

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**August 11, 2010
reconvened from August 4, 2010
to be reconvened August 18, 2010**

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

MEMBERS EXCUSED: Alternates Joseph Almeida

ALSO PRESENT: Roger Clum, Assistant Building Inspector

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IV. OLD BUSINESS

8. Petition of **John A. and Sandra S. Dika, owners**, for property located at **333 Marcy Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace rear window) **Request To Postpone** on Assessor Plan 102 as Lot 45 and lies within the General Residence B and Historic A Districts. Said property is shown on Assessor Plan 102 as Lot 45 and lies within the General Residence B and Historic A Districts. *(This item was postponed at the August 4, 2010 meeting to the August 11, 2010 meeting.)*

The applicant requested a postponement of the application to the August 18, 2010 meeting.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to postpone the application to the August 18, 2010 meeting. The motion was seconded by Mr. Melchior. The motion passed by a unanimous (7-0) vote.

V. PUBLIC HEARINGS (CONTINUED)

9. Petition of **Martingale Wharf Limited Partnership, owner**, for property located at **99 Bow Street**, wherein permission was requested to allow an amendment to a previously approved design (minor changes to Bow Street elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 54 and lies within Central Business A, Historic A, and Downtown Overlay Districts.

Councilor Coviello stated that he would be recusing himself from the discussion and vote.

SPEAKING TO THE PETITION

Mr. Mark McNabb, representing the property owner was present to speak to the application. He stated that this application first started with a public hearing, moved then to a work session, and was now back before the Commission for final approval of some minor modifications. He said that during the work session, Mr. Wyckoff asked if the massing could be broken up under the

windows on the west end where spandrel glass was proposed. He said that they seriously considered his request and tried all options but felt that the spandrel glass was still the strongest concept. Nothing else really fit when they studied it. Mr. McNabb said he thought the spandrel glass broke up the brick yet added some interest.

Chairman Dika asked if there were any 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 Ms. Maltese. Chairman Dika asked for discussion.

Vice Chairman Katz felt this was the best approach that meets some of the aesthetic considerations and the practical aspects of the application.

Mr. Wyckoff thanked Mr. McNabb for acknowledging his comments. He said he did not feel that this was the right solution. He thought the window openings were rather large and contemporary looking. He was not sure why the windows were projecting down to the floor. He felt that if they were brought up a bit and cast stone or granite placed underneath them he could possibly accept it. He said that this fails on an obvious reproduction historic building and he could not support the motion.

Chairman Dika asked if there was any more discussion. Hearing none, she called for the vote.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a 4-2 vote with Mr. Wyckoff and Chairman Dika voting in opposition.

10. Petition of **337 Pleasant Street, LLC, owner**, for property located at **337 Pleasant Street**, wherein permission was requested to allow an amendment to a previously approved design (remove existing chimney on right side, add brick box chimney on left side) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 62 and lies within General Residence B and Historic A Districts.

Ms. Maltese stated that she would be recusing herself from the discussion and vote.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect from the project was present to speak to the application. She stated that a revision had been made to the project and gave the Commission a new plan. She said that the existing chimney and fireplace were installed at a later date. As they were doing internal demolition, they discovered two parlor style chimneys on both sides of the main stairwell and a third one in the back of the kitchen wing. She said that they were originally planning to shift the original chimney to the other side of the house but it will now remain where it is. The size of the chimney would be reduced to approximately 30" x 30". She explained that it would not be a real chimney but a box with thin brick applied.

Mr. Wyckoff asked Ms. Whitney if she would be duplicating the ridge that currently surrounds the chimney. Ms. Whitney replied yes.

Chairman Dika commented that she was usually a protector of chimneys but she thought that this chimney was awkward. She said that she would not care if the chimney was removed and not replaced.

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 Coviello. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was an even swap and therefore, not detrimental to the building. He felt it was appropriate.

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 (6-0) vote.

