

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**March 7, 2007  
to be reconvened March 14, 2007**

**MEMBERS PRESENT:** Chairman Sandra Dika, Vice-Chairman John Golumb; David Adams, Richard Katz, Ellen Fineberg; City Council Representative Edward Reynolds, Planning Board Representative Jerry Hetjmanek; and Alternate John Wyckoff

**MEMBERS EXCUSED:**

**ALSO PRESENT:** Roger Clum, Assistant Building Inspector, David Holden, Planning Director

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**I. OLD BUSINESS**

A) Election of Officers

John Golumb made a motion to open the floor to nominations for Chairman and Vice Chairman. The motion was seconded by Mr. Hetjmanek. The motion passed unanimously.

Vice Chairman Adams made a motion to nominate Ms. Fineberg to serve as Chairman. The motion was seconded by Mr. Golumb. Mr. Wyckoff made a motion to nominate Ms. Dika for Chairman. The motion was seconded by Mr. Katz.

Mr. Hetjmanek made a motion to close the floor to nominations. The motion was seconded by Mr. Golumb. The motion passed unanimously.

Vice Chairman Adams called for the vote by a show of hands. Ms. Dika was elected Chairman by a 4-3 vote.

Newly elected Chairman Dika stated that she has been a strong admirer of John Rice for all the years he has led the Historic District Commission. She said that she was impressed with her co-commissioners as well. Chairman Dika stated that her goal as Chairman would be to run fair meetings so that all sides are heard and to give the Commissioners the opportunity to voice their opinions.

Vice Chairman Adams made a motion to nominate Mr. Golumb for Vice Chairman. The motion was seconded by Mr. Hetjmanek. Mr. Wyckoff made a motion to nominate Mr. Katz for Vice Chairman. There was no second to the motion. Ms. Fineberg made a motion to close the floor to nominations. The motion was seconded by Mr. Hetjmanek. The motion passed unanimously.

Chairman Dika called for the vote by a show of hands. Mr. Golumb was elected Vice Chairman by a unanimous vote.

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B) Approval of minutes – February 7, 2007

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

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C) Petition of **Regan Electric Co., Inc, owner, and Bruce A. Clark, applicant**, for property located at **6 Dearborn Street** wherein permission is requested to allow exterior renovations to an existing building as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 4 and lies within Mixed Residential Office and Historic A Districts. *This item was tabled at the January 3, 2007 meeting.*

Request To Table

**DECISION OF THE BOARD**

Mr. Adams made a motion to table the application to a time indefinite. The motion was seconded by Vice Chairman Golumb. The motion passed by a unanimous vote.

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D) Petition of **Porter Street Townhouse Homeowners Association, owner, and James Horne, applicant**, for property located at **12-32 Porter Street**, wherein permission was requested to allow a new free standing structure (install automatic parking gate at exit point of property) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lots 46, 48-57 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. *This item was approved at the February 7, 2007 meeting, pending final approval of drawings.*

**SPEAKING TO THE PETITION**

Attorney Pelech stated that they are proposing to enclose the orange box mechanisms. He said that the enclosures would be made of wood, painted white, and would have a copper top on them. He added that the enclosures would be placed on both gates, at the entrance and exit points.

Mr. Katz stated that it was a great improvement over the orange boxes. He said that he would vote in favor of it.

**DECISION OF THE BOARD**

Mr. Adams made a motion to approve the final drawings of the already approved application. The motion was seconded by Mr. Wyckoff. The motion passed by a unanimous vote.

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**II. PUBLIC HEARINGS**

1. Petition of **Strawbery Banke, Inc., owner**, for property located at **14 Hancock Street**, wherein permission was requested to allow an amendment to a previously approved design (remove window on west elevation and replace with door to match existing doors) 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. Rodney Rowland, Director of Special Projects and Facilities spoke to the application. He stated that this was an amendment to a previously approved design of the Visitors Center. He said that they have discovered that the design of the building is somewhat restrictive during major events. They would like to find a way to stroll the visitors through the building in an easier fashion than they do now. Mr. Rowland stated that the proposed door would only be used for events. He added that cut sheets were provided to the Commissioners.

