regarding the wall. She felt there had to be some application that would make the wall look better.

Chairman Rice asked if the Commission had the power to ask the applicant to legally improve the work or is it out of the Commission's purview. He said it sounded like they had a lot of gentleman's agreements.

Mr. Clum interjected that it was more than a gentleman's agreement. It was a court sanctioned agreement. He felt it was in the Commission's purview to rule about what the exterior of the building looks like now.

Chairman Rice asked if anyone in the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed.

Mr. Adams made a motion to approve the application as presented. The motion was seconded by Mr. Golumb.

Mr. Adams said that this is one of those circumstances when you find yourselves at the tail end of a long string of disappointments. He said that he sees the grading issue and the privacy screening as very adequate work. As for the concrete foundations, he said that there are many buildings in town where the concrete foundation is showing. He felt that from the distance that most people are going to see the foundation, the work is passable although it looks incomplete. If they hadn't have already done it, they wouldn't be concerned with the workmanship. Since it is already done, he did not see how they could not say that the finish was not well wrought.

Chairman Rice asked the question, would they have approved it like that. Mr. Katz replied that would they have known, they could have approved a cementitious trowelled

surface and it could have turned out the same way. He asked then what would they have done.

Ms. Dika stated that it would have been better for them to come to them before they did it.

Mr. Golumb asked Mr. McHenry if there was any way to fix the grout line. Mr. Wyckoff replied that it could be cleaned up, it could be sandblasted. The material is a super heavy rubberized latex compound with cement type material in it. He felt it could come off.

Chairman Rice pointed out that when they vote, if there is no amendment to ask the applicant to change the finish work, then they will be approving what is before them.

Mr. Adams said that it is a valid point if the abutters are not happy with the appearance of it. He felt abutters weigh into this pretty heavily.

Mr. Hetjmanek stated that he felt the abutters kept changing their minds. He recommended that they have a voice, but their voice seems to keep changing. He said that in end it is a private dispute between them and the developer.

Ms. Dika said that she is resentful that they are stuck in the middle with two contentious parties.

Mr. Katz asked what the alternative was. They could probably seize upon the fact that the wall was taken down without HDC approval. The remedies could be to make them put the wall back up, make them take off what is on there now, and come up with something else because it was approved. Mr. Katz questioned if it was really worth the time and trouble. Chairman Rice agreed.

Chairman Rice called for the vote. The motion passed by a 6-1 vote with Ms. Dika voting in opposition.

II. WORK SESSIONS

A) Work Session requested by **Harbor Corp. LLC, owner**, for property located at Russell St., Deer St., and Maplewood Ave. wherein permission was requested to allow a new free standing structure (200 room hotel, conference facility, and parking garage). Said property is shown on Assessor Plan 118 as Lot 28, Plan 124 as Lot 12, and Plan 125 as Lot 21 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

Chairman Rice stated that the work session for Harbor Corp., LLC would not take place that evening and was rescheduled to October 18, 2006. He explained that the applicant was not ready with design plans for the meeting but was planning to be ready next week.

B) Work Session requested by **Barbara S. Miller Trust 1999, owner**, for property located at **287 Marcy Street** wherein permission was requested to allow demolition of an existing structure. Said property is shown on Assessor Plan 103 as Lot 46 and lies within the General Residence B and Historic A Districts.

Chairman Rice suggested that they combine Work Sessions B and C for their discussion.

C) Work Session requested by **Barbara S. Miller Trust 1999, owner**, for property located at **277 Marcy Street** wherein permission was requested to allow exterior renovations to an existing structure (relocated bulkhead, add new deck, doors, arbor, fence and gate). Said property is shown on Assessor Plan 103 as Lot 45 and lies within the General Residence B and Historic A Districts.

