

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**July 2, 2008
to be reconvened July 9, 2008**

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

MEMBERS EXCUSED: Tracy Kozak, Elena Maltese; Alternate George Melchior

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

A. Approval of minutes – May 14, 2008

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

Approval of minutes – June 4, 2008

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

Chairman Dika explained that they would be moving into work session mode for the next two applications. The Commission would then move into public hearing mode and vote on the two applications.

B. Petition of **Jamer Realty, Inc., owner**, for property located at **178 Fleet Street**, wherein permission was requested to allow exterior renovations to an existing structure (install cedar clapboards over existing barn board, trim out openings) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2-4 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. *(This item was postponed at the June 4, 2008 meeting to a work session/ public hearing at the July 2, 2008 meeting.)*

WORK SESSION

Mr. James Perin, president of Jamer Realty, Inc. and Mr. Randy Perin, co-owner, were present to speak to the application.

Mr. James Perin stated that at the last meeting, the Commission recommended that he look at the old Keene medical building on Maplewood Avenue as a guide. He said that he did that and has incorporated a lot of those design features into his presentation this evening.

Mr. Perin explained that page 2 showed the changes. The door opening on the right side of the building would be replaced with a window, to be used as a display window for the Choozy Shoes Boutique. A new sign board would be added and centered over the entrance, a four inch reveal of the clapboards would be used, and drop lighting would be added. All of the entrances would be trimmed out with pine or poplar stock. The windows would be trimmed out with 1" x 4" boards. The corner boards would be 1" x 6". The water board would be 1" x 8" and the top frieze board would be 1" x 6". Mr. Perin added that a piece of band molding would be installed over the windows and the entrance.

Mr. Perin said that behind the display area, they would be installing a wall with a locked doorway.

Chairman Dika asked the Commission how they felt about the proposed changes. Mr. Wyckoff replied that he thought it was a win-win situation. He wondered if the frieze board should be larger than a 1" x 6". Mr. Randy Perin said that a 1" x 8" board could be used. Mr. Wyckoff said that he would prefer smaller corner boards and a larger frieze board. Mr. Perin said that was not a problem.

Mr. Almeida thought that these were good modifications. He thought adding window sills would be preferable. Mr. Perrin said that he wanted to keep the first four feet of the building as tight as possible because of the plows going in and out in the area. Mr. Almeida said that he would like to see window sills there. Mr. Wyckoff added that they did not need to project out too much. The Commission was in agreement that it would look better.

Mr. Almeida wanted to make sure that the clapboards would be falling at the top of the window heads. Mr. Perin said they would.

Mr. Almeida asked if was possible to center the light fixtures over the window and door openings. Mr. James Perin explained that the entrance is not centered in the middle of the building. Vice Chairman Katz said that there was rationale for centering the lights. By centering a light over the entrance, it would illuminate the sign board in a symmetrical manner. If they are centered over the windows, it would also illuminate the windows. He felt that would make more sense. Mr. Wyckoff said that other lights could be placed as shown on the drawings.

Hearing no other discussion, Chairman Dika asked for a motion to move back into a public hearing. Mr. Wyckoff made a motion to move into a public hearing. The motion was seconded by Councilor Spear. The motion passed by a unanimous vote.

Chairman Dika 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 with the following stipulations:

- 1) That a 1"x 8" frieze board is used.
- 2) That there is band molding around the windows.
- 3) That the windows have a 1 ½" sill.
- 4) Of the five light fixtures, one will be centered over each door and window.

- 5) That the clapboards align with the top of the windows.

The motion was seconded by Councilor Spear. Chairman Dika asked for discussion.

Mr. Wyckoff stated that he felt the applicant was doing the best he could to make the building compatible with the surrounding properties. He commented that the building had no historical value.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application with the following stipulations **passed** by a unanimous (5-0) vote:

- 1) That a 1"x 8" frieze board is used.
- 2) That there is band molding around the windows.
- 3) That the windows have a 1 1/2" sill.
- 4) Of the five light fixtures, one will be centered over each door and window.
- 5) That the clapboards align with the top of the windows.

C. Petition of **Jamer Realty, Inc., owner, and Legends Billiards, applicant**, for property located at **80 Hanover Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace existing patio windows with smaller, removable windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2-4 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. (*This item was postponed at the June 4, 2008 meeting to a work session/public hearing at the July 2, 2008 meeting.*)

WORK SESSION

Mr. James Perin and Mr. Randy Perin were present to speak to the application.