Mr. Wyckoff asked how the width of the door would work with the opening in the siding. Mr. Rowland replied that it was very close and so the door should fit in nicely. Mr. Wyckoff asked if he was planning to put a roof over the door. Mr. Rowland replied no, since it would have limited use.

Chairman Dika asked if the Commission had any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed.

**DECISION OF THE BOARD**

Ms. Fineberg made a motion to approve the application as presented. The motion was seconded by Mr. Hetjmanek. The motion passed unanimously.

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2. Petition of **A. Rice Revocable Trust, owner**, and **Pamela Thacher, applicant**, for property located at **180 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove widows watch) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 127 as Lot 8 and lies within the Mixed Residential Office and Historic A Districts.

**SPEAKING TO THE PETITION**

Ms. Pamela Thacher, owner of the property spoke to the application. She stated that her widow’s watch was a danger and it had to be removed. She felt that it was going to be too costly to rebuild it.

Mr. Wyckoff asked Ms. Thacher when the widow’s watch was removed. Ms. Thacher replied that it had been slowly deteriorating through the years. There was a roof fire that compromised it further, followed by high winds that toppled portions of it over. She said that was when it was removed. She mentioned that she had been able to salvage some of the balusters and sides but much of it was rotted. Ms. Thacher said that she was storing the salvaged pieces in her cellar for anyone who might want to rebuild it in the future.

Chairman Dika asked if the Commission had any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed.

**DECISION OF THE BOARD**

Vice Chairman Golumb made a motion to approve the application as presented with the stipulation that the salvageable portions of the widow’s walk be retained on the premises for consideration in a future restoration project. The motion was seconded by Mr. Adams. The motion passed with a 6-1 vote with Mr. Wyckoff voting in opposition.

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3. Petition of **Gregory V. White, owner**, for property located at **50 Whidden Street**, wherein permission was requested to allow a new free standing structure (remove old fencing and privacy gate, replace with new wooden fencing, privacy gate, and arbor) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 66 as lies within the General Residence B and Historic A Districts.

**SPEAKING TO THE PETITION**

Mr. Gregory White, owner of the property spoke to the application. He stated that he purchased the property a year and half ago and at that time the fence was failing. He said that they would like to replace the fence with a design that was in keeping with the historic nature of the property. He added that the plans include a fence, arbor and gate.

Mr. Adams asked if the fence would abut a tree on both sides. Ms. Lois Carey, the owner’s fiancée replied that yes, the new fence would abut the tree on both sides. She added that a post would go on both sides.

Chairman Dika asked if the Commission had any more questions. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she 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 Mr. Hetjmanek. Chairman Dika asked if there was any discussion.

Mr. Adams stated that he felt the fence was a stylish one and appropriate for the house, its use and orientation. He also pointed out that the applicant’s house was the only house in the neighborhood that sits only on its own lot.

The motion to approve the application as presented passed by a unanimous vote.

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Councilor Raynolds arrived at this point in the meeting.

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Ms. Fineberg made a suggestion to hear the following two applications together since they were two properties on the same lot. The Commission was in agreement with Ms. Fineberg.

4. Petition of **Market Wharf Condominium Association, 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 (change trim detail above second floor balconies) 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 A, and Downtown Overlay Districts.

5. Petition of **Market Wharf Condominium Association, owner, and Thomas Magruder, applicant**, for property located at **33 Deer Street**, wherein permission was requested to allow an amendment to a previously approved design (change sill detail) 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 A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITIONS**

Ms. Wendy Welton, architect for the projects, spoke to the applications. She stated that 59 Deer Street was the property that she was proposing the lintel change. She said that there was an error in measurement. The structure aligns with the joint between the two pieces which made the detail that they proposed not possible. She felt that it made sense to carry the crown across. She said that the building contractor went ahead and did the work. Ms. Welton submitted pictures of the finished work. She added that she thought this was the most appropriate solution.

