

**MINUTES OF WORK SESSION  
HISTORIC DISTRICT COMMISSION  
ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**February 27, 2008**

**MEMBERS PRESENT:** Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak, Elena Maltese, Alternate Joseph Almeida

**MEMBERS EXCUSED:** City Council Representative Eric Spear, Alternate George Melchior

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

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**I. WORK SESSION**

Discussion of possible modifications to Article X of the zoning ordinance

Chairman Dika explained that at the last meeting, the Commission reviewed the sections of the ordinance up to Section 10-1005.

Chairman Dika also stated that the Atlantic Heights Neighborhood Association was heard last week at the Planning Board meeting. Vice Chairman Katz and Ms. Maltese stated that the meeting was very full with lengthy discussion. They recommended that the other Commissioners read the minutes of that meeting when they are available. Vice Chairman Katz added that the neighborhood association would like to explore ways of keeping their neighborhood insulated from large scale development. He said that there were some misapprehensions of the HDC if it were to become involved in the project. Ms. Maltese felt that there would need to be some education on the work and role of the HDC.

Chairman Dika passed out flyers pertaining to a training session in Hollis on March 27. She indicated that she would be attending. She felt it would be better if all members attended. She asked Mr. Holden if the City would offset the cost of training. Mr. Holden said that they could cover the cost of application fees.

Mr. Holden suggested that at the Commission's March 12<sup>th</sup> meeting, they review the zoning map and discuss possible extensions of the Historic District.

Chairman Dika asked if there were additional extensions that were not already discussed that should be considered. She suggested that maybe Richards Avenue to Miller Avenue should be considered.

Mr. Clum mentioned that with regard to Middle Street and Islington Street, there were two separate rules. On Middle Street, anything within 150 feet of Middle Street is considered in the Historic District. On Islington Street, it is the properties directly on Islington Street. Mr. Holden felt this was something to have discussion on.

Ms. Maltese asked if the properties on Hanover Street had been reviewed and could be considered for inclusion in the Historic District. Mr. Holden said that in his opinion, yes they could be considered. He explained that the properties have changed hands and the district has matured so this would be a good time to take a look at them.

It was decided that the Commission would meet prior to their regular meeting on March 12, 2008 from 6:30 – 7:30 p.m. to discuss possible extensions to the district. The regular meeting would begin at 7:30 p.m. An additional work session was scheduled for Wednesday, March 26 from 6:30 – 8:30 p.m. to discuss the list of possible exemptions.

The Commission began their review of Article X beginning with Section 10-1005.

### **Section 10-1005 Written Findings Required Section A. through C.**

Page X-5, 1.a) Mr. Holden said that he would suggest adding that the request for an extension be received prior to the expiration date.

Ms. Maltese stated that she was in favor of including certificates of inappropriateness and certificates of hardship as options when reviewing applications. Ms. Kozak explained that an example of a certificate of inappropriateness would be if someone wanted to put a small addition onto their house that was currently vinyl sided and would like the addition to match the house. Mr. Clum explained that he has seen wheelchair ramps denied so maybe in the future a certificate of hardship could be granted in cases such as those. Ms. Kozak commented that they would have to be careful that it did not get interpreted too broadly. Vice Chairman Katz added that one of the guidelines could be that it applies to single family homes only. Mr. Holden said he would first determine if they can have the different certificates and if so, how to implement it. He added that if they do use different certificates, the Commission will have to come up with the guidelines.

Page X-5, 2. Mr. Almeida suggested changing the word “opinion” to “decision.”

Page X-5, B. No changes suggested.

Page X-5 C. 3. Vice Chairman Katz stated that Footnote 28 was very helpful with this paragraph.

At this point in the meeting, the Commission had lengthy discussion concerning granting partial approvals.

### **Section 10-1006 Review of Permit Applications within the District**

**Section A. and B.**

Page X-6, A. Mr. Holden said that this section allows the HDC to follow up on approved applications. Mr. Wyckoff asked if the Planning Department kept track of the one year time period. Mr. Holden said that it was technically the responsibility of the applicant but the department will call if they sense an approval is nearing its expiration date. He pointed out that if an approval is in litigation, the clock stops until a decision is rendered.

Page X-6, B. No changes suggested.

**Section 10-1007 Meeting Format**

**Section A. through C.**

Page X-6, A. No changes suggested.

Page X-6, B.1. Mr. Holden explained that the City notifies abutters of a work session but are not required to do so.

Page X-6, B.3 Mr. Holden stated that this section would probably be rewritten as it was a problem in the prior ordinance. He said that it has not been too much of a problem in this ordinance. He pointed out that any time a majority of the Commission gets together, it has to be posted.