11. Petition of **New Hampshire Legal Assistance, Inc., owner**, for property located at **154 High Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove cedar shingle roof, replace with asphalt roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 26A and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Joe Terravecchia, contractor for the project was present to speak to the application. He gave the Commissioners additional material. He stated the he would like to replace a wood cedar roof with an asphalt shingle roof. He said that the roof was approximately 25 years old. The shingle he was proposing, called Cambridge LT was an IKO product which was a lifetime shingle. The color would be weathered wood. Mr. Terravecchia explained that the owner got several estimates. The wood shake roof would cost twice as much as the asphalt roof and would last an estimated 25 years.

Chairman Dika asked if there were any other buildings on The Hill that currently have asphalt shingle roofs. Mr. Terravecchia was not aware of any but there were some directly across the street.

Councilor Coviello asked if he would be stripping the wood down to the base. Mr. Terravecchia 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. Kozak 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.

Councilor Coviello asked if the Commission could make a decision on the applicant’s ability to pay. Ms. Maltese said that that was not currently in the by-laws. Vice Chairman Katz thought he recalled City attorney Bob Sullivan saying that it could be used as a consideration. Mr. Melchior added that it does say that in the by-laws. Councilor Coviello also asked if you could treat a non-profit organization differently. Vice Chairman Katz thought no. Chairman Dika said that what she thought City attorney Sullivan said was that they could take circumstances into consideration. She pointed out a situation with an elderly person who needed a chimney replacement and out of humanity the Commission took that person’s situation into consideration. She thought it became problematic when the Commission starts to judge one’s ability to pay or not to pay.

Chairman Dika called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented passed by a vote of 5-2 with ms. Maltese and Chairman Dika voting in opposition.

Mr. Melchior pointed out to Chairman Dika that she failed to allow additional discussion on the motion. Chairman Dika acknowledged the error and stated that the vote was official.

12. Petition of **Thirty Six Market Street Condominium Association, owner, and Chris Lemerise, applicant**, for property located at **36 Market Street**, wherein permission was requested to allow new construction to an existing structure (install door, window, and wrought iron deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 29 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

Chairman Dika explained that this application was a bit unusual because she was opening the public hearing but they would not vote on it because the applicant was still working out specifics with the condominium association. She said that the condominium association was going to allow the applicant to get feedback on the project.

SPEAKING TO THE PETITION

Mr. Lemerise stated that he had some things to work out with the condominium association but wanted to see how the Commission felt about his project. He stated he would like to replace the existing windows in the condominium as well as install a new rod iron deck, door, and window on the rear elevation. He pointed out that the rear wall of the building was considered “common area” and that was what he was working with the condominium association on.

Mr. Wyckoff asked about the replacing of the windows in his unit. Mr. Lemerise said he would like to replace all of the windows in his unit which involves the second and third floors. Mr. Wyckoff thought the Commission granted approval for windows on this building about two or three years ago.

Mr. Wyckoff asked about the balcony, door and window on the rear elevation. He said that he was not against it but he thought it looked a bit awkward. He added that it would be a very visible balcony but he was okay with option #2.

Councilor Coviello asked if the balcony would be over the City right-of-way. Mr. Lemerise said that was what he was trying to figure out with the association. Mr. Clum explained that it was not over City property but it very well might be over association property.

Ms. Kozak told Mr. Lemerise that when he came back before the Commission, it would be helpful to have dimensions on the deck size and how far off of the ground it was. She said a site plan showing its relation to the street, curb, or other buildings would be helpful also.

Ms. Maltese stated that she was not opposed to a balcony in that location. She did have concern with the awning window as it was different than the other windows in the building. She liked the simplistic design.

Vice Chairman Katz agreed with Ms. Maltese. He said that less is more with regard to the deck. He felt the awning window was inappropriate.

Chairman Dika pointed out that that section of Ladd Street was a very visible spot. She said she was very comfortable with a deck there, however; it would be very important how the window and door would be treated.