Mr. Wyckoff asked Ms. Welton how it was going with the installation of siding on the curve. Ms. Welton replied that it was going fine.

Mr. Wyckoff stated that he has seen some major discrepancies in the clapboards on the second story. Ms. Welton replied that she would take a look at it. She said that there have been problems with the structural portion of the renovations.

Chairman Dika asked if there were any more questions for the applicant. Hearing none, she asked Ms. Welton to speak to the 33 Deer Street application.

Ms. Welton stated that in the earlier approval she had proposed a ¾" sill and an interior sill and apron type detail. She said the contractor told her that if they put in either of those details, he was going to have to cut the aluminum flashing that was integral to the existing windows. That would result in moisture problems. She stated that she was proposing to revert to a detail that was very much like what was there currently.

Mr. Wyckoff commented that he wished that they would have left it alone. Ms. Welton said that it would look like what was there before.

Chairman Dika asked if the Commission had any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, she declared the public hearing closed.

### **DECISION OF THE BOARD**

Mr. Katz made a motion to approve the applications as presented. The motion was seconded by Mr. Hetjmanek. Chairman Dika asked if there was any discussion.

Mr. Katz stated that these were relatively minor modifications to a previously approved application that the Commission and the architect labored over. He said that he could not see how approving the application would jeopardize the building or the HDC.

Mr. Adams stated that these applications are a lesson in re-siding on buildings using rigid exposure materials. He added that what seemed like a reasonable way to go is now a bitter pill to swallow. He also commented that he was pleased that they were getting rid of the picture framing of the windows. He pointed out that one of the significant key features of a building are the windows. He said that he was excited about the prospect that the proposed windows would be compatible with the windows on The Hill. Mr. Adams stated that he was not sure how he would be voting.

Mr. Wyckoff stated that he agreed with Mr. Adams. He said that he hoped that people were listening and would not consider putting hardiplank on a colonial home where it is quite possible that the windows do not line up. He said that he wished that they would have kept the wood siding and painted it.

Chairman Dika called for the vote. The motion to approve the applications as presented passed by a unanimous vote.

Ms. Welton asked the Commission to consider fiber cement siding when new construction is involved. She said that she would never again use the material for a remodeling project but would not hesitate where new construction was concerned because she has used it with excellent results.

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5. Petition of **Fifty-Five Congress Street Condominium Association, owner, and Jim and Mary Weisheit, applicants**, for property located at **55 Congress Street**, wherein permission was requested to allow exterior renovations to an existing structure (attach valance to exterior windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 9 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Jim Weisheit spoke to the application. He stated that they would like to take the lettering off of the windows and put something more aesthetically pleasing in its place. He showed the Commission the actual valance that would attach directly to the window by an aluminum track. He said that they would also like to put a sign up over the window.

Ms. Fineberg stated that they do not usually concern themselves with signs. Mr. Clum agreed and said that the Commission needs to only concern themselves with the valance.

Ms. Fineberg asked about the signage on the valance. Mr. Weisheit clarified that he would like to put wording on each swag portion. He added that the side swags would have 6” lettering and the center swag would have 8” lettering and would hang down 11”.

Chairman Dika stated that she accepts awnings when there is utility to it such as for blocking light or protection for rain. She said she did not like awnings when they are used primary for signage. Mr. Weisheit replied that he was really looking to soften the look. He said that he would be willing to reduce the signage if the Commission preferred it. He added that they do have sun that comes in and causes glare.

Mr. Adams asked Mr. Weisheit if he was planning to have a free standing sign in addition to the valance. Mr. Weisheit replied yes. Mr. Adams said that the sign would have to sit on some type of bracket. He asked Mr. Weisheit if the sign would be lit. Mr. Weisheit replied no. Councilor Raynolds stated that he agreed with Chairman Dika about awnings.

