

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

January 2, 2008

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak, Elena Maltese, Planning Board Representative Jerry Hejtmanek, Alternates Joseph Almeida, George Melchior

MEMBERS EXCUSED: City Council Representative Edward Raynolds

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

Approval of minutes – December 12, 2007

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

II. NEW BUSINESS

Election of Officers - Vice Chairman

Chairman Dika asked for nominations for the position of Vice Chairman. Mr. Wyckoff nominated long time member Mr. Katz. The nomination was seconded by Ms. Maltese. Hearing no other nominations, Chairman Dika closed the nominations and called for the vote. Mr. Katz was voted Vice Chairman by a unanimous (6-0) vote.

Mr. Katz thanked the Commission for their vote of confidence.

III. PUBLIC HEARINGS

1. Petition of **Gregory B. Bolton, owner**, and **Bruce Oronte, applicant**, for property located at **33-35 Richmond Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace gates) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 17 and lies within the Mixed Residential Office and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Bruce Oronte was present to speak to the application. He explained that the existing fence was deteriorating and he would like to rebuild it and enhance it with a beaded rail.

Ms. Kozak asked if the picket size was a square 1½” and was pointed on all four sides. Mr. Oronte replied yes. He added that fence would taper down from the outside to the center. Ms. Kozak asked what the height difference would be. Mr. Oronte said it would be around 3”.

Mr. Almeida asked if he would be using the same posts. Mr. Oronte replied yes. Mr. Almeida commented that it was a nice design and improvement. He questioned whether the weight of the new fence would hold with the old posts. Mr. Oronte explained that he would have gussets in the corners.

Mr. Clum asked what the clearance would be from the bottom of the fence to grade. Mr. Oronte replied about 4”.

Ms. Kozak asked what the gussets would be made of. Mr. Oronte said that they would be made of wood and would be through bolted. Ms. Kozak wondered if it would be better to extend the gusset to the end of the gates.

Mr. Wyckoff said that he did not think the gussets would work. He felt there needed to be a diagonal piece. He explained a couple of ways the diagonal piece could be disguised.

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 and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was an improvement. It would look better and was appropriate for the neighborhood. Vice Chairman Katz agreed.

Ms. Maltese pointed out that what the Commission is looking at with applications is appropriateness. She said that she hoped the applicant understands the Commission’s concern for success. She added that she has concern when the Commission brings up aesthetics. She pointed out that aesthetics is not on the Commission’s list of responsibilities.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application passed by a unanimous (7-0) vote.

2. Petition of **Peter B. Schwab, owner**, for property located at **270-272 South Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, siding, and trim at 270 South Street and remove door, reconfigure window, and add windows at 272 South Street) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 6 and lies within the Single Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Chris Redmond, architect for the project, was present to speak to the application. He explained that there were two buildings on the property. With the first building, located at the front of the property, they were proposing to replace the siding, windows, and trim. The second building, located farther in on the lot, they were proposing to modify window and door openings.

Chairman Dika suggested that they discuss the buildings one at a time, beginning with the first building, the one located at the front of the property.

Mr. Wyckoff asked if the structure was a colonial building. Mr. Redmond replied yes. Mr. Wyckoff asked if the entire frames, the outside casings, and window sills would be removed. Mr. Redmond replied yes. Mr. Wyckoff pointed out that the Commission had no detail as to the how the windows would be replaced. He said that it has been his experience that it would be opening a can of worms with an old home such as this one. He explained that the casings in the days that this house was built were at the same level as the sheathing. The casings themselves were placed on the framework of the building. He said that he was afraid that the applicant's plan was not going to work. Mr. Redmond said that he met with the builder who indicated that there was significant rotting. He said that if the casings could be saved, they would save them. He said that the builder thought that it would require more than replacement windows. Mr. Wyckoff repeated that more details would need to be submitted. Mr. Almeida agreed and suggested postponing it to the next meeting.

Chairman Dika asked if a work session was needed. Mr. Almeida thought that it would be a good idea.

