

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**July 7, 2010
to be reconvened July 14, 2010**

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak, Elena Maltese; City Council Representative Anthony Coviello; Alternate Joseph Almeida

MEMBERS EXCUSED: Alternate George Melchior

ALSO PRESENT: Roger Clum, Assistant Building Inspector

A non-meeting with counsel was held in Conference Room A from 6:00 – 7:00 p.m.

I. OLD BUSINESS

A. Approval of minutes – May 12, 2010

It was moved, seconded, and passed to approve the minutes as presented with Councilor Coviello abstaining.

B. Request for one year extension of the Certificate of Appropriateness for 33 Hunking Street, issued August 5, 2009 – requested by Hunking Holdings, LLC

It was moved, seconded, and passed unanimously to approve the request for a one year extension of the Certificate of Appropriateness. The Certificate of Appropriateness will now expire on August 5, 2011.

C. Petition of **Rockingham House Condominium Association, owner**, for property located at **401 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace gutters) as proposed by the Planning Department. Said property is shown on Assessor Plan 116 as Lot 3 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

At the applicant's request, the Commission voted to postpone the application to the August 4, 2010 meeting.

II. PUBLIC HEARINGS

1. **Petition of Katherine M. Majzoub 2007 Family Trust, Katherine M. Majzoub, trustee and owner, and Walter Jensen, applicant,** for property located at **475 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace nine windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 9 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Walter Jensen, representing the applicant, was present to speak to the application. He stated that they recently received HDC approval to replace siding and extend a deck. He was now before them seeking approval to replace nine windows. Mr. Jensen explained that the windows were original and he wanted to replace them with Andersen wood interior, vinyl clad windows for low maintenance purposes. The appearance would remain the same.

Mr. Almeida asked if this would be the first introduction of vinyl on the house. Mr. Jensen replied yes. Mr. Almeida asked if the casings and the sills would remain. Mr. Jensen replied yes. Mr. Almeida asked if the plane of the new glass was on the same plane as the existing glass. Mr. Jensen replied yes. Mr. Almeida noted that the specifications for the glass said that it was a high performance, low e-glass. Mr. Jensen clarified that it was a clear glass.

Hearing no more questions, 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 as presented. The motion was seconded by Councilor Coviello. Chairman Dika asked for discussion.

Mr. Wyckoff stated that the six over six windows are primarily the same windows. He pointed out that these windows have a 14 degree angle on the sill so they will sit well on the historic sills. He felt the windows were appropriate for the house and the neighborhood.

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 (7-0) vote.

2. **Petition of Jane M. Donovan and William E. Hess, owners,** for property located at **54 Rogers Street**, wherein permission was requested to allow removal of an existing structure (remove fencing) and allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 44 and lies within the Mixed Residential Office and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Martha Petersen, representing the applicants, was present to speak to the application. She stated that the applicant would like to remove existing fences and install two new styles of fencing.

She said that one of the fences was a shadow board fence. She explained that the reason for that design was to allow circulation and ventilation to a pocket garden that was surrounded by a garage and storage shed. The fence would be seven feet tall and would be painted a subdued color.

The second fence would replace an existing stockade fence with a seven foot painted wood board fence with cap. The height would line up with the roof line of the neighbor's garage which the fence would attach to.

Chairman Dika stated that the submitted photos were very helpful in determining the scope of the project.

Ms. Maltese asked why the fence would line up with the roof line of the garage. Ms. Petersen said it was to bring uniformity to the space. She added that the neighbors have decks that are two and three levels high and the applicant has a porch which was fairly high off the ground. The applicant would like to gain some privacy by installing the taller fence.

Mr. Wyckoff asked Mr. Clum if a seven foot fence on a property line was a problem. Mr. Clum responded no, and said that there was no height limit.

Hearing no more questions, 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. Almeida made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Councilor Coviello. Chairman Dika asked for discussion.

Ms. Maltese stated she would support the motion but that she had concern about too much backyard privacy when the homeowner chooses to live downtown. She said that she fears the eight and ten foot fences that may be coming.

Mr. Almeida said that he used to live downtown and often complained about noise. He felt that people are entitled to privacy and quiet wherever they are.