Chairman Dika stated that the fabric for the proposed awning was very rich looking and she thought it might look tacky to have too many messages on it.

Mr. Wyckoff stated that he agreed with Chairman Dika and felt the applicant was pushing it a bit too far with the variety of messages. He asked the applicant what messages he would be willing to give up. Mr. Weisheit replied that he would like to keep “Portsmouth Spa” and then have one message on each side. Mr. Wyckoff stated that that was a good compromise.

Vice Chairman Golumb stated that he understood what the applicant was trying to do by trying to increase exposure for the business. He said that he felt the valance overpowered the windows.

He suggested that he keep "Portsmouth Spa" and leave it at that. Mr. Weisheit stated that he would be willing to accept the Commission's recommendations.

Ms. Fineberg suggested a curtain treatment on the inside of the window to soften the look. She said that she understood that the windows are difficult for advertising but she was not sure that this was the best solution.

Ms. Fineberg asked how the aluminum track would work. Mr. Weisheit replied that the aluminum track goes around the window and the valance screws into that. He said that it could be removed in the future if necessary.

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

**DECISION OF THE BOARD**

Mr. Adams made a motion for the purposes of discussion to approve the application as presented. The motion was seconded by Vice Chairman Golumb.

Mr. Adams stated that he was uncomfortable not know what the bracket looked like. He said that he did not know how it was going to look to have signs of different scope across the building. He thought that 58" was a long projection from the building. Mr. Adams mentioned that they usually do not see valances alone; they are usually on the end of awnings. He understands that the applicant would like to dress up the exterior look because the windows do have a hard look to them. He added that this storefront is one of the shortest storefronts in town and as a result, he felt the awning was going to make the windows appear shorter. Mr. Adams also stated his concern for the arching nature of the valance on a building with hard and severe lines. He said he was not in favor of it.

Chairman Dika asked if a work session or a site walk to take a look at the project in more detail. Mr. Adams replied that he would welcome both.

Mr. Adams made a motion to table the application to a work session, possible to be moved to a public hearing, at the March 14, 2007 meeting. The motion was seconded by Vice Chairman Golumb. The motion passed by a unanimous vote.

Mr. Clum stated that the Commission does not usually concern themselves with signs and the brackets that hold them up. He said that this would be a first. Mr. Adams stated that he had a concern with how far the sign would project from the building. Mr. Wyckoff pointed out Section 10-1012 of the ordinance concerning hanging or projecting signs and how it should align with some element on the building.

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7. Petition of **121-123 State Street Condominium Association, owner,** and **Mark Bodi, applicant,** for property located at **121 State Street,** wherein permission is requested to allow new construction to an existing structure (removal of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 48 and lies within the Central Business B and Historic A Districts.

Administratively Withdrawn

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### III. WORK SESSIONS

A) Work Session requested by **7 Islington Street, LLC, owner** for property located at **7 Islington Street** wherein permission was requested to allow demolition of an existing structure (southern wing of building, garage building, house structure, and commercial building), new construction of an existing structure (new 3-4 story mixed use building), and exterior renovations to an existing structure (renovate exterior, replace windows, add exterior stair and canopy). *(This application has been remanded by the Board of Adjustment to the Historic District Commission.)*