Ms. Maltese pointed out that the replacement of the clapboard with in kind materials would not need to be reviewed by the Commission.

Mr. Wyckoff indicated that the applicant wanted to use the window pattern on the front of the building that was 2 over 2. He explained that this was a center chimney colonial building and would have originally had 6 over 6 windows in it. He pointed out to the applicant that he was proposing a replacement sash that was installed in 1900. Chairman Dika said it was her understanding that the house was built in 1750.

DECISION OF THE COMMISSION

Ms. Maltese made a motion to postpone the application to the February meeting. The motion was seconded to Mr. Wyckoff.

Mr. Almeida asked if the Commission was recommending a work session. Chairman Dika said yes.

Vice Chairman Katz asked if the Commission was to question the methods used in this application as opposed to the final product. Mr. Clum explained that one of the reasons the applicant was before them was that a 6 over 6 windows was selected and that was a change in appearance. He said that they suggest to people who say they are going to match every detail exactly that they take very detailed pictures to prove that case down the road if it was ever challenged.

Mr. Wyckoff pointed out that 6 over 6 windows on the cut sheet were circled but on the application it stated 2 over 2.

Chairman Dika explained to the applicant that if he was planning to duplicate everything the way it exists currently, he may want to go back and speak to the Planning Department and forego the

need of a work session. Mr. Redmond said that he would pass the information on to Mr. Schwab.

Hearing no more discussion, Chairman Dika called for the vote. The motion to postpone the application to the February meeting passed by a unanimous (7-0) vote.

3. Petition of **DiLorenzo Real Estate, LLC, owner**, for property located at **37 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (installation of air handling unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 49 and lies within the Central Business A, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Robert Harbeson of DeStefano Architects was present to speak to the application. He pointed out an error on the submitted plans. The date on the plans should have read January 2, 2008 instead of January 2, 2007. He submitted two revised copies of the plans for the Planning Department files.

Mr. Harbeson explained that Sheet 1 was a location plan. Sheet 2 showed the location of the unit. Sheet 3 showed how the unit would be mounted. Sheet 4 showed how the unit would come off of the wall. The final sheet was the cut sheet with all of the specifications of the unit itself.

Mr. Almeida asked Mr. Harbeson where the piping for the unit would be located. Mr. Harbeson said that it was his understanding that it would be located behind the unit. Mr. Almeida asked if the unit was mounted on the building. Mr. Harbeson replied yes, and that it would have metal brackets that would affix it to the wall.

Ms. Maltese asked if there would be lattice surrounding the unit. Mr. Harbeson replied no, the unit itself would be exposed. The lattice screening that would be remaining would screen the unit from pedestrian view on Ceres Street. Mr. Harbeson explained that there were two reasons why there would not be lattice surrounding the screen. One was because it would have to be some distance away because of the air and the other was that it would limit patio space, of which the owner had already had to give up some to accommodate this unit. In addition, he mentioned that building a structure around the unit would require site review. Ms. Maltese asked if lattice could be placed at the point where the discomfort level to diners ended. Mr. Harbeson said that it might be possible. He would have to consult with the mechanical contractor. Mr. Wyckoff suggested a panel made similar to a Japanese screen that could be placed there but could also be removed for maintenance of the unit. Mr. Harbeson thought that the owner would be amendable to that.

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 and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to approve the application as presented. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Wyckoff stated that there are only so many places on a lot where a unit like this can go. He felt it was just a piece of mechanical equipment that they are stuck with.

Ms. Maltese said that these units are 21st century technology that are necessary for business but that she was still looking for some type of screening as this location is quite visible to the public.

Hearing no other discussion, Chairman Dika called for the vote. The motion to approve the application as presented passed by a unanimous (7-0) vote.

