

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

6:30 p.m.

March 26, 2008

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; City Council Representative Eric Spear, Members John Wyckoff, Tracy Kozak, Alternate Joseph Almeida and Alternate George Melchior

MEMBERS EXCUSED: Elena Maltese

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

I. WORK SESSION

Old Business:

Review of possible modifications to the Historic District map

Chairman Dika introduced David Holden who displayed a proposed new Historic District Map which included changes in five different locations. They were proposing an additional 74 lots to the existing 1,000 lots. This was discussed with staff and their recommendation was that they needed strong support among their members as there would be a fair amount of tension created regarding the lots being proposed. He added that they would need to be prepared to give their reason and rationale for adding the new lots. He said that from the Department's perspective, they were not convinced that the South Street area should be added to the district. Mr. Holden asked them to revisit that with additional discussion. He pointed out that extending that area would then include a City park, a City athletic field, the Edgewood Nursing Home, and three separate cemetery lots. Some other streets, such as Miller Avenue, might be more worthy of consideration because it might be considered a more dominant entrance to the City. This will be ultimately up to the Council.

Mr. Clum felt that South Street, in many people's opinion, doesn't seem to be considered a view corridor. He received several phone calls from people that said they don't feel South Street is an entrance to the City. Some people thought that Miller Avenue was as an extension of Route 1A. Mr. Holden also added that they felt that South Street deserved something but maybe not a full Historic District.

Chairman Dika mentioned that some of the Commissioners have gone back out to the various areas that are being considered for another look. She asked for their comments. Councilor Spear

felt the same as he did before. He felt that Area 1 on the draft map made sense but he did not think the map should be extended in areas 2, 4, and 5. He added that this is not to say that the brewery on Islington Street deserves some sort of protection but as far as districts and corridors, he would like to procedurally come up with strong positions on what they want changed.

Chairman Dika felt that the area on Deer Street was unanimously felt to be included. Ms. Kozak felt strongly that South Street was a primary way into the Historic District, or a corridor. She said that she would support adding South Street to the Historic District. She did not feel that Area 2 was as strongly justified. Mr. Almeida agreed with Councilor Spear. His position hasn't changed. He does not feel South Street, to that extent, should be included. He would agree with Areas 1 and 3, but he would not support Areas 2, 4 and 5.

Mr. Wyckoff asked to review the proposed map again to clarify the areas. Area 3 extended from the current district to the Bartlett Street intersection. Mr. Holden explained that Area 3 was taking out any lots that are more than one lot in depth along the corridor. He said that the Department supports this. Area 1 was the section that was taken out a long time ago. Area 5 was South Street. Area 4 was the expansion of Lafayette Road to South Street from where Middle Street becomes Lafayette Road. Mr. Holden explained it picks up the Lafayette School, and includes some gas stations. Mr. Wyckoff felt the gas station and ranch houses could change in the future. He said that the South Street corridor was essentially an extension of Route 33. He would like to do a traffic count to compare Miller Street with South Street. Mr. Wyckoff pointed out that there are some very large homes on South Street, all of different styles. He said that he understands that there may be some friction with including this area but he hoped that if the Commission could agree to exclude certain minor renovations, it might ease some of the residents' concerns. Mr. Wyckoff stated that they are supposed to be looking at increasing the Historic District and he felt that Mr. Almeida and Councilor Spear are decreasing it with their recommendations. Mr. Wyckoff felt that was counter to the feelings he was getting from talking with them. Mr. Holden pointed out that the Commission has not been charged with increasing the Historic District. Mr. Wyckoff wanted to know why Islington Street stops at Dover Street and it doesn't include the properties on the left hand side of Islington Street. Wyckoff pointed out the townhouses that were built on Islington Street across from Dunkin Donuts and reminded them that something like that could happen on South Street.