- Mr. David Holden, Planning Director, explained that this process came about because of a recent court action, not because of this application but because of another appeal of an HDC decision. He said that the Supreme Court, in an action has required than on appeal there should be an automatic appeal to the Board of Adjustment. In this case, the Board of Adjustment has heard the application and at this point has remanded it back to the HDC with two stipulations, one being there be at least one work session and the second being that there be a public hearing. Mr. Holden pointed out that there could be at least three possible outcomes - for the HDC, the Board of Adjustment has found that this matter should best be resolved by the HDC. They have directed that the HDC hold at least one work session and that the HDC consider the resulting design in a public hearing. If that design is denied, the matter would automatically return to the Board of Adjustment for their consideration. He continued to say that at this point for the Board of Adjustment, there is a motion for a rehearing of the decision of the Board of Adjustment. If they choose to grant that then the Board of Adjustment would retain jurisdiction. He said that he did not know if that was likely but it was a possibility. He continued that if the Board of Adjustment denies the rehearing request, then the avenue to Superior Court remains open. Mr. Holden added that if the HDC in its action, following a public hearing, denies the request, then the appeal would be to the Board of Adjustment and the Board of Adjustment would be faced with an action of either supporting the denial of the HDC or either granting approval of the application. If they deny the application, the appeal would be to Superior Court. If they would grant the application, that would end it there. He said that if the HDC granted it that would also end it. He continued to say that the HDC ultimately controls the process to the extent that they act on it and the Superior Court would be the court of last resort by way of the Board of Adjustment or the HDC.
- Ms. Fineberg asked if the application was under appeal at this time. Mr. Holden replied yes. Ms. Fineberg asked that even though they are hearing this again, could that be negated from something at the Board of Adjustment. Mr. Holden replied that it could but the Board of Adjustment has acted on it, it's remanded, the HDC is hearing it, and he told the Commission they should not concern themselves with how the Board of Adjustment

might act but should concern themselves with the role of the HDC. He said that by bringing the rehearing request to the Board of Adjustment, the applicant maintains the option of going directly to court.

- Mr. Steve McHenry of McHenry Architecture stated that he would like to see them resolve the issues with this application. He said that several portions of the design that were issues last time have been addressed. One issue was that the rear of the building seemed to massive for the neighborhood behind it. The other issue was the configuration of the lot and how it connected to Tanner Street where a house was proposed to be demolished and whether it was relevant to the approval. The final issue was the overall width of the building.
- Mr. McHenry passed out new plans. He pointed out that some of the photos were from the original package. The first 15 pages dealt with the Buckminster house which they were not addressing with this application. He said that page 16 showed a change to the roof. Page 16R showed the new elevator override. They have lowered the override so that it was only about 4 feet above the flat roof on the fourth floor. On the rear elevation, the stairwell was gone, the decks have changed configuration and the entire footprint of the stairwell was reduced and pushed back into the building mass. Mr. McHenry added that they are no longer planning to demolish the house on Tanner Street. It will remain in place. He also pointed out that the gap between the Buckminster House and the proposed building has increased from 5 feet to 6 ½ feet. Page 22R showed where the mechanical equipment would be located. Mr. McHenry said that the rear elevation now has a more friendly appearance with larger balconies that wrap around the corners and new window configurations.
- Mr. McHenry stated that they have made a good faith effort to change what were the major objections to the design. The overall style of the building is the same as is the Bridge Street elevation.
- Mr. Holden asked if there would be any people going on the roof. Mr. McHenry replied no, but there would be a maintenance hatch to service the mechanicals. He added that since the public will not have access, there was no need for railings.
- Ms. Fineberg asked if there would be vegetation on the roof. Mr. McHenry replied that they were still planning to do a green roof on the top portion and the third story portion.
- Mr. Wyckoff stated that he was happy with the elevator override. It was a big improvement.
- Councilor Raynolds commented that he appreciated the effort to address the monolithic nature of the rear of the building. He felt it was more fitting and respectful of the neighborhood behind it. Vice Chairman Golumb agreed with Councilor Raynolds.
- Mr. McHenry pointed out the entry to the garage area and explained the changes to that area.
- Mr. Wyckoff asked Mr. McHenry how he resolved the parking issues. Mr. McHenry replied that by the zoning ordinance, parking required was not required on the site. He said that they would have to figure something else out.
- Chairman Dika mentioned that the house on Tanner Street would remain. Councilor Raynolds felt that was much more respectful of the neighborhood.
- Mr. Adams stated that he appreciated the design changes as viewed from Tanner Street. He felt it was a huge difference. He said that he felt Mr. McHenry was being a fair

broker. Mr. Adams continued to say that he still feels uncomfortable with the front façade of the building, the articulation of it and the surfaces of it. He added that he appreciated the diminishing impact of the elevator override.