4. Petition of **Bada Bing Enterprises, LLC, owner, and Heidi Coscia, applicant**, for property located at **21 Daniel Street**, wherein permission was requested to allow exterior renovations to an existing structure (install retractable awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 28 and lies within the Central Business B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Jessie Aikman of Back Channel Canvas Shop was present to speak to the application. She explained that the applicant was seeking approval for a simple awning. It would be made of black fabric with white trim with the number 21 on it, also in white. She added that it was a retractable awning with a rope and pulley system.

Mr. Almeida said that the submitted photo showed a wood panel detail above the door. He asked where the awning would fall in relation to that wood detail. Ms. Aikman said that it would fall in between the decorative bricks and the wood detail. She added that the brick would be exposed.

Mr. Almeida commented that it seemed like the water would shed right back onto the step with this design. Ms. Aikman replied no, the water would be falling onto the sidewalk. She explained that the doorway is somewhat recessed inward. Mr. Almeida complimented Ms. Aikman on a nice design.

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 and awaited a motion.

DECISION OF THE COMMISSION

Ms. Maltese made a motion to grant a Certificate of Appropriateness for the application. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Ms. Maltese stated that she found the application to be straightforward. She felt the shape of the awning would highlight the historic features underneath it and was appropriate for the character of downtown.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness passed by a unanimous (7-0) vote.

IV. OTHER BUSINESS

Discussion of possible changes to Article X of the City Zoning Ordinance

Chairman Dika stated that she would like to start discussion with the Commission concerning possible modifications to the zoning ordinance. She explained that Mr. Rick Taintor, the City's Zoning Ordinance Consultant, would like to meet with the Commission to discuss the process and procedures. She reminded the Commission of their prior discussions concerning chimney caps and simulated wood products.

Mr. Wyckoff prepared a list of areas he thought might need modifying. He suggested the following changes to Section 10-1002:

(a) Ordinary maintenance – he would like see the language changed to allow the replacing of dimensional wood products including siding, trim, soffits, corner boards, etc. with plastic or cementitious products and that it be excluded from Commission review. He felt they would lose about 10% of their applicants if this change was implemented.

(f) Mechanical equipment – he suggested a change in the language to exclude the review of chimney caps that do not extend more than 12" over the chimney.

(g) Active, passive solar collectors and voltaic cells – if placed on the roof or wall plane that extend out no more than 12" should be excluded from review.

He made the following suggestions to Section 10:1003:

A. (1.2.3.) – He felt that color should be reviewed in the cases of prefinished items that typically have a long life, such as clad windows, doors, garage doors, fencing, railings, awnings (fabric and metal), and siding (metal, plastic, and cementitious).

His final suggestion was to Section 10-1001, specifically to look at the boundaries of the Historic District. He mentioned several areas where it might possibly be extended. In addition, he suggested that the "peninsula" of the Mixed Residential Office zone that extends from the middle of Bridge Street along Hanover Street to The Page restaurant be included in the Historic District. He explained that any of the buildings in this area could be demolished and/or rebuilt or added to with no review. Mr. Clum mentioned that a court decision was handed down some years ago with regards to a building in that area.

Mr. Almeida mentioned that how the Commission considers the demolition of buildings should be addressed in their discussions as well.

Chairman Dika thanked Mr. Wyckoff for his thoughtfulness to this process. She said that she was very proud of the Commission because of their diversity of thought and ideas. She also said that she was pleased with how respectful the Commission was to one another despite differing opinions on various aspects of certain projects.

Ms. Maltese stated that she was unaware of the court decision in the peninsula area. Mr. Clum said that it was old and that he did not remember the specifics. Ms. Maltese wondered if the decision was changeable. Mr. Clum said that the City attorney could be consulted on it. Ms. Maltese said that if it was changeable, then she agreed that the area should be considered. Vice Chairman Katz said that it could be proposed to see what would happen.

Ms. Kozak thanked Mr. Wyckoff for his thorough and reasonable list. She felt it was a wonderful starting point for discussion. She suggested it would be a good idea to define the simulated wood products in more detail to make sure that they would not be approving anything vinyl. Vice Chairman Katz pointed out that some of the decking materials are made from recycled materials and they would not want to discourage that. Mr. Hejtmanek commented that the discussion was very product specific. He said that with products being developed all of the time, he wondered how the Commission would handle that aspect.