- Ms. Dika asked to be recused from discussion.
- Chairman Rice stated that they had a site walk earlier in the evening.
- Mr. Tom Emerson spoke to the project. He showed a picture of the subject property to be removed to give the Commission an idea of what the context of the area would be. He also showed pictures of various properties in the neighborhood where there were open spaces. He said he felt they were maintaining the character of the neighborhood.
- Mr. Emerson said that the building was in rough shape. It could be rehabilitated but it would have to be rehabilitated at a cost that was commensurate with the other homes in the neighborhood. He pointed out the crumbling foundation and sill on the northeast corner of the house.
- Mr. Emerson said that the owners would not be able to make a profit or earn back the cost of what they would spend rehabbing it.
- Chairman Rice said that what should concern the Commission is whether the building has value and should be saved or whether it should be torn down.
- Mr. Wyckoff stated that the house was in terrible shape. He said it was a higher end New Englander when it was built around 1900. He thought that the house had some value.
- Mr. Golumb said that when the owner bought the house, they knew the condition of the house. He felt there were details in the house that were worth saving. He read a line from the ordinance stating “to foster Portsmouth heritage.”
- Mr. Katz stated that he thought they should look at the situation by asking what in the house is worth saving. If the house were not there, he asked how would the Portsmouth architectural and historical character be affected adversely. He felt it had some interesting woodwork, like bulls’ eye corners and moldings, but to say that the house should be saved at all cost was a skewed perspective. He questioned that when the owners bought the property, they may have look this as an addition to the green space, a little pocket of green space. Mr. Katz said that he did not see any overwhelming reason that the house had to stay, adding a detriment to the property values of the owner. He asked who was going to pay a half million dollars for a house that you had to park down the street from. He said that he did not like the approach that said that the owners knew what they were getting into so they are stuck with it.

- Chairman Rice wondered whether a more logical approach would have been to purchase the house on the condition that they receive HDC approval to demolish it rather than buy it and close the purchase and sell agreement and then come to us and say that they can't rehab it.
- Ms. Dika asked to make a comment since she was the listing agent on the property. She said that it was a very distressed and problematic property. It was a problem because of safety. She said that when the property went on the market, the abutting neighbor bought it sight unseen. She had an offer in the first day. She never saw the property until she purchased it.
- Mr. Emerson said that he had a petition signed by more than a dozen neighbors saying they would like to see the house taken down.
- Mr. Hetjmanek said that he is worried that this kind of logic could apply to a lot of houses in the City. The Commission's charge is to preserve the historic nature of the city.
- Mr. Katz asked what the historic significance of the house was.
- Mr. Adams replied that it had a "twin" right next door to it.
- Mr. Wyckoff said he found that interesting that the house was identical to the one next to it. Mr. Adams agreed.
- Mr. Adams asked Ms. Dika how long the house had been on the market when it was bought sight unseen. Ms. Dika said one day. She had fifteen calls to look at the house; however, no one could see the house. There were tenants in the house that would let no one in. Ms. Dika was the only one allowed in the house, and that was rarely. She also said that the deed to the house had many owners with a share in the property so it took a long time to close.
- Chairman Rice said that there are extenuating circumstances. He said they have to ask themselves that if this is a contributing building, will the neighborhood be better for having the building demolished and not there, and will the character be changed in any significant way. He added that they need to keep in mind that they do have a petition in front of them. Chairman Rice pointed out that instead of seeing a petition, he would rather see people lined up at the microphone to speak.
- Chairman Rice stated that he could probably be swayed either way. He felt he was getting the feeling that they are probably a Commission that would not vote for the demolition.
- Mr. Hetjmanek had a concern if the building cannot be economically rehabbed, then it would just sit there and deteriorate. Chairman Rice added that then it would be a demolition by neglect.
- Mr. Adams said that he is not suggesting that the neighbors are overreacting, but probably what they are doing is looking at it as it stands now. He wondered what he could do to look at this in a more positive way. He said he didn't think he had ever seen 12 people sign a petition to tear down a building.
- Mr. Adams stated that the lack of a parking space at the house was a real problem.
- Chairman Rice said that it is clearly an emotionally stigmatized property. He said the neighborhood would feel better with the property gone. He added that he didn't feel that retaining the property retains a great deal of historic character and he didn't feel that demolishing it changes the complexion of the neighborhood.