- Chairman Dika asked Mr. Adams if there was anything else he would ask of Mr. McHenry. He replied no, the architect had done a remarkable job in dealing with the issues. Vice Chairman Golumb stated that the work the architect had done has moved the project ahead by leaps and bounds. Ms. Fineberg said that it looked much better; however, she wished the front doors were more elegant. Mr. McHenry replied that that was one thing that they had not taken a look at. He agreed with Ms. Fineberg and told her that she would see something better the next time.
- Mr. Katz stated that he was the only one to vote in favor of the original concept and so he certainly did not have any objections to the current design changes.
- Mr. Hetjmanek said that substantial improvements have been made and he likes how it stands.
- Mr. Wyckoff agreed with Mr. Hetjmanek. He asked about the window in the center on the front façade. They were the only windows that did not have a divider. Mr. McHenry replied that since the windows had transom windows over them it seemed to get too fussy if they were to put mutton bars in them.
- Mr. McHenry stated that he appreciated hearing everyone’s comments. He said that given the consensus that he was hearing, he would like to move forward with a public hearing in April.
- Chairman Dika asked if anyone in the public wished to comment on the proposed changes to the design.
- Mr. Dick Duchard of Portsmouth Advocates stated that he was also impressed with what the architect had done to modify the design. He was especially pleased with the back view and he hoped that Mr. McHenry could get his approval.
- Chairman Dika stated that they would see Mr. McHenry at the April meeting for a public hearing and she requested that it be the first item on the agenda.

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B) Work Session requested by **J.W. Sobel Revocable Trust, owner**, for property located at **49 Sheafe Street** wherein permission was 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 within the Central Business B and Historic A Districts. *This item was tabled at the February 7, 2007 meeting.*

- Ms. Fineberg made a motion to remove the application from the tabled status. The motion was seconded by Vice Chairman Golumb. The motion passed unanimously.
- Mr. Jonathan Sobel stated that they have been looking at the 449 Court Street building with great interest because it had garages on the first floor with an overhanging second story, third story and roof. He said that he was presenting a new set of proposals since the last meeting.
- Mr. Sobel said that there had been concern expressed at an earlier work session about the height and size of the smaller garage. He said that they have designed it to be smaller so

that the peak of the roof was just about at the level of the higher roof of the main house and the eave edge was level with the porch in the back. The footprint remained the same and was on a zero lot line setback. He said that the front has a garage door that is carriage like. He added that there was a small second story to create some storage space. Mr. Sobel commented that the entire structure was symmetrical.

- Mr. Wyckoff asked about the dormers and wondered if it was one shed roof dormer. Mr. Sobel responded that it was one continuous shed dormer that was predicated on two smaller gable pieces so it was one continuous piece with four small windows. He said that this design created light as well as storage. Mr. Sobel pointed out that he got the idea from the garage that is attached to the Back Bay Channel Canvas Shop in Kittery.
- Mr. Adams stated that this was a technique that they usually see when people are trying to lighten or create interest in a dormer when it is necessary and in public view. He said he felt the Commission would accept a simplified dormer.
- Ms. Fineberg asked if the windows in the garage were going to mimic the windows in the house. Mr. Sobel replied yes.
- Mr. Wyckoff said that the newest design was a big improvement over the salt box look of the last design.
  