Vice Chairman Katz pointed out that the Commission has approved vinyl siding in the past. He felt they should reserve the right to do that in the future. He added that he would like to see the ordinance simplified rather than add more stipulations to it.

Mr. Almeida said that he was going to be hard pressed to allow any plastics in the downtown. He showed samples of simulated wood products for the Commission to view. He felt that they needed to be very specific about the products as some can be very shiny. He added that in his opinion, Azek has no place in the Historic District. Mr. Wyckoff said that he uses the Azek product frequently and when he uses it, he paints it. He said that when it is painted, one cannot tell the difference between it and real wood. He added that it is hard to get decent wood today to finish the outside of a house.

Mr. Almeida stated that it is a huge responsibility to own a house in the Historic District these days. Ms. Maltese said that she feared that it would only be for the upper class. Chairman Dika pointed out that they have made exceptions in the past because of economic situations with particular applicants. Ms. Kozak told the Commission that she has watched Historic District proceedings of other towns. She explained that in Salem, MA they have a Certificate of Appropriateness, a Certificate of Inappropriateness, and a Certificate of Hardship. She thought that having those choices would help the Commission to avoid setting precedence. Vice Chairman Katz said that he liked that idea.

Mr. Almeida asked if research was done in the past as to what other Historic District Commissions do. Chairman Dika replied no, that very little has been done. Mr. Almeida wondered how far the City and the community wanted the HDC to be taken. Ms. Maltese pointed out that New Hampshire has a preservation alliance and it has written guidelines for Historic Districts and Portsmouth has chosen, in the past, to not look at them. She added that there is open conversation between many different Historic District Commissions in the State which the Portsmouth HDC has not to be a part of. She felt it would be a wonderful opportunity for Portsmouth to embrace other Historic District Commissions.

Mr. Hejtmanek felt that if an applicant wants to use plastic products, he should have to come to the Commission to get approval. He cautioned the Commission that if they excluded it from review, than an applicant could use new technology without having to come before the Commission. He asked them if that was what they wanted. Ms. Maltese said that she was in agreement with Mr. Hejtmanek and would like to review each choice of product.

Vice Chairman Katz said the question was whether the Commission can come to a consensus on simulated wood products to make a recommendation. Chairman Dika suggested that they wait and meet with Mr. Taintor because he may have a way to deal with all of the varying opinions of the Commission.

Ms. Kozak pointed out that there are also cementitious and wood composite products to consider as well.

At this point in the meeting, the discussion moved on the chimney caps.

Mr. Almeida said that he was all for simplifying things. He felt that guidelines for chimney caps should be defined further. Ms. Maltese said that she would like to see the change apply to chimneys where no historic chimney cap existed. Mr. Almeida felt they were talking about the stainless steel, and in some cases aluminum caps. He said that he agreed with Ms. Maltese. Ms. Maltese added that she just wanted to protect the existing historic ones.

There was detailed discussion about existing chimney caps that were installed without approval. Vice Chairman Katz pointed out that in his 10 years on the Commission; they never approved the

metal caps. He thought that the word got out that the Commission would not pass a metal cap so the homeowner went ahead and did it anyway. Mr. Wyckoff said that he did not blame the homeowner for doing it. He pointed out that the chimney cap does not change the look of the building.

Chairman Dika stated that they have to come up with a way to control the situation. She said that they currently approve bishop caps and bluestone caps. She asked if they could approve a commonly used steel cap like the one that was approved on Mechanic Street. Vice Chairman Katz said that they could use that particular cap as a model. Mr. Almeida added that he works with a lot of contractors and they are going to do what is quickest and easiest to do. He said some guidelines were needed because he thought to take it completely out of the Commission's purview was dangerous.