Ms. Kozak stated that with regards to the end of Islington Street, there was no design review for that area. She was wondering if there was some way to review designs for quality standards, but not necessarily to recreate a historic replica of some time period. She also wondered if there were some way to review contemporary designs that fits the 21st century but relates to its context. She said she was not sure if the HDC was the right means to do that. She felt it was an important corridor and would benefit from some sort of design review. Chairman Dika indicated they would be talking about overlay areas which might give some protection.

Vice Chairman Katz's primary concern was Area 4 which was the extension of Middle Street to South Street. He said that the limits of the district now seem to be arbitrary. He would like to see the Lafayette School and the gas station under the HDC's purview. The Lafayette School has suffered from many attempts to be developed. He thought this area was crying out for some sort of overview and was in favor of extending Area 4 to the South Street limit. Mr. Holden

asked him how he felt about the other areas. Vice Chairman Katz replied that the Bridge Street area made sense. He felt that South Street was taking care of itself. He would support South Street but he wasn't sure how passionately he could support it.

Mr. Holden advised the Board that they are attempting to add some design review to the new regulations.

Mr. Melchior stated that he lives on South Street and he felt it was a corridor. He supports Mr. Wyckoff and Ms. Kozak and felt that Areas 4 and 5 were appropriate, as well as the Islington Street extension and the Bridge Street addition.

Mr. Holden asked to get a count as to what areas the Commission supported. Area 1 received support from all of the Commissioners present. Area 2 received support from Mr. Wyckoff and Mr. Melchior. Area 3 received unanimous support. Area 4 received support from Ms. Kozak, Mr. Wyckoff, Mr. Melchior, Vice Chairman Katz, and Chairman Dika. Area 5 received support from Vice Chairman Katz, Chairman Dika, Mr. Melchior, Mr. Wyckoff, and Ms. Kozak. Mr. Holden explained that the priority order would be Area 1, 3, 4 & 5, and 2.

Chairman Dika stated that she had been looking at Miller Avenue, Richards Avenue, and Wibird Street as a possible overlay district. There was considerable discussion regarding this. Mr. Wyckoff thought they were approaching this idea too casually and not considering the ramifications it would involve. Mr. Holden explained that the Historic District is an ordinance. Design review might be regulations and those are two very different things. He said that State law gives the authority to create ordinances. The City Council must adopt the ordinance. One small part of the ordinance is Article X. That ordinance is what creates the Historic District Commission. Chairman Dika said that the reason for mentioning the overlay district was so that they could pin down what they want for the map for the Historic District. She said that if there was an area that was appropriate for an overlay district, it may not be something that they want to push with the Council right now, but maybe it could evolve in another arena.

Mr. Almeida said that he thought some areas were casually being considered. He felt they were throwing a net down an entire street to catch a few significant pieces of architecture and for that reason he would rather not make such major changes to the district.

Vice Chairman Katz asked Mr. Almeida what his objection was to extending the Lafayette Road section. Mr. Almeida replied that he felt they were chasing three pieces of architecture down there. Vice Chairman Katz disagreed and he felt that the office park was a clear delineation of where the district should stop.

Ms. Kozak said that she wanted to address Chairman Dika's idea of an overlay district between South and Middle Streets. She wanted to make sure they were clear on what an overlay district was and wasn't. She said that it has not been clearly defined yet. She suspected that it is not at all like the HDC in terms of depth of review. Ms. Kozak pointed out that one item that makes the Miller Street area unique is how it is laid out. She said that there are at least three things that 95% of the lots have that unify them – one of them is that just about every one of the houses has a protruding element at the front, either a portico, a porch, or a bay window. Also, many of the

homes have garages or outbuildings with garage doors and are not in the same plane as the front of the house. She also mentioned that they had sloped roofs. She pointed out that those three items did not necessarily merit a full in depth historic review. Mr. Holden said that there are a number of ways that a review could be accomplished.

Vice Chairman Katz thought there could be a more stringent condition for demolition. Mr. Holden said the demolition under the building code was pretty simple. Mr. Almeida would like to see any proposal of a demolition go through a review. Mr. Holden said that it was a good discussion to have as it is rather complex.