Mr. James Perin explained that more information was requested at the last meeting. He explained that they would like to create a service window for the deck area. He said they have chosen to go with a flat panel of mahogany underneath the windows for more durability. The two windows above would be removable during business hours and put back into place when closed. He said that the windows would be custom made, very thin, with handles affixed on the inside.

Mr. Wyckoff mentioned that it was not a very visible area since the fence surrounding the area is up year round. He said that it might be a little too amateurish looking. He thought that the panels underneath would be easy enough to do. Mr. Perin said he would like to put a 1 1/2" molding around the panels.

Mr. Almeida asked what would be happening with the glass. Mr. Perin explained that the windows would have mahogany frames. There would also be a mahogany mullion between the two windows. Mr. Wyckoff said that a half lap would work as well. Mr. Randy Perin said that he liked the idea of the half lap.

Councilor Spear cautioned that they should not base their decision on the fact that the fence would obscure the windows because the fence could come down at some point in the future. They should treat it as a feature that would be visible.

Councilor Spear asked how the windows would sit in the opening. Mr. James Perin said that there would be a latch system on the inside with a stop on the outside.

Vice Chairman Katz stated that he felt the applicant had a good idea of how to approach the project.

Hearing no other discussion, Chairman Dika asked for a motion to move back into a public hearing. Mr. Wyckoff made a motion to move into a public hearing. The motion was seconded by Councilor Spear. The motion passed by a unanimous vote.

Chairman Dika asked if there was anyone in the public wishing 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. Almeida made a motion to grant a Certificate of Appropriateness for the application with the following stipulations:

- 1) That a flat mahogany panel with molding surrounding it is used.
- 2) That the frame around the windows is mahogany to match the panels.

The motion was seconded by Chairman Dika. She then asked for discussion.

Mr. Almeida stated that it was a very minimal request but he wanted to make sure that the details were clear. He added that it was not in a location that was seen from the street and that the building had no historical significance.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application with the following stipulations **passed** by a unanimous (5-0) vote:

- 3) That a flat mahogany panel with molding surrounding it is used.
- 4) That the frame around the windows is mahogany to match the panels.

II. PUBLIC HEARINGS

1. Petition of **Jonathan Watson Sobel Revocable Trust, owner**, for property located at **49 Sheafe Street**, wherein permission was requested to allow demolition of an existing structure (partial demolition of garage) and allow new construction to an existing structure (repair and reconstruct garage with residence above) as per plans on file in the Planning Department. 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 granted a re-hearing at the June 4, 2008 meeting.)*

SPEAKING TO THE PETITION

Attorney John Bosen, representing Mr. Jonathan Sobel spoke to the application. He stated that he was before them this evening on appeal because of the May 16 [sic] decision of Mr. Sobel application for the reconstruction of his existing garage facing Custom House Court. He explained that Mr. Sobel would like to reconstruct the existing garage with a two and a half story building. There were approximately eight work sessions with regards to the project.

Mr. Bosen pointed out that his May 30 letter set forth the basis for his appeal. He said that he wanted to focus this evening on those issues that caused the denial. He pointed out that four of the Commissioners voted against the application mainly due to the height of the structure and

massing. He added that he hoped that by addressing those issues they could gain the Commission's support.

Chairman Dika stated that it was her understanding that the Commission was to hear the application as it was presented without modifications to the project. She asked Attorney Bosen if that was his understanding as well. Attorney Bosen replied yes, except that when it was presented there was discussion and possible negotiation about the cupola. Chairman Dika confirmed that the cupola was discussed at the prior meeting but skylights were not. She pointed out that a skylight option was included in their packets. She told him that he was not to present the option of skylights this evening.

Attorney Bosen explained that the existing structure was rugged and in need of repair. The south wall was collapsing and they have now reached the point of no return. He said that the premise of the design was based on the fact that they are limited as to what can be accomplished on the site as there is a zero lot line setback. He felt it was not economically feasible or architecturally appropriate to rebuild the garage. The proposed design is a 2 ½ story building with 1,300 square feet of living space which he felt was reasonable in the City.

Attorney Bosen stated that three members of the Commission were not in favor of the project due to its height in relation to the surroundings. He pointed out that in the packet was an aerial view of Custom House Court depicting the height of the surrounding buildings. He said that they would find that the surrounding buildings were a least equal or greater in height than the proposed structure. Attorney Bosen also pointed out that the City ordinance provides for a maximum of 60 feet in height in the area. The proposed height of the structure was 35 feet from the ridge line.