The discussion moved on to the topic of passive solar collectors. Ms. Kozak stated that solar collectors needed to be reviewed because there are many ways to attach them. Mr. Almeida added that they need to encourage people to use them. Ms. Kozak said that the technology was improving almost daily and was becoming more versatile in terms of shape and finish. Chairman Dika pointed out that they approved solar collectors for the Round Island application.

The next topic for discussion was finishes and color choices. Mr. Almeida thought this was a good review to add since the Commission is encouraging the use of new technologies such as vinyl and aluminum clad windows. He pointed out that some of the finishes on these types of windows can be very shiny and are out of character with historic features. Vice Chairman Katz wondered if the Commission was quietly, steadily, creeping into an elitist status approach. Ms. Maltese said that she was comfortable reviewing finish but not color.

Chairman Dika thought it would be nice in regards to mechanical equipment of they could require the applicant to paint them so that they blend in with the surroundings.

Mr. Wyckoff pointed out an example of an application on Market Street where color choice of a railing was critical to the appearance. He felt that with applications such as that one, color should be within the Commission's purview. Mr. Almeida agreed.

Mr. Almeida addressed Vice Chairman Katz's comment about moving in the direction of an elitist status approach. He said that in a case where someone is coming to the Commission to seek approval for the use of artificial materials, he did not think that it was an elitist position to ask for oversight. Vice Chairman Katz said that then the Commission would be engaged in subjective aesthetic judgment. Mr. Wyckoff replied that they do that all of the time. Vice Chairman Katz asked how much of this should be codified. He also asked if the Commission would put the same criteria to a structure on Marcy Street as to one on Dennett Street. He pointed out that the criteria are different in different areas. Ms. Kozak commented that maybe there needs to be more of a break down of the Historic District, not just Historic District A, but maybe a B and a C. She felt that there needed to be different approaches. There was considerable conversation among the Commission regarding Ms. Kozak's suggestion.

Chairman Dika said that their discussion showed how complex this process was. She added that it would be important to hear what Mr. Taintor has to say about bringing the Commission's divergent ideas together.

The Commission moved their discussion to the topic of recommending the extension the Historic District.

Ms. Kozak asked if anyone had read the Zoning Ordinance Audit Report that was on the City's website. She explained that the report stated that some areas do not have historic context. She

said that the report suggests solutions such as consider differentiating sub districts within the Historic District or create new design review districts that have a distinct set of design criteria or revise the existing Historic District standards to provide guidance for new materials and forms; emphasize context sensitivity rather than replication of historic forms.

Mr. Hejtmanek explained that the Planning Board had discussion with Mr. Taintor regarding whether the Historic District Commission should be dealing with the Northern Tier.

Mr. Almeida asked how the public would weigh in on any changes that the Commission recommended. Mr. Hejtmanek explained that the Commission would make a recommendation to the Planning Board who would review the recommendations. Then there would be public hearings with the Planning Board. After those public hearings, the Planning Board would make the recommendation to the City Council who would in turn hold public hearings. He pointed out that there would be two opportunities for the public to comment on the proposed changes.

Chairman Dika said that the Commission would have to think individually about all of the topics discussed before any recommendations could be made.

Mr. Wyckoff stated that he disagreed with the statement that the Northern Tier does not have any context. He pointed out that there was a 17th century graveyard and a number of historic homes on one side of Maplewood Avenue. Mr. Melchior commented that he partially agreed that there was context in the Northern Tier.

Chairman Dika asked if there were any other comments on the zoning issues. Ms. Maltese said that she looked forward hearing on the legal realities of the peninsula. Vice Chairman Katz stated that nothing Mr. Wyckoff suggested was very radical; that there just needed to be some filling in of the gaps. Ms. Maltese said that she did not feel comfortable extending the Historic District beyond what it already is. Mr. Almeida thought it should be up to the public as to whether the Historic District is extended.

Chairman Dika stated that she would be in touch with Mr. Taintor to find out when he would be available to meet with the Commission.

V. ADJOURNMENT

At 9:10 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 February 6, 2008.