Chairman Dika stated that she was concerned about how much of a majority would be needed to make a recommendation to the Council. Mr. Holden explained that they would need to be comfortable with what they decide.

Mr. Clum wondered if the Commission needed to identify what it means by an overlay district. Mr. Holden said that staff would do some work on the possibilities of design review. Mr. Wyckoff said that he liked the idea of keeping and identifying styles and masses of properties and outbuildings in unique areas. He would like to see some criteria in place to protect these areas.

Discussion of other possible modifications to Article X of the zoning ordinance

1) Chimney caps

Chairman Dika handed out literature on chimney caps. She explained that Mr. Donald Coleman on Mechanic Street came before the Commission some time ago because the Commission received a complaint that he had installed a chimney cap without HDC approval. She said Mr. Coleman had done a very diligent study of all of the chimney caps in the Historic District. There were basically two styles of chimney caps that the Commission used to approve, bluestone caps and bishops caps. However, contractors were constantly putting new chimney caps on without any approval. Mr. Clum read a letter that indicated that various codes are requiring appliances to become more efficient. He said that manufacturers are reducing the size of the actual chimney. They are also reducing down drafts and up drafts. A chimney cap has become a rather normal thing in the eyes of the mechanical equipment suppliers to regulate draft.

Chairman Dika felt that she would like to see a softening of the ordinance to allow people to put caps on that are recommended by the stone masons. She asked for a recommendation from Robert Warner, with Merrie Sweep, and he wrote a proposal for the Commission to review. She felt they could discuss his comments. Chairman Dika thought that if someone wanted to put a bishop's cap on their chimney, they should not have to get HDC approval. They could also add other proposals that would not need their review. Mr. Wyckoff felt a clay cap might be an exception. Chairman Dika indicated that the stainless steel caps are the most common. She said that if they decide to stay with the current policy, then they would need to get out and talk to the contractors who are continually breaking the rules by not seeking HDC approval prior to installing the caps.

Mr. Wyckoff felt that anything that can be put on with a couple of set screws and removed with a couple of set screws should not be subject to their review. He said he does not dwell on chimney caps. He referred to some literature which showed a raccoon climbing into a bishop cap. He does not feel they should regulate them at all.

Vice Chairman Katz pointed out that there are about sixty unapproved chimney caps in the District and there has not been any uproar. It has put them in a position of looking ridiculous to continue to enforce an unenforceable ordinance. He agreed with Mr. Wyckoff that they should be removed from the Commission's purview. Mr. Clum confirmed that he has never received a complaint regarding a chimney cap.

Ms. Kozak was concerned about chimney caps getting too big and suggested have a 12" height limit. Vice Chairman Katz said that information could be in a footnote.

Mr. Almeida felt the guidelines suggested by Mr. Warner were excellent and they hit the spirit of what they should do except for item 6, which was a stainless steel cap. He felt they should be black, dark brown or copper. He finds it offensive to have a shiny stainless steel cap on a beautiful historic building. Mr. Wyckoff said that he was in favor of chimney caps, that are darkened and with a 12" height limit as a minor application.

Mr. Clum stated that unfortunately some of the condensing boilers are required to be stainless. Mr. Holden suggested that they could be painted. Mr. Almeida pointed out that the technology with the new boilers allows power venting out the side of the building. Mr. Clum interjected that you cannot do that unless you have a ten foot setback from a nearby structure.

Chairman Dika asked if the Commission had any suggested changes to Mr. Warner's proposal. Mr. Holden said they would have to work with it but it was a good place to start.

Chairman Dika asked for a vote in favor of recommending that chimney caps be exempt from HDC review and that Mr. Warner's proposal which included bishop caps, bluestone caps and specifications for metal caps be recommended as well. All of the Commissioners voted in favor of the recommendation.

2) Engineered Products for trim and for deck, porch and step surfaces

Chairman Dika gave the Commission handouts from Ms. Kozak's research on the topic.