- Mr. Sobel said that they have incorporated some design elements from the 449 Court Street garage. It would be a gabled structure with the garage doors being scaled down in size. The gable portion projects out and creates a carriage house type of look. He said that on the left side, there was no fenestration because it is on a zero lot line. He added that at the top of the structure, there would be a clock.
- Mr. Katz stated that this was a great improvement over the initial concept; however, he felt that the windows were too large for the structure given the area that it was in. He said that he was getting into a more post modern design that he did not feel would work in that area.
- Mr. Wyckoff asked Mr. Katz if he was comfortable with the size of the third story window. Mr. Katz replied that the size concerned him and that maybe a rounded top would work if it were smaller. Mr. Wyckoff said that he felt it was an element that did not belong on a third story element such as this.
- Councilor Reynolds said that while the clock idea was interesting, it was something you see mostly on a commercial or municipal building. He thought maybe a half round window would be more appropriate. Mr. Sobel interjected that the curved portion of the upper window was to mimic the arch over the garage doors. Mr. Wyckoff felt that he did not need to mimic that first floor detail.
- Mr. Katz stated that it might be best to err on the side of simplicity. He felt that a lot could be scaled down and it would still be a fine looking building.
- Ms. Fineberg asked if they had an idea of what the supporting brackets would look like. Mr. Sobel he would provide more details at the next meeting.
- Mr. Adams suggested that they stay in the genre of a theme, where one design element relates to the next.
- Mr. Adams asked how they could have windows on the restaurant side when there was a less than five foot setback. Mr. Sobel replied that it is over a right-of-way and directly below it is a door and window.

- Mr. Adams asked about windows on the other side of the building where there is zero lot line and the property abuts the neighbor, Mr. Peterson. Mr. Sobel said that the first floor window is an existing window and the window above it was proposed and will be an issue that will have to be addressed with Planning and Zoning. He mentioned that the third floor window would probably not fly.
- Mr. Sobel stated that they would like to keep the brick wall, window, and doorway that abut the restaurant. They would be reinforcing it and building inside of that.
- Mr. Sobel said that they would like to come back for another work session with more detailed plans.
- Chairman Dika asked how the impact of the abutting building would change his presentation at the next meeting. Mr. Sobel replied that he thought that he did not intend to personally build what he is proposing but instead get the approval, sell the property and have the future owner proceed with the project. He said that that information was conveyed to him by the realtor.
  
- Mr. Sobel asked if it was possible to get a partial approval for the smaller garage if they get hung up on details for the larger garage. Mr. Clum suggested that he apply for them as two separate applications.
- Mr. Adams gave Mr. Sobel a list of items that should be presented at the next meeting in order to seek an approval of the smaller garage. He continued and gave him additional advice for the larger garage. He felt that the roof pitch was not appropriate and that the windows needed to be scaled down.
- Chairman Dika asked if there was anyone from the public who wished to speak to the project.
- Mr. John Russo, an abutter at 99 Daniel Street stated that he was concerned that the water from both garage roof lines would dump excess water onto his property. Mr. Sobel replied that he intended to have gutters installed. Mr. Russo had concern as to where the downspout would be routed. He said that there is a water problem there now with frequent flooding.
- Ms. Dika asked if that was within the Commission's purview. Mr. Clum replied no, that it would be the purview of the Planning and Inspection departments. Mr. Clum asked Mr. Russo if there was a storm sewer on the street. Mr. Russo said that it was at the end of Custom House Court.
- Mr. Sobel stated that he was sensitive to the subject. He said that they have been in touch with the Inspection Department about the constant flooding and were told that since it was on private property, there was nothing they could do about it. He said that the water does flood into his garage and they are looking for a solution to it.
- Mr. Todd Spencer, an abutter at 37 Sheafe Street agreed that it was a problem. Mr. Russo said that it would take a major City project to correct it.
- Mr. Russo stated that when he sold the right of way to Mr. Sobel to access his property, one of the agreements was that he was not to obstruct it in any way. He asked Mr. Clum if that would include building overhangs. Mr. Clum replied yes, that he cannot overhang his property line.
- Mr. J. Russo, another abutter at 97 Daniel Street stated that he would be losing sunlight with the larger garage. He said that the sun was important to drying things up. He also stated that there was a traffic problem in the area. He said that adding residences would

only add to the problem. He added that it was a tight little community there and he felt it was important to preserve the historical and cultural significance of the little alley.