Attorney Bosen said that there was also concern among the Commissioners about the number of stories. The proposed structure would have a 10 foot garage, a 9 foot second story and an attic that has a 4 foot knee wall, making it 2 ½ stories. He added that they felt this was a reasonable height.

Attorney Bosen also said that there was discussion of dropping the cupola. He said that if that was what it took to get approval, they were willing to remove it from consideration. The cupola is four feet in height.

In summary, he pointed out that the proposed building was consistent with the neighboring buildings. He said that in terms of massing, they have had five architects who have supported the design. Mr. Steve McHenry and Ms. Jen Ramsey have submitted letters in support of the design. He closed by saying that he hoped the Commission would reconsider their decision.

Mr. Dean Rykerson, architect for the project spoke next. He stated he went back to visit Custom House Court to take another look after hearing the opinions of the Commission from the prior meeting. There are a variety of structures in the area. He explained to the Commission that he would be talking about full stories and roof stories as most of the structures in the area use the roof story as habitable space.

Mr. Rykerson explained that the proposed structure was two stories with a roof story. He said that he looked at a building on the Sheafe Street side of Custom House Court that is one house away from the Sobel garage. He said that it shows a large, raised first story, some horizontal banding, a second story, and a huge roof story. Chairman Dika asked if that was a primary building he was describing or an auxiliary building. Mr. Rykerson said that it was a primary residence. He pointed out other buildings that were three stories. He added that the only building out of place in the area was the derelict garage at the end of Custom House Court. He felt that a two story and a roof story building at the terminus of Custom House Court was very

appropriate. He said that most prominent buildings in the area are the ones with a very large first story, a raised second story and roof story, which is the same thing they are proposing with for the garage and living unit. He felt it was in context.

Councilor Spear stated that this was his first time hearing the application. He asked Mr. Rykerson to talk about the building heights in feet versus stories. Mr. Rykerson replied that he did not have the exact heights. He explained that the proposed building's eave line was lower than most of the buildings on Custom House Court.

Mr. Almeida said that at the advice of one of the abutters, he went to the area to take a second look. He asked Mr. Rykerson to confirm the distance from eave 2 to grade as being 27 feet. Mr. Rykerson said that was correct. Mr. Almeida felt Mr. Rykerson was correct in his statement that the proposed building's eave line is lower than the majority of eave lines surrounding Custom House Court. He said that one of the reason the building looks larger than it appears is because it is shown alone in the drawing.

Chairman Dika asked where else in the neighborhood is there an auxiliary dwelling unit on the lot with the primary residence that is as tall as this building. Mr. Rykerson said that most of the buildings on the Daniel Street side were a mix of commercial and dwelling. Chairman Dika pointed out that on the Sheafe Street side the buildings were mostly residences. She said that she could only find one example in the City where the secondary dwelling on a lot was larger than the primary dwelling on the lot. Attorney Bosen pointed out that the proposed building was not an auxiliary building as it was attached to 105 Daniel Street.

Chairman Dika asked if Custom House Court was a residential Street. Mr. Rykerson replied yes. Chairman Dika asked what the culture of that street was. Mr. Rykerson said he did not understand her question. Chairman Dika said that she felt it was a service road that serves the commercial interest on Sheafe Street. Now, it will be the front yard of a residence. Vice Chairman Katz pointed out that at the end of Custom House Court is a garage and before that it was a garage and a commercial entity. When you look at the proposed structure, it looks like a garage to him. He felt that fulfills the aspect of being a commercial aspect as far as the street is concerned. He added that the primary impression is garage, not residence.

At this point in the meeting, there was discussion about skylights. Chairman Dika reminded the Commission that this was not an option to entertain at this time since this was a rehearing of the application. Attorney Bosen stated that they would not be opposed to removing the cupola from consideration.

Chairman Dika asked if there were any more questions for the applicants. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application.

Chairman Dika set some rules prior to taking public comment. She told the members of the public what is not to be discussed: personalities, traffic issues, drainage issues, and blocked view issues. She asked them to speak to the design issues of the project only.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. John Evans of 17 Sheafe Street spoke in opposition to the application. He said that he thinks the proposed structure is out of scale for Custom House Court. He felt it was too high. He did not think that the bulk and mass of the structure was in keeping with the neighborhood.