- He said he would probably vote to demolish the property. His concern then would be to what comes next and will that enhance the character of what is there.
- Mr. Katz said that in Section B it states “promoting the use of the district for education, pleasure, and welfare of our citizens and visitors.” Mr. Katz said that there are obviously 12 people who feel their welfare would be enhanced if the building were no longer there.
 - Mr. Wyckoff stated that he is not strongly against the demolition. The parking situation may make it so that the building will never get renovated.
 - Mr. Katz interjected that the house is virtually landlocked. He felt the house was good for a boarding house and apparently that was its function over the years.
 - Mr. Emerson pointed out that there are only two houses from Strawberry Banke to Pleasant Street that do not have off street parking.
 - Mr. Golumb stated that he is grappling with the thought that if they were able to clean up the building, would it contribute to the neighborhood.
 - Chairman Rice pointed out that he was hearing that no Commissioner has made up their minds about this issue. He said that is why they hold public hearings to make that final decision. It would not be a hearing if both sides were not heard.
 - Mr. Adams asked if there was anything else that the applicant could do to prepare themselves. He said he could not think of anything.
 - Mr. Adams asked if any Commissioner was going to predicate part of their decision on what is the intention of the lot after the property is demolished.
 - The Commissioners said yes.
 - Mr. Emerson said that the applicant wants to put in a pocket garden. They would like to put in an arbor, a fence at the front of the property with a gate and granite posts, two decks with steps down into the yard, and an area for overflow parking. He added that the decks would be built similarly to how they are now. And they plan to add a brick walk from property line to property line.
 - Ms. Dika mentioned that it was important for her to recuse herself from the first petition but she asked if she could comment on the second petition.
 - Chairman Rice said that she could comment but he added that he was not sure she could vote.
 - Ms. Dika said she would like to see a more formal fence. She pointed out a fence on the corner of Marcy St. and Pleasant St. that she thought would be appropriate.
 - Mr. Wyckoff asked about the foundation on the Marcy Street side and wanted to know if it was level. Mr. Emerson said it was the fact that it was going uphill. He mentioned that it was polystyrene board that has been painted white. Mr. Wyckoff asked if that would be removed. Mr. Emerson replied no, they would be wrapping the belt line all the way to the back.
 - Chairman Rice asked how the Commission felt about the granite posts for the fence.
 - Ms. Dika said she would like to see a more colonial fence. She said that the house across the street was built about 1760.
 - Chairman Rice agreed with Ms. Dika. Mr. Adams asked why they wouldn't expect the fence to be in period with the building. Ms. Dika said she did not know what period the house was. She felt the granite posts did not fit with

- anything. Mr. Adams said the type of fence during that time period was wrought iron.
- Mr. Adams pointed out the fences with granite posts at South Church and the Rundlett-May House. He felt Mr. Emerson's fence proposal was too modern looking.
 - Ms. Dika said that if and when the house is removed, the fence takes on a lot of importance. It would be important to the streetscape.
 - Mr. Golumb stated that he was struggling with the trellis. Mr. Emerson said that it may be because of the proximity to the house.
 - Mr. Emerson pointed out that the trellis went over the brick parking area. Mr. Katz added that that helps to diminish the parking area.
 - Mr. Adams mentioned that trellises are for walking through rather than a barrier. Mr. Emerson said that it depended on your perspective. Chairman Rice added that the trellis looked a little awkward in the position it was sitting in.
 - Mr. Golumb asked Mr. Emerson to do a head on view of the area to get a better perspective.
 - Mr. Adams said that the pair of French doors seems awkwardly placed however; they won't see them from the street.
 - Mr. Wyckoff asked that in the future, if the owners decided to cut down the tree and make the entire area a parking lot, could that be done.
 - Mr. Katz said that if it is a design change, it cannot be done without HDC approval.
 - Mr. Clum said that for the fence and trellis to come down, it would need HDC approval. In this case, some of the landscaping is a reason to be allowed to tear down the structure so that is in the Commissions' purview. In the future, to just replace one plant with another plant would not be.
 - Mr. Emerson stated that if the Commission is inclined to allow the demolition, they would like to try to save some brackets from over the front door and reconstitute it over the owner's door.
 - Mr. Wyckoff said that the main problem with the owner's house is the 3rd story windows. Chairman Rice added that the fenestration makes no sense as well as the roof line.
 - Mr. Wyckoff said he thought it made sense to use the brackets.
 - Ms. Dika pointed out the roof line of a neighboring house and said that it dressed it up.
 - Mr. Katz said that there is the possibility that people will spend more time looking at the pocket garden than the structure of the house.
 - Chairman Rice stated that he felt they had given both issue due consideration and pointed out that there are no guarantees.

B) Work Session requested by **Catalpa Realty, LLC, David Short, and Maple Realty LLC, owners**, for property located at **249 Islington Street**, wherein permission was requested to allow demolition of an existing structure (remove rear two-story addition) and new construction to an existing structure (construct five townhouses). Said

property is shown on Assessor Plan 138 as Lot 43 and lies within the Central Business B and Historic A Districts.