Mr. Almeida asked the Commission to look at the list of items to be reviewed this evening for possible exemption from review. He said that if they agreed to exempt them then what was left for the Commission to review. As for engineered products, he said that there are hundreds of different brands, styles, types, fake wood grains, mattes, etc. On commercial applications, he was in favor of some of these products but for residential applications, he felt it was a dummyming down of the Historic District. He said that the buildings in the Historic District require a lot more maintenance. He pointed out that a lot of these materials are marketed as "maintenance

free” and encourage no maintenance of any kind to some of these buildings. Mr. Almeida felt that allowing these products would lessen the Historic District.

Councilor Spear asked if they were talking about plastic materials or engineered wood pieces. Ms. Kozak explained that there are cementitious products, wood composite products, etc. that are not real wood. Mr. Clum said that they were looking at trim and gutter products. He added that they might want to consider products that could be painted because it was his opinion that once it is painted, one cannot tell whether it is plastic or wood. Mr. Holden suggested that the Commission might want to consider where to draw the line. Mr. Almeida thought it would be very difficult to define it. He felt it might be easier to just review the application.

Chairman Dika pointed out that there were products that they almost always approve every time it comes before them, like TREX. Vice Chairman Katz said that he could not think of any time where they have not approved the product. Mr. Wyckoff recalled a project on South Street that was not approved.

Mr. Almeida stated that there are some good products out there but the Commission cannot endorse any one product. Mr. Wyckoff pointed out that they might not even know if someone has used an alternate product after it is installed and painted.

Vice Chairman Katz reminded the Commission that the ordinance states that they are supposed to gauge and investigate new materials. He added that it was taking an elitist attitude to say that one cannot use a preferred product, that they have to use a product that is sometimes harder to work with and required more upkeep. He pointed out that some areas have a high moisture content that would benefit from the engineered products. Mr. Melchior commented that Mr. Almeida did not say that one could not use it; it was just that he would like to see it. He pointed out a situation on the Shipyard grounds where engineered products were put up without architectural review and they are now falling apart. Vice Chairman Katz asked if that was a question of workmanship. Mr. Melchior thought it could be the quality of the material used.

Vice Chairman Katz felt it was a charade to have an applicant bring in a building material that they have seen repeatedly, have the Commission pass it around for review and then say yes, it's okay to use. Mr. Almeida disagreed.

Councilor Spear stated that one of the results these products claim to do is lower the maintenance. He wondered how they differed from asphalt shingles on roofs, as those are not historic by any means but they are easier to work with. Mr. Holden explained that a lot of the asphalt shingled roofs were already in place before the HDC was created so they were grandfathered in. Councilor Spear said his opinion was that the engineered products were new and maybe it was premature to give them carte blanche. Maybe it would be better in five or ten years when they know more about the products.

Ms. Kozak stated that she thought Mr. Almeida's concerns about the products were related to texture. She thought there could be a way to limit what would be approved for texture and finish. Mr. Clum added that gloss has certainly been an issue with the Commission. Vice Chairman Katz said that as far as siding was concerned, they could say no embossed wood grain.

Chairman Dika had a concern that some of the products looked like a name brand but are not and over the years, the product does not hold up. She said she did not know how to tell one product from another. She said that she was a little uncomfortable with the fact that the products are relatively new and they do not know that much about them yet. Mr. Wyckoff said that with regard to wood, most people are using a pre-primed wood, put together with finger jointed bits. The wood splits and then rot can set in.

Chairman Dika called for a vote for those in favor of including engineered products on a minor application. Vice Chairman Katz, Ms. Kozak, and Mr. Wyckoff voted in favor. Councilor Spear, Mr. Almeida, Mr. Melchior, and Chairman Dika voted against.

Chairman Dika asked if there was any difference in the decking and porch products. Vice Chairman Katz said that there are a number of products and that if they started listing them, they would have to update the list every six months or so. He stated that he would exempt decking materials. He said that he did not see any of the pitfalls that Mr. Almeida mentioned with deck materials. Mr. Almeida said that it all depends on the application. Front steps are a very prominent design feature and they should not go unseen by the Commission. A deck in a backyard that no one sees is a different story.