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

3. Petition of **Amy K. Gant, owner**, for property located at **17 Hunking Street**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 36 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Attorney Haden Gerrish, representing the owner was present to speak to the application. He stated that the owner would like to place a new fence along the rear of the property line. He pointed out that there is an existing chain link fence and the new fence would equal the height of that fence. The proposed fence will be at grade and will extend about 40 feet along the rear property line.

Ms. Maltese asked if the chain link fence would be removed or whether the new fence would be right up against it. Attorney Gerrish said that the new fence would be right up against it.

Mr. Wyckoff commented that there were two sections of stockade fence already in place. He asked if those sections belonged to the owner. Mr. Gerrish replied yes and said that the owner put up the two sections by mistake without approval. Mr. Gerrish said those sections would continue along to the end of the property line.

Mr. Wyckoff stated that the Commission has had a lot of problems with stockade fences in the past because they are more of a suburban fence and not an appropriate fence for the city. He said that he had trouble with this one.

Vice Chairman Katz said that he did some research on stockade fences. He explained that there are various historic districts that have gone on record about this. He read statements from several zoning ordinances prohibiting stockade fences. He said that he thought it was time to address this issue; however, Vice Chairman Katz pointed out that this fence was unnoticeable in its location. Ms. Maltese agreed with Vice Chairman Katz that the fence was not visible from the street.

Vice Chairman Katz stated that he was not opposing the application but wanted to take the opportunity to illustrate that this is something the Commission should address in the near future.

Hearing no more questions, 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

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

Ms. Maltese said that she appreciated Vice Chairman Katz’s research and comments and felt the Commission needed to have some discussion concerning it. She pointed out that this was a situation where it was not a visible entity and would not affect the historic preservation of the City. Vice Chairman Katz agreed.

Mr. Almeida added that this home was probably one of the finest homes in the area and it contributes so much to the street.

Mr. Wyckoff pointed out that the neighbors who back up to the fence will be able to see it. He also pointed out that the two fence sections were installed incorrectly with the good side facing in.

Mr. Almeida stated that the fact that there is a chain link fence on the other side of the stockade fence negates any concern for that neighbor’s view.

Chairman Dika commented that there are many of these structures in the Historic District at the back of yards because they make a nice backdrop for pocket gardens. She felt that was what this applicant was interested in.

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 6-1 vote with Mr. Wyckoff voting in opposition.

Chairman Dika stated the Commission needs to deal with the issue of fencing and said it needed to be at the top of a future agenda.

4. Petition of **Wenberry Associates, LLC, owner,** and **Joe Hickey, applicant,** for property located at **19 Congress Street, Unit B,** wherein permission was requested to allow new construction to an existing structure (install awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Joe Hickey, owner of the Denim Rack at 19 Congress Street, Unit B, was present to speak to the application. He apologized to the Commission for installing the awning prior to receiving approval. He said the awning was taken down as soon as he was notified that it required HDC review.

Mr. Hickey explained that the framework for the new awning would match the same framework of the prior business, The Gap. It would be mounted the same as well. The awning would be made of sunbrella orange material with black vinyl graphics. He pointed out that these colors were the company colors. He said that the awning was necessary to protect the apparel from the sun.

Mr. Hickey walked the Commission through the submitted plans. He said that the west end of the awning would have a closed end but the east end would be open so as to abut the neighboring awning.

Councilor Coviello asked if the left side of the awning would be closed but the right side would not. Ms. Maltese stated that she thought this awning tied in with the next application. Mr. Hickey explained that there were two different businesses in the building so the other business would have its own awning that would abut his. Councilor Coviello asked that if for some reason the awning for the other business did not go up, would he be willing to close the right side of the awning. Mr. Hickey replied yes.

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 as presented with the following stipulation:

- 1) That if the Unit A awning is not installed, the end of the awning on the right side will be enclosed.

The motion was seconded by Mr. Almeida. Chairman Dika asked for discussion.

Mr. Wyckoff stated that they just discussed the putting of the stores name on the awning itself. He said that they thought the wording should be on the valance. Ms. Maltese explained that they had discussed awnings at a legal meeting prior to the meeting but it was just that, a discussion. At this time, she said there was nothing that prohibited it.

Councilor Coviello pointed out that the awning was not retractable but if it was, he said he would want to see the text on the valance. He felt the scale of the text was appropriate. He did not have a problem with it.

Mr. Almeida stated that he hoped the Commission would have a discussion in the future and come to position that would not discourage promotion of local businesses. He did not have an issue with the awning.