- Ms. Carla Fritz of CJ Architects, 4 Market Street, spoke to the project. She stated that they are just at the beginning stages of how to put the project together. The property was purchased two years ago and presently contains five units of mixed use, apartments and office space. There has been an addition to the back of the building. They had thought they would renovate that space but because of compliance issues, that would require quite a bit of work to the interior. It would disturb the beautiful interior of the existing building. Instead, they decided it would be advantageous to remove the back portion that has a low, damp basement area. Ms. Fritz stated that they are pursuing the option of tandem parking beneath an addition.
- Mr. Scott Gove stated that he met with David Holden, Planning Director, to go over the plans. Mr. Holden felt the design was too big and as a result, they have scaled down their project considerably.
- Ms. Fritz said that they are hoping to carry some of the architectural details of the existing building into the addition, such as the original banding and windows. The addition will be two stories.
- Ms. Fritz pointed out that they are trying to work around a neighboring structure that was recently erected.
- Ms. Fritz said they are going to carry the same window types (2 over 2) of the main structure into the new addition. She also pointed out from her plans the proposed railings and trim. She said that she would like their opinion on the massing, the architecture of the proposed addition, and the proposal to carry on the concrete foundation.
- Chairman Rice asked if the original structure was clapboard. Ms. Fritz said that it was smooth siding. Ms. Fritz said they would like to use clapboards on the back part.
- Mr. Adams felt it was a good idea to leave the main structure with the smooth siding and the rest of the structure be a step down from that. Ms. Fritz said that the original features of the original building will all stay. She would like to use some of the subordinate details from the main structure and use them on the addition so that it matches them but it is not a literal copy.
- Chairman Rice asked the massing and if the Commissioners were comfortable with it.
- Mr. Adams stated that he was skeptical about the exposed foundation. He also said he has never been happy with automotive openings. He did not feel this was a great way to anchor the building. He said it was too wide, and it was somewhat visible from Islington Street. Mr. Adams also mentioned the entryway, especially the exterior vestibule. He felt it was inappropriate, especially when he sees the parking entry right next to it. He also said he found tension in the setback of the "L". He was concerned how it would affect the roof line and the eaves edge. Mr. Katz agreed about the setback.
- Ms. Fritz said that that was driven by the parking spaces.

- Mr. Gove stated that the new building next to them got approved right on the lot line so that has created some problems for them.
- Mr. Wyckoff asked the size of the parking spaces. Ms. Fritz replied 9 feet. Mr. Wyckoff believed that was the minimum size.
- Chairman Rice asked if there was a way to make the parking entry from the rear of the building. Ms. Fritz replied no.
- Mr. Wyckoff agreed with much of what Mr. Adams said. He said the entryway did not bother him. He suggested that the siding start closer to grade to cut down on the amount of cement showing.
- Mr. Katz did not think that would look appropriate. He felt it would evoke a disharmony with the original structure.
- Mr. Gove asked if on the Islington Street corridor, the HDC standards were a little more relaxed.
- Chairman Rice replied that when they were considering the building next door to them, they determined that that building had very little character. It was a building that was not contributing too much to the Historic District. He said they are not relaxed; they are just challenged in a different way on Islington Street.
- Mr. Adams stated that this building is still intact. It is an iconic building on the street. It has had a history of owners who have cared for the building. If they can insure that the building will be well cared for, then the sacrifice of the existing "L" is something that can be on the table. Mr. Adams said he wants the building to be an asset.
- Mr. Katz said that if they are going to replace the foundation line, it should be very good. He said that he is not sure it needs replacing. Something should be done with the texture of it. This makes the building what it is. He would not like to see siding down there.
- Mr. Golumb said that he agreed with Mr. Katz about the foundation. He continued that he is grappling with the windows in the new section. He said he was trying to determine the rhythm of the French doors and the railing. He will wait for the next meeting to see what is done with that part of the design.
- Ms. Fritz said that that area is recessed in. The railing is the facing of the wall and will create some exterior space for the units. She thought it was about 5 feet of recessed space.
- Chairman Rice said they were off to a very good start and that they would see them at another work session.

C) Work Session requested by **J.W. Sobel Revocable Trust, owner**, for property located at **49 Sheafe Street** wherein permission is requested to allow demolition of an existing structure (two garages) and new free standing structures (two new garages). Said property is shown on Assessor Plan 107 as Lot 21 and lies in the Central Business B and Historic A Districts.

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

In other business, Chairman Rice spoke to next week's meeting with Harbor Corp., LLC. He said that the Commission is very informed with the application and so he did not think they needed to spend an entire evening on it. He said that he told the City so as well. Chairman Rice felt that an hour and a half would be more productive. More time can be taken if needed. In the future, one hour sessions should be adequate.

Mr. Wyckoff asked Chairman Rice if the applicant was not ready with their plans. He thought it would be helpful to have the plans in advance in order to prepare more effectively. Mr. Clum replied that in a perfect world, that would be a wonderful scenario, however, most of the work session applicants are working on their plans up to the last minute.

Chairman Rice stated that the City wanted to have its parking garage experts here to talk with them.

IV. ADJOURNMENT

At 9:00 p.m., it was moved, seconded, and passed to adjourn the meeting.

Respectfully submitted,

Liz Good, HDC Secretary

These minutes were approved at the Historic District Commission meeting on November 8, 2006.