DECISION OF THE COMMISSION

Ms. Maltese made a motion to postpone the application to the August 18, 2010 meeting. The motion was seconded by Councilor Coviello. The motion passed by a unanimous (7-0) vote.

Mr. Lemerise stated that it was his understanding that the application would be postponed to the September meeting. Chairman Dika realized the mistake and asked for a withdrawal of the motion.

Ms. Maltese made a motion to withdraw the previous motion. The motion was seconded by Councilor Coviello. The motion passed by a unanimous (7-0) vote.

Ms. Maltese then made a motion to postpone the application to the September 1, 2010 meeting. The motion was seconded by Councilor Coviello. The motion passed by a unanimous (7-0) vote.

13. Petition of **Harris Hanover Street Project, Inc., owner**, for property located at **55 Hanover Street**, wherein permission was requested to allow demolition of an existing structure (remove rear exterior stairs) and allow new construction to an existing structure (install spiral staircase) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 23-6A and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Alex Harris, co-owner of the property was present to speak to the application. He stated that he was requesting to replace an existing wood fire escape with a spiral staircase.

Ms. Kozak asked what the size of the spiral stair was. Mr. Harris said that he had to meet the code which was 60 inches in diameter.

Mr. Wyckoff asked if the balusters and handrails would be iron. Mr. Harris replied yes and explained that the whole stair would be iron.

Chairman Dika wondered if they had enough information before them. Ms. Maltese thought there was enough information.

Mr. Wyckoff asked if the finish would be galvanized. Mr. Harris 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

Vice Chairman Katz 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.

Vice Chairman Katz stated that this application seemed to be driven by code considerations. He said that they have approved spiral staircases in the past.

Ms. Maltese added that she was thrilled to see this spiral staircase and recognized that they were an expense.

Mr. Wyckoff stated that he was not sure the spiral staircase was appropriate for this building. He was not sure it matched and he did not see a large ground swell of spiral staircases in the City.

Ms. Kozak commented that exterior staircases are a modern necessity because of life safety codes. She felt that anything that was less visually obtrusive was better. Chairman Dika agreed.

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.

14. Petition of **Margaret M. Neville, owner**, for property located at **104 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans **Request to Postpone** is shown on Assessor Plan 103 as Lot 72 and lies within the General Residence B and Historic A Districts. *(This item was postponed from the August 11, 2010 meeting to the August 18, 2010 meeting.)*

DECISION OF THE COMMISSION

This item was postponed, at the applicant's request, to the August 18, 2010 meeting.

15. Petition of **Karen L. Bouffard Revocable Trust, Karen L. Bouffard, trustee and owner**, for property located at **114 Maplewood Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, replace front step and railings) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 4 and lies within the Central Business A and Historic A District.

SPEAKING TO THE PETITION

Ms. Karen Bouffard, owner of the property was present to speak to the application. She stated that she would like to replace 21 windows, add a new set of antique granite steps, and add wrought iron railings.

Ms. Maltese asked if Mr. Peter Happny would be doing the railing. Ms. Bouffard replied yes.

Ms. Bouffard asked the Commission what mullion width was appropriate for her structure, 5/8” or 7/8”. Ms. Kozak explained that the earlier houses had thicker mullions. She felt it was good to stick with the 5/8”.

Mr. Wyckoff asked Ms. Bouffard if she was removing the storm windows. Ms. Bouffard replied yes. He pointed out that whoever installs the windows will need to be sure to seal up the gap between the window and the window sill.

Mr. Wyckoff asked whether the stairs should have balusters. Mr. Clum said that it did not look like balusters were needed. The falling hazard was 30 inches and he felt the step height was below that.

Chairman Dika asked if there were any more questions for the applicant. Hearing none, she asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise she declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Ms. Maltese 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 that this was an historical improvement and an appropriate application.

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.

Councilor Coviello recused himself from the last two agenda items and left the meeting.

The next two agenda items were taken in reverse order to allow time for individuals representing petition #16 to arrive.