Chairman Dika said she was more concerned with the color orange and she was not sure what was going to go immediately next to it. Ms. Maltese said there was a proposal for a black awning right next to it coming up on the agenda.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented with the following stipulation passed by a vote of 6-1 with Mr. Wyckoff voting in opposition:

1) That if the Unit A awning is not installed, the end of the awning on the right side will be enclosed.

5. Petition of **Wenberry Associates, LLC, owner,** and **Jeff Casler, applicant,** for property located at **19 Congress Street, Unit A,** wherein permission was requested to allow new construction to an existing structure (install awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 2 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Al Silva of Infinite Imaging and Mr. Jeff Casler, owner of Second Time Around at 19 Congress Street, Unit A, were present to speak to the application. Mr. Silva stated that he was seeking permission for an awning similar to the one that was just approved for the Denim Rack next door. He explained that the proposed awning would be made of black sunbrella material with white lettering.

Ms. Maltese stated that she wanted to confirm that this material would be the same material as the neighboring business. Mr. Silva replied yes, it would be.

Councilor Coviello asked if the old Gap projecting signs would be removed and the lighting adjusted. Mr. Silva explained that the middle sign was removed and the right side sign would be refaced. He said they were awaiting approval for that sign. He added that the gooseneck lighting has been removed.

Councilor Coviello asked if the applicant was agreeable to closing off the end of the left side of the awning if Unit B’s awning did not go up for any reason. Mr. Silva replied yes.

Mr. Almeida asked if the two awnings would be on the same plane and appear to be one awning. Mr. Silva replies yes.

Mr. Almeida asked if the fasteners to hold up the awning would be stainless steel. Mr. Silva stated that they would use the fasteners that were currently there.

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 as presented with the following stipulation:

1) That if the Unit B awning is not installed, the end of the awning on the left side

will be enclosed.

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

Mr. Wyckoff stated that he would be supporting this application because the wording on this awning would be located on the valance instead of the upper part of the awning.

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

- 1) That if the Unit B awning is not installed, the end of the awning on the left side will be enclosed.

6. Petition of **Todd E. and Amy A. Spencer, owners**, for property located at **37 Sheafe Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace misc. trim with composite material) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 19 and lies within Central Business B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. Todd Spencer, owner of the property was present to speak to the application. He stated that he would like to replace the trim around his windows, the corner boards, and the sills. He said that he would like to use Azek because it would look better and last longer. He pointed out that two abutting properties have received approval for the composite material. And he assured the Commission that no siding would be disturbed during the process.

Chairman Dika recalled that work was done on this house not too long ago. Mr. Spencer said that work was done in 2003.

Councilor Coviello commented that he thought the trim around the windows looked to be custom trim. Mr. Spencer said that it was not custom. He added that it was his goal to copy the existing trim as closely as possible.

Mr. Wyckoff suggested removing the moldings and then putting them back on. Mr. Spencer pointed out that the moldings were rotting also.

Mr. Almeida asked if the material would be painted. Mr. Spencer replied yes, it would be painted white. Mr. Almeida pointed out that the trim on the windows was called a shingle mold

Mr. Almeida asked that when the casing was replaced, would the face of the casing be in the same plane as it was currently. Mr. Spencer said that it should be. Mr. Almeida asked if the new sills would have the same thickness. Mr. Spencer replied yes. He added that the sills may not need to be replaced.

Mr. Almeida said that he would feel comfortable with the application if the applicant said he was replicating the existing details with the composite material. Vice Chairman Katz pointed out that the application said that the trim would mirror the existing trim.

Mr. Spencer told the Commission that it was his intent to match exactly or as closely as he could the trim around the existing windows. Mr. Almeida stated that he would support the application but he pointed out that the correct wood installed properly and sealed on all cut edges would certainly last a hundred years or longer than vinyl.

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

Councilor Coviello made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Wyckoff stated that the applicant said that he would mirror the exact size and configurations and so he felt it was appropriate to the building.

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 (7-0) vote.

7. Petition of **David L. Myers, owner**, and **Nancy Jackson, applicant**, for property located at **180 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (reconfigure and replace rear door and window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 18 and lies within General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. David Meyers, owner of the property was present to speak to the application. He explained that this proposal was driven by a kitchen renovation. He said he would like to move the back door and a window about a foot to the right. He would also like to alter the window by putting in a box bay window.