Chairman Dika thought they either needed to do more research or let it go. Vice Chairman Katz stated that he thought they should keep overview on this. Mr. Clum said that it has not been an issue over the years but it is easy for staff to say, "A change in material or appearance, you go to the HDC."

3) Flagpoles

Mr. Holden brought up flagpoles, stating that they are not technically exempt from review. Ms. Kozak asked about light poles. Mr. Holden replied that those are generally in right-of-ways. Ms. Kozak said that some lampposts are in front yards. Mr. Clum said that light fixtures have come before the Commission.

Chairman Dika asked if anyone had any objection to flagpoles being exempt from review. The Commission was in agreement to exempt flagpoles.

4) Air conditioner units

Mr. Holden stated that portable air conditioner units are temporary.

5) Gutters and Downspouts

Mr. Wyckoff said that as long as it was a gutter attached to a flat board, he did not think it required review. Mr. Clum asked about a PVC gutter. Mr. Wyckoff was fine with that. Ms. Kozak said that she would not need to see an application from someone requesting a wood gutter, copper gutter, or PVC gutter produced by Advanced Trim Right Inc. Vice Chairman Katz said they could say that the gutter would have to mirror the profile of the standard wood gutters.

Mr. Almeida pointed out that there are different styles that could be referenced. Vice Chairman Katz said that a lot of the gutter applications are for aluminum gutters. Ms. Kozak indicated that she had a problem with aluminum gutters. Mr. Almeida stated that they should review aluminum gutters. Mr. Almeida said that he would check the names of the profiles that they might use as a guideline.

6) Skylights

Vice Chairman Katz stated that he felt that skylights should continue to be reviewed. The Commission was in agreement with that.

7) Storm door and windows

Mr. Clum said that exterior doors are exempt if they maintain the same look. He added that the Commission has not had a problem in the past with storm panels on windows that are removed in the spring. Vice Chairman Katz thought they should stay away from storm doors and windows.

8) Architectural asphalt shingles, and wood or slate roofing shingles.

Mr. Clum explained that if a person has asphalt shingles and wants to change to architectural asphalt shingles, they do not consider that a change. If you have slate and want asphalt, it would need to go before the Commission. Mr. Holden said that this has worked well.

9) Fences

Chairman Dika said that fences are relatively new to the Commission and there have been some issues with it. Mr. Holden said that if they wanted to exempt fences, this would be the time to do it. He added that they might want to set some general perimeters.

Chairman Dika asked the Commission if they should continue to review fences. Mr. Wyckoff and Mr. Almeida replied yes. Ms. Kozak and Chairman Dika said that they could go either way. Chairman Dika stated that it would be good to give the public more guidance by supplying them with a Historic District handbook. Councilor Spear suggested having a list of fences that follow particular guidelines. Mr. Clum informed the Commission that he has created a list of windows manufacturers that the Commission has approved in the past to assist the public. Mr. Almeida said that he remembered an HDC book of guidelines from the early 1970's. Mr. Holden thought that Mr. Paul Gosselin put it together.

10) Gas Meters/Electric Meters

Mr. Clum explained that many times utility companies dictate where the meter must go. The gas meter cannot go near a window opening because gas meters have a tendency to "burp". The electric utility companies tell people where the connection must be. Mr. Holden explained that the City has an agreement with Northern Utilities that on major buildings they will try to avoid "grouping" and work with the City on it. Mr. Almeida agreed that this was a tough one to review but any input that they could have would be beneficial. He also pointed out a couple

buildings within the District were the electrical groupings were in prominent areas on the building. Chairman Dika asked if they could require the boxes be put on the back of the building and if not, then HDC review would be required. Mr. Holden said they could require that it not be on the primary face of the building and if it was, it would require review.

II. ADJOURNMENT

At 8:45 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 May 7, 2008.