VI. WORK SESSIONS (CONTINUED)

B. Work Session requested by **Martingale Wharf Limited Partnership, owner**, for property located at **99 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (construct balconies on north elevation). Said property is shown on Assessor Plan 106 as Lot 54 and lies within Central Business A, Historic A, and Downtown Overlay Districts.

- Mr. Mark McNabb, representing the applicant was present to speak to the application. He stated that they were proposing to add balconies on the two lower levels on the waterfront side, in the Martingale section of the building. He explained that one of the balconies would eliminate the second story of the proposed greenhouse on that elevation. Mr. McNabb showed the Commission three different concepts for the balconies. One was using glass panels, another was using a powder-coated metal railing, and the last one was using a stainless steel cable as the railing. He pointed out that that section of the Martingale was recessed so the balconies would not be seen from side views.

- Ms. Maltese asked if they had a preference on the railings. Mr. McNabb said that they would prefer something open to the air so that would mean either the powder-coated or the stainless steel cable options.
- Mr. McNabb pointed out the strange location of the oriel that was on the original building. He suggested moving the oriel up one story to put the balcony in. Mr. Wyckoff said that it made sense to move the oriel up. He also said that he thought the glass railing system was inappropriate and would rather see the powder-coated railing system. Vice Chairman Katz was fine with moving the oriel up but he did not think the glass railing system was out of the question. He pointed out that this building has pushed the limits. He added that he was open to all three options but he felt the powder-coated one was the safest way to go.
- Ms. Maltese stated that she was okay with moving the oriel up. She did not want to pretend that this was the old building that it used to be. She was still wondering whether the balconies made sense. She thought she could be persuaded. Ms. Maltese was more in favor of the cable railing system because it could be seen the least.
- Ms. Kozak asked how far the balconies would project out. Mr. McNabb said they would project out 6 ½ feet. Ms. Kozak did not think that would alter the perception of the riverfront.
- Mr. Butch Ricci arrived at the meeting and added that the buildings on both sides of the project had decks and railings.
- Mr. Melchior pointed out that the Commission approved a glass railing system on a building on the other side of the bridge.
- Vice Chairman Katz suggested that a rendering showing the balconies would be helpful.
- Mr. Melchior said that he did not have any issues with the glass railing or the moving of the oriel. He felt the balconies were an improvement to the back of the building. He also agreed that a rendering would be helpful.
- Mr. Michael Labrie, an abutter, stated that he liked balconies. One was currently being constructed on his property at 53 Bow Street.
- Chairman Dika stated that she did not see anything that gave her any terrible distress. She added that she never liked the greenhouse so she was glad to see some of it go.

VII. PUBLIC HEARINGS (CONTINUED)

16. Petition of **Forum Group, LLC, owner, and Martingale Wharf Limited Partnership, applicant**, for property located at **67 Bow Street**, wherein permission was requested to allow demolition of an existing structure (remove existing stairs) and allow new construction to an existing structure (reconfigure and construct new stairs, railings, and landings) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 53 and lies within Central Business A, Historic A, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Butch Ricci, owner of Martingale Wharf Limited Partnership LLC, was present to speak to the application. He explained that they have secured an easement agreement with 67 Bow Street to change the stair system that will go down to the deck level. There would be no major changes to the buildings on either side of it.

Ms. Maltese asked if this opened up a water view. Mr. Ricci stated that it would open up the whole area. He said that the stairs would now be to code and the area would be cleaned up.

Ms. Maltese asked about the Harpoon Willy's arch. Mr. Ricci said that the arch would be put back in place once the construction was done.

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. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Ms. Maltese stated that this was a unique application that affected the buildings on either side of it. She said that they were improving accessibility to the waterfront and bringing back an opening that was not currently there. She felt it was an improvement to Portsmouth. Chairman Dika agreed.

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 (6-0) vote.

In other business, Chairman Dika reminded the Commission to give Ms. Good a list of topics they would like to discuss at a special meeting.

VIII. ADJOURNMENT

At 8:10 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 October 6, 2010.