Ms. Rose Eppard who lives on the corner of Daniel Street and Chapel Street spoke in opposition to the application. She was concerned with the size and scale of the building. The area is a modest and eclectic area with variable roof lines. She was concerned that one edifice that blocks

the entrance into the alley way is not necessarily an improvement. She thinks it will dominate what is a very narrow alleyscape and will obstruct the variable roof lines. She also did not like the fact that the proposed building will compete in height with the beautiful Custom House building and that was not to their advantage.

Ms. Maryka Ford who lives in the Custom House building spoke next. She said the height of the proposed structure was higher than the Custom House. She pointed out that there would be two ells on either side of the proposed structure which would look like a thumb in the middle of that area. She also wanted to point out that Commissioner Almeida and Councilor Spear have not been on site walks. She urged the Commission to table the application so that another site walk could be held and so that they could stand with them and show them their concerns.

Ms. Diane Giese of 21 Daniel Street spoke in opposition to the application. She said that her property directly abuts the Sobel property. She explained that the new garage that was recently approved and constructed on the Sobel lot has completely obstructed her view of the roof lines. She said that she appreciated Chairman Dika's comments about it being a secondary residence.

Mr. John Russo stated that he has lived or worked on Daniel Street and the alley all of his life so far. He asked why Mr. Sobel was granted a re-hearing. He said that they have spent almost two years on this project where the design has had very little change. Vice Chairman Katz interjected that he did not think the attitudes or the inclinations of the applicant was relevant and should not be discussed. Mr. Russo pointed out that the overhang of the building will overhang on his right of way. He added that he would not grant Mr. Sobel a construction easement. Vice Chairman Katz reminded him that the Commission was only concerned about the design of the structure. Mr. Russo concluded by asking the Commission to come down to the area and take a look and then they will understand where the neighbors are coming from. He felt it was too big and did not fit in the neighborhood. He said that he opposed it and that the whole neighborhood opposed it.

Mr. Almeida pointed out that the Commission would like everyone to be clear and concise with their statements and he did not think it was fair for Mr. Russo to say that the whole neighborhood opposed the project because there was no proof that that was true. Chairman Dika agreed and told the Commission that that statement should not be considered.

Mr. Todd Spencer of 37 Sheafe Street said that his property directly abuts Mr. Sobel's property. He pointed out that there were two properties, 37 Sheafe Street and 43 Sheafe Street that are much smaller that abut the Sobel property. He felt the proposed structure would dwarf those two houses.

Mr. Jim Ziesig of 31 Sheafe Street spoke next. He agreed that the structure was too big and too tall and was out of character with the neighborhood. He also felt it was too grandiose and does not look like an 1800 style home.

Mr. James Russo stated that his father owns property at 95-97 Daniel Street. He said he would like to see a picture of the proposed building in relationship to the surrounding buildings. He said it was one of the guidelines of the Commission. He pointed out that one of the brick walls would be retained and he felt there was no way the brick wall would support anything. Mr. Russo said that the City does not owe Mr. Sobel a three story building. He added that if they do then they would be sending the message that if you have the audacity and deep enough pockets you can come back time after time with very few modifications. Vice Chairman Katz interjected that the attitudes and the attributes of the applicant are not admissible.

Chairman Dika asked if any one else 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. Almeida made a motion to table the application so that a site walk could be conducted. The motion was seconded by Councilor Spear. Chairman Dika asked for discussion.

Chairman Dika explained that the Commission is held to whatever the zoning regulations are. Mr. Almeida agreed but he said that there is a lot of concern about the height of the structure and misconceptions and misunderstandings about the building. Councilor Spear agreed. He said that he would find it helpful to be able to compare it to other buildings in the area.

Mr. Wyckoff wondered if it would be cleaner to have a vote and let it go as voted upon and then the applicant can decide what his next step would be. He said that he still thinks the building is too high. He added that the cupola is an appurtenance and it should not have been included in the height of the structure. He said that he is still getting a measurement of 39 feet. He just did not think looking at Karen's Restaurant which the building is attached to would make a difference for him.

Vice Chairman Katz stated that he would be voting against the motion because he has a real fear that they will replay the whole business except that they will be doing it on site. He said he has visited the site numerous times and he was willing to go to a vote this evening.

Mr. Almeida stated that he was willing to withdraw his motion if the Commission felt that they had a clear understanding of the height of the building. Vice Chairman Katz said he had a clear vision of it. Mr. Almeida and Chairman Dika said they did as well.