Mr. Almeida asked about the roof area above the box window. He stated that he anticipated problems with the shakes that were being proposed. He asked Mr. Meyers if he had considered copper.

Councilor Coviello asked if it was a shed roof. Mr. Meyers replied yes and said that it only extended out thirteen inches.

Chairman Dika asked Mr. Meyers what his roofing preference was. Mr. Meyers said it was the shake because they hoped to move to a cedar shake roof at some point.

Mr. Meyer explained that they would have to go to the Board of Adjustment for the extension of the box bay so the HDC approval would be contingent on the Board of Adjustment approval.

Mr. Meyers asked if he could go with a different brand of door if he found one with the same specifications but less costly. Mr. Almeida stated that it would need to match what was proposed and approved.

There was additional discussion about the reason for having to go to the Board of Adjustment.

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

Councilor Coviello made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Ms. Maltese. Chairman Dika asked for discussion.

Councilor Coviello stated that the application was minor in nature and was no detriment to the property or the abutters.

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 (7-0) vote.

8. Petition of **James Sparrell and Katie Towler, owners**, for property located at **125 South Street**, wherein permission was requested to allow an amendment to a previously approved design (reconfigure rear window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 9 and lies within General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project was present to speak to the application. She stated that the project received approval last year and they would now like to make a change to the dining room window. Ms. Whitney explained that instead of just one window, she would like to replace it with three windows. She pointed out that these windows would be located slightly lower in the room but would relate to the other windows. She pointed out that this was the rear elevation which would not be seen from the street.

There was discussion about the previous approval.

Vice Chairman Katz asked the function of the second floor dormer was. Ms. Whitney explained that the area was a bathroom.

Ms. Maltese asked why the choice of a different height of window. Ms. Whitney explained that the other windows were higher because of the kitchen countertops.

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. Almeida made a motion to grant a Certificate of Appropriateness as presented. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Almeida felt the application was appropriate because the applicant was using previously approved windows. He also felt that the dropping of the windows to take advantage of the views of the Mill Pond was a good decision.

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

Councilor Coviello recused himself from the 30 Maplewood Avenue work session and left the meeting.

III. WORK SESSIONS

A. Work Session requested by **Thirty Maplewood Avenue Trust, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (new trim work, eave banding, storefront, and fenestration). Said property is shown on Assessor Plan 125 as Lot 2 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

- Ms. Jennifer Ramsey, representing the applicant was present to speak to the application.
- Ms. Ramsey showed a sample of a skylight that would run down the center of the building. She also explained that they were looking to use Eagle products for the windows.
- The shutters would now be a barn board shutter in a closed position. Ms. Ramsey said they would be made of five inch wide planks. The lights would be mounted above the shutters.
- Mr. Almeida commented that he liked the lights above the swing of the shutter. Mr. Wyckoff asked if the shutters would be flush with the exterior bricks. Ms. Ramsey said yes, they would sit flush.

- Ms. Ramsey showed the Commission details on the metal awning, the privacy fence, and additional specification sheets.
- Mr. Wyckoff had a concern with the overabundance of hardware. Ms. Ramsey explained that the hardware was drawn incorrectly on the plans so it would not be as noticeable. Vice Chairman Katz pointed out that the shutters and the hardware are very significant design features and he thought it was very successful.
- There was considerable discussion concerning the lighting fixtures. Ms. Ramsey said that all of the lights would be in a copper or rosewood color. She pointed out that there would be lighting in the retaining walls on both sides at the restaurant area. There could also be some down lights.
- Mr. Wyckoff thought the skylight was a great feature. Ms. Kozak pointed out that there was precedence for a monumental skylight in Market Square. She thought it would work well.
- Chairman Dika asked Ms. Ramsey if she was ready to come for an approval. Ms. Ramsey said she was planning to come for a public hearing next month.

B. Work Session requested by **Craig W. Welch and Stefany A. Shaheen, owners**, for property located at **77 South Street**, wherein permission was requested to allow new construction to an existing structure (additions) and allow exterior renovations to an existing structure (misc. renovations). Said property is shown on Assessor Plan 102 as Lot 48 and lies within the General Residence B and Historic A Districts.

At the applicant’s request, the Commission voted to postpone the application to the July 14, 2010 meeting.

III. ADJOURNMENT

At 8:40 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 September 1, 2010.