- Chairman Dika thanked everyone for their comments.

B) Work Session requested by **Anne and Alan Weston, owners**, for property located at **43 Pray Street** wherein permission was requested to allow new construction to an existing structure (extend first floor living area, enclose bulkhead, change roof pitch, construct new deck). Said property is shown on Assessor Plan 102 as Lot 39 and lies within the Waterfront Business and Historic A Districts.

- Mr. Roe Cole, the designer and builder for the project spoke. He introduced the property owners, Alan and Anne Weston. He said that the existing conditions are extremely poor. They would like to change some configurations and add some living space. He said that they had been granted variances to do the changes they are proposing.
- Mr. Cole said that page 2 showed the house as it stands now. He said they would not be changing anything in regards to the second floor. They would like to change the pitch and change it to a full pitch in the back to match the house. That would allow them to extend the porch and tie it into the covering that they are going to put above the deck.
- Mr. Cole stated that the plot plan showed the new area that would be encompassed. Page A-10 showed the rear façade. He said that by changing the rear pitch it allowed them to do the shed off of it and tie it into the front façade. The window on that elevation would be shifted to the left.
- Mr. Cole mentioned that the existing front façade only had only three windows in it. He said that they are proposing to add windows on the left and right to balance out the house better.
- Ms. Weston said the windows were all six over six single pane wood windows.
- Mr. Adams asked about the chimney. Ms. Weston replied that it was a center chimney that would remain. She had the chimney redone when she first bought the house.
- Ms. Weston said that the house was built between 1745 and 1785 and was added on to in 1969. She added that the inside still retains some of its historic features.
- Mr. Adams asked what a STDL division was. Mr. Cole replied it stood for simulated true divided light. He explained that there would be an insulated pane of glass that would have an applied mutton on the outside and on the inside with a spacer bar in between. He said that that would be just for that larger glass area.
- Mr. Adams asked what was currently there in that space. Mr. Cole replied that there was currently a slider there. Ms. Fineberg said she was concerned that the side panels did not seem to fit with the rest of the house. Mr. Cole said that they would not see it from the street. He said that the property owners wanted that amount of glass in that location so that they could enjoy their water views and dock. He said that that area was not visible from anywhere on any street. He stated however; that they were open to suggestions.
- Mr. Katz stated that he did not have a problem with it given the situation, the location, and what they were trying to change.
- Ms. Fineberg said that she did not think it was appropriate.
- Ms. Weston said that they have only one window on the back side and their neighbor just received permission to put an addition that will further block the light on that side. She said that they did not have many more options.

- Mr. Wyckoff stated that he did not think it was a big deal. Councilor Raynolds agreed.
- Chairman Dika asked if a site walk would be helpful. The Commissioners thought that would be a good idea.
- Mr. Wyckoff pointed out that it would be important to have the windows put in properly and trimmed out correctly. Ms. Weston pointed out that the Commission can take a look at the installation of the windows that have already been replaced.
- Mr. Adams said that he thought they would miss the side steps to the side door. He added that he would like to see the details of the handrails, deck surface, posts, and the intersecting with the beam above. He said they would also need a series of measurements showing the new locations of the windows on a five window façade. As to the door and side lights, he felt uncomfortable knowing that it was inappropriate to the house.
- Mr. Katz said that the Commission has the option of making exceptions in regards to special situations.
- Mr. Cole said they would like to go forward with a public hearing and would look forward to a site walk as well.
- Chairman Dika thanked the applicants for their presentation.

Mr. Katz asked if they were now scheduling site walks on Saturdays. Mr. Wyckoff thought that was just a winter alternative. Mr. Katz felt that they would get more accomplished with it on a Saturday so that they would not feel so rushed. He said that it was something they could think about.

## **ADJOURNMENT**

At 10:50 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 Commission meeting on April 4, 2007.