Mr. Almeida said he would let the motion stand.

Chairman Dika called for the vote. The motion to table the application so that a site walk could be conducted failed by a 4-1 vote with Councilor Spear voting in favor.

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

Vice Chairman Katz said that to deny the application because of its inappropriateness, that is height, was to indulge in a very selective myopia. He pointed out that many of the structures in the area were afterthoughts. They were added to fulfill a utilitarian need. Sometimes a neighborhood or an entity is formed that way but by the same token neighborhoods undergo change. And when they undergo change, they usually go bigger. He pointed out that in the Central Business B zone buildings can be 60 feet tall and can fill up 95% of the lot. He said that if you looked around, almost all of the buildings are too big for their lot because they are working with zero lot line setbacks. Vice Chairman Katz said that this is a progression of a garage, it was a garage and it will still be a garage. He added that he would like to see the cupola withdrawn as it would look less grand.

Mr. Wyckoff stated that he was still having trouble with the height. He would not like to see a cupola or skylights. He felt that the building was 5 or 6 feet higher than it needed to be. He thought the design was appropriate and worked well with the house on Sheafe Street. It was the compatibility of the scale that has bothered him.

Councilor Spear offered an amendment to the motion to include the removal of the cupola from the application. The motion was seconded by Mr. Almeida.

Chairman Dika said that her concern was the height to the ridge of the roof. She still felt that it was much too tall and too formal looking for the alley. The alley serves the needs of the residents along it and the character of the alley will be changed if they allow this application to pass. She said her opposition was based on Section 10-1005 (B) 1. in Article X of the City's Zoning Ordinance.

Councilor Spear pointed out that the Commission did not vote on his amendment. Chairman Dika called for the vote.

The motion to amend the motion to include the removal of the cupola from the application passed by a unanimous (5-0) vote.

Mr. Almeida stated that he wanted to speak to the size and scale of the building. He said that they should remember that the location is a very formal location that allows for a structure of this height. It is a view access up a corridor and it terminates it.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness with the cupola removed from the application **passed** by a 3-2 vote with Chairman Dika and Mr. Wyckoff voting in opposition.

2. Petition of **Over The Moon, LLC, owner**, for property located at **106 Penhallow Street**, wherein permission was requested to allow exterior renovations to an existing structure (replacement of exterior door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 33 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Peter Stolper, owner, was present to speak to the application. He explained that he changed out a door without getting permission from the Commission. He said that he did not realize that he needed permission and he apologized for the oversight. Mr. Stolper explained that he chose the door that he did because the water runs from the roof right down the wall and onto the door. The prior door was made of oak. He pointed out that the other oak doors on the alley are in various stages of disrepair probably because of the wet environment. He also pointed out that he chose the door because there was an identical one across the alley from him. He felt it was not entirely dissimilar to the oak doors. He added that it could be painted any color.

Vice Chairman Katz asked what the original oak door looked like. Mr. Stolper said that it had two or three horizontal raised panels below an arched light above.

Mr. Almeida asked what the new door was made of. Mr. Stolper said it was a fiberglass door.

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 Councilor Spear. Chairman Dika asked for discussion.

Mr. Wyckoff felt the applicant did a good job of explaining what happened to his old door and why he changed it. He said that he thought the door was compatible with its surroundings.

Chairman Dika stated that she visited the site that morning and found the door to be appropriate.

Mr. Almeida pointed out that the Commission would not want to set precedence for approvals after the fact and doors made of materials that the Commission does not typically approve. Vice Chairman Katz pointed out that the Commission has approved fiberglass doors in the past. Mr. Almeida clarified the fact that he did not want to set precedence for this type of situation.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness **passed** by a unanimous (5-0) vote.

3. Petition of **Jane A. Nelson, owner**, for property located at **135 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (install chimney cap, repoint chimney) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 98 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Jane Nelson, owner, was present to speak to the application. She stated that she too, did not realize that she needed approval of a project that she started. She explained that her chimney needed pointing as the bricks were falling off. She said that the mason working on the project discovered that there were five flues coming out of the chimney and so he recommended a chimney cap. Ms. Nelson said that the proposed cap would match the one on the other chimney. It would be a bishop’s cap.

Mr. Almeida asked if one cap could span the entire chimney. Ms. Nelson replied that she had questioned that also. Mr. Almeida said it that depends on how the flues are arranged. Ms. Nelson stated that she thought it would look better to have a double bishop’s cap.