Chairman Dika asked who should be the initiator of a site walk. Mr. Holden replied that the applicant will ask and the Commission shall decide. The Commission discussed at length the process of work sessions.

Ms. Maltese left at this point in the meeting.

**Section 10-1008 Timing of Review**

**Section A.**

No changes suggested to this section.

**Section 10-1009 Appeal**

**Section A. and B.**

No changes suggested to this section.

**Section 10-1010 Enforcement and Appeals of Administrative Decisions**

**Section A.**

No changes suggested to this section.

**Section 10-1011 Notice Format**

**Section A. and B.**

No changes suggested to this section.

**Section 10-1012 Scale Guidelines for Signs Within the District  
Section A. through C.**

Mr. Holden explained that if a sign application does not conform to Article VIII, it will come before the Historic District Commission, after it has gone before the Board of Adjustment. He suggested that the Commission read Article VIII and comment as it pertains to the Historic District. He added that this was an area that needed a fair amount of work. Mr. Holden said this ordinance fails when they are dealing with signage on large lots and large developments.

This concluded the line by line review of Article X. Mr. Clum asked to go back and review the exemption of mechanical equipment and ventilation terminators. He asked the Commission if they wanted to review all condensers located on the back of a building. Mr. Wyckoff stated that he did not want to. Ms. Kozak replied that if it was not visible from a public way she would consider it. Mr. Almeida said that he would want to review them as some units can have a huge impact on the aesthetics of the building. Vice Chairman Katz was interested in exploring the idea.

Chairman Dika asked the Commission if they felt the footnotes in the back of the Article were worthwhile. Ms. Kozak felt they were extremely important. Vice Chairman Katz wondered why they were not included in the general ordinance. Vice Chairman Katz recommended putting the applicable footnotes at the bottom of their respective pages. Chairman Dika felt that would be useful and she asked the Commission to review them and report back with their comments at the next meeting.

Mr. Holden said that he would be meeting with Deputy City Manager Cindy Hayden and Mr. Rick Taintor to go over the Commission's comments. He felt that when the Commission meets on March 12 he would have a better understanding of what would happen next.

Mr. Clum said that he would set up a meeting with the plumbing inspector and Mr. Almeida and Mr. Melchior to discuss Section 10-1002, C.1. (f).

Chairman Dika asked Ms. Kozak to present her material to the Commission. Ms. Kozak said that the Commission should be aware of the City's Master Plan as to how it relates to the Historic District Commission. She pointed out that there were five suggestions.

Ms. Kozak said that the first suggestion was to develop a historic preservation plan. She explained that this covered changes to the boundary of the Historic District, demolition, and demolition by neglect. Mr. Clum pointed out that in the very distant past, the adoption of a property maintenance ordinance was soundly defeated by the populace. Mr. Holden replied that it was proper to look at it again and consider it. Ms. Kozak said that the Master Plan also suggested hiring a preservation planner, which she felt was a great idea but would be expensive and would probably not be a top priority at the present moment. She suggested that the

Commission prioritize some of these issues and see if they could make some suggestions themselves.

Ms. Kozak said that the second suggestion in the Master Plan was to consider creating neighborhood overlay districts, either conservation or historic districts. She suggested that the Commission define the word historic because historic can be anything from 1630 to 1950. She said that Elywn Park, for instance, was considered historic because the Master Plan pointed out that any neighborhood with a distinctive character could be considered historic. She felt the attempt of the Master Plan suggestion was to preserve neighborhood character.

Ms. Kozak stated that the brick mill buildings on Islington Street should receive consideration because there is currently no protection for them.

Ms. Kozak said that the last three suggestions were to increase public awareness of the district by creating clearer guidelines, encourage a post approval inspection process, and survey and protect historic waterway views. Mr. Holden said that the zoning ordinance and State Statute does not allow preserving views but there are other ways of doing it. Chairman Dika said that she has always been concerned about the view of the North Church steeple.

Ms. Kozak stated that public awareness was the best tool to encourage preservation. She felt it would be important to identify buildings that are important before the wrecking ball starts swinging. Mr. Clum stated that in 1982-1983 the Portsmouth Advocates began such a process. Mr. Holden said that there is a complete record on file at the Athenaeum. Ms. Kozak thought that the record involved just buildings in the historic district.

Mr. Almeida asked if they, as Commissioners, are allowed to identify funding sources and go after them. Mr. Holden replied no, the City would have to look into the funding sources.

Chairman Dika told the Commission she had various ordinances from other towns for them to review at their leisure. She asked them to read through them and make comments.

## **II. ADJOURNMENT**

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

Respectfully submitted,

Liz Good  
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on March 12, 2008.