Mr. Almeida commented that Ms. Nelson lives on one of the most special streets in the country.

Ms. Nelson amended her application to install a double bishop’s cap instead of a single bishop’s cap.

Hearing no more discussion, Chairman Dika asked if any one 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. Almeida made a motion to grant a Certificate of Appropriateness for the application as amended to include a double bishop’s cap. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Chairman Dika stated that Gates Street is a very special street and the applicant has taken great care with her property. She felt this was the appropriate top to a chimney in that area.

Hearing no more discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as amended to include a double bishop’s cap **passed** by a unanimous (5-0) vote.

4. Petition of **Robert R. and Pearl F. Kennedy Irrevocable Trust, owners**, for property located at **175 Fleet Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove existing stairs, replace with new stairs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 8 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Gina Kennedy, owner for the property was present to speak to the application. Ms. Kennedy explained that the exterior stairs were old and needed to be replaced. The existing stairs are residential stairs and they were proposing to replace them with commercial stairs.

Chairman Dika asked if the porch area would be extended. Ms. Kennedy replied that the top platform’s depth would be increased by about one foot.

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

Vice Chairman Katz made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Councilor Spear. Chairman Dika asked for discussion.

Vice Chairman Katz said the application was straight forward.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented **passed** by a unanimous (5-0) vote.

5. Petition of **F.A. Gray, Inc., owner**, for property located at **30-32 Daniel Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace roof, repair chimneys) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 16 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Susan Wolf, an owner of F.A. Gray, Inc. was present to speak to the application. She explained that they were making some repairs to the roof and the roof structures. She pointed out that the chimneys were in need of re-pointing but that there would be no change in materials.

Ms. Wolf noted that when the workers were inspecting the chimney they noticed that the flashing along the line of the building had completely rusted out and was causing problems. She said that they were proposing to replace that deteriorating flashing with new aluminum flashing.

The final repair was a repair to the roof. They would like to change from a tar and gravel roof to a rubber membrane roofing system.

Mr. Clum pointed out that the change in roofing material was the only item the Commission needed to concern themselves with. The other two items were in-kind repairs.

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 as presented. The motion was seconded by Councilor Spear. Chairman Dika called for discussion.

Mr. Wyckoff said that it was a flat roof and the use of the new product encourages the innovative use of technology.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented **passed** by a unanimous (5-0) vote.

6. Petition of **Lewis G. and Cynthia Harriman, owners**, for property located at **57 South Street**, wherein permission was requested to allow a new free standing structure (remove existing fence, install new fence) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 50 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Lewis and Mrs. Cynthia Harriman, owners of the property were present to speak to the application. Mr. Harriman explained that the existing fence was 22 years old and was rotting as well as raising the new brick sidewalk. He said that he was proposing to replace the wooden fence with a powder coated aluminum fence on the edge of the property line. He added that on the front of the house, they would be adding 30 inches of brick to increase the width of the sidewalk and adding granite backing to provide a secure edge. The granite would match the existing granite curbing. They planned to rest the fence on the new granite edging and will use granite posts.

Mr. Almeida asked Mr. Harriman if he was able to match the brick. Mr. Harriman replied yes. Mr. Almeida asked if the 30 inches of brick would align with the corner of the house. Mr. Harriman said that it was almost flush with the house but would be off about 6 inches.

Chairman Dika stated that she was disappointed that they would be losing a wooden fence but she understood the practicality of the project. She pointed out that this would be the only metal fence on the street side of South Street. She asked Mr. Harriman if they considered a wood fence. Mr. Harriman replied yes but the wooden fence would require more maintenance and would cost 20% more.

Ms. Cynthia Harriman commented that there were many other houses in the neighborhood that had metal and granite fences.

Chairman Dika asked if there were any more questions for the applicants. 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 of the application as presented. The motion was seconded by Councilor Spear. Chairman Dika asked for discussion.

Mr. Wyckoff mentioned that for a two story center chimney colonial house, there was a certain amount of formality on the front of it with the granite stoop. He felt that the fence was compatible with that exterior design.

Hearing no more discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness of the application as presented **passed** by a unanimous (5-0) vote.

Vice Chairman Katz mentioned that Dennis Robinson's recent book on Strawberry Banke was very informative and would be an advantageous read for the Commissioners. Councilor Spear said that he also had read the book and found it very interesting.

III. ADJOURNMENT

At 9:15 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 August 6, 2008.