

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**September 1, 2010**

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

**MEMBERS EXCUSED:** George Melchior

**ALSO PRESENT:** Roger Clum, Assistant Building Inspector

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Chairman Dika called the meeting to order at 7:00 p.m. She announced that a meeting on the New Castle bridge project would be held on September 2, 2010 at 6 p.m. at City Hall. She also said that the Historic District Commission would hold two work session to discuss various issues facing the Commission. She explained that the first one would be held next week, September 8 at 7:00 p.m.

**I. OLD BUSINESS**

A. Approval of minutes – July 7, 2010

It was moved, seconded, and passed unanimously (7-0) to approve the minutes as presented.

B. Petition of **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. *(This item was postponed at the August 11, 2010 meeting to the September 1, 2010 meeting.)*

**SPEAKING TO THE PETITION**

Mr. Chris Lemerise, owner of the condominium unit was present to speak to the application. He stated that as a result of the condominium meeting that was recently held, he has decided to not move forward with the proposed deck and door. He explained that he was just seeking approval to replace the existing windows facing Ladd Street. Mr. Lemerise pointed out that he would like to use the same windows that were recently approved for another unit in the building.

Mr. Almeida wanted to make sure the applicant was proposing the exact same window specification and window manufacturer. Mr. Wyckoff asked if he would be using the Andersen Woodwright, 400 series with the same grill pattern. Mr. Lemerise replied yes. Mr. Wyckoff said that he did not have a problem with the application.

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 for the application as presented with the following stipulations:

- 1) That the wrought iron deck, rear door, and awning window are removed from the application.
- 2) That approval is given to replace existing windows on the Ladd Street elevation provided they match the previous windows approved for the same building.  
(AndersenWoodwright 400 Series true divided lights)

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

Mr. Almeida stated that it was a minimal request and was a window that was used throughout the building.

The motion to grant a Certificate of Appropriateness for the application as presented by the applicant passed by a unanimous (7-0) vote.

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 Chairman Dika stated that she had a request to move the 46 State Street application to the end of the agenda. Ms. Maltese made a motion to move the application to the end of the agenda. The motion was seconded by Councilor Coviello. The motion passed by a unanimous (7-0) vote.

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**II. PUBLIC HEARINGS**

1. Petition of **Perry and Kristin M. Silverstein Revocable Trust 2001, owners and trustees, and John Akar, applicant**, for property located at **10 Commercial Alley**, wherein permission was requested to allow exterior renovations to an existing structure (install vertical planter system, install exterior lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 10 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. John Akar, co-owner of Cava Restaurant, along with Drew Sann, Keith Lemerise and Lynn Felici Gallant of Coastal Home magazine were present to speak to the application. Mr. Akar stated that they would like to install a vertical art garden on the front of the restaurant.

Mr. Sann brought a sample of a panel for the Commission to view. He said that the plants were a collection of native woodland evergreen and semi evergreen plants.

Ms. Maltese asked how the panels would affix to the wall. Mr. Sann explained that a simple bracket would hang at the top of the wall and the panel would sit on the bracket. The bracket would be screwed into the masonry and would cause minimal disturbance to the building.

Chairman Dika asked the amount of weight the brackets would hold. Mr. Sann said that the brackets were specifically designed for this application.

Councilor Coviello asked if watering the plants would result in trapping water behind the wall. Mr. Sann said that there was a 1/2" spacer between the bracket and the back of the wall which allowed for air flow.

Mr. Wyckoff wondered why the Commission was even reviewing this since it was basically the same concept as a flowerbox. Ms. Maltese pointed out that there were lights proposed as well which would require HDC review. She agreed with Mr. Wyckoff that this seemed like landscaping. Mr. Almeida commented that he thought the application was before them because it was something new. He said that he was excited about it and felt it would be a beautiful addition to the building. He asked if any part of the hardware would rust. He also wondered if the screws would be placed in the joint grouts. Mr. Sann said that the screws would be installed in the grout joints.

Mr. Sann stated that the proposed lighting was intended to softly light the plants at night. He explained that it was 3 watt LED lighting. The fixtures would be brass and would blend in with the bricks. Ms. Maltese asked how many light fixtures there would be. Mr. Sann thought there would be six, two lights on each bracket.

Ms. Maltese asked about the other lighting. Mr. Akar explained that currently there were three lights on the face of the building. He said that those lights would have to come down so that the wall could go up. The new lights would be custom made and weatherized and winterized. Mr. Almeida complimented the applicant on a beautiful selection of fixtures. He did explain however, that the Commission does not like to see exposed conduit. Mr. Akar said that they would be using the existing conduit. Mr. Wyckoff pointed out that the light was low voltage so it would not need to be in conduit. Councilor Coviello asked if the proposed lighting would have a bracket. Mr. Akar replied yes and said that it would project three feet off of the building. The bracket would be made of wrought iron.

Councilor Coviello asked what times of the year the planter would be used. Mr. Akar said it was their intention to have the planter filled with plants throughout the year. Ms. Felici Gallant, garden designer, explained that the plants would look beautiful all year round. She provided a list of the plants and said that they were chosen for zone hardiness. She added that many of them would turn different shades throughout the year.

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 Mr. Almeida. Chairman Dika asked for discussion.

Ms. Maltese stated that this was another unique application, a first for the Commission. She felt the garden wall would not block any features but would instead add to the architecture. She said it would be beautiful with minimal disturbance to the building and it would be a nice addition to the alley.

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.

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2. Petition of **Thirty-Eight South Street Condominium Association, owner**, and **Kathi and Christopher Hubbard, applicants**, for property located at **38 South 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 102 as Lot 44 and lies within the General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Ms. Kathi Hubbard, unit owner of the condominium association was present to speak to the application. Ms. Hubbard stated that the condominium association would like to replace a dilapidated fence with a new fence.

Ms. Hubbard pointed out that part of the proposed included a fence that was half finished. It belonged to a neighbor but they would match that fence to finish it. There was discussion about the height of the fence. There would be two heights, four feet and six feet. Ms. Maltese asked how many sections would be used to transition from the four foot height to the six foot height. Ms. Hubbard said it would only be one section of transition fencing.

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 this was almost an exact copy of what currently existed. He did not think it would affect the value of the properties around the applicant.

Ms. Maltese added that she was okay with the application because it was at the back of the house but she felt the transition was awkward.

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.

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3. Petition of **Nancy J. Ratliff Revocable Trust 2000, Nancy J. Ratliff, owner and trustee**, for property located at **180 New Castle Avenue**, wherein permission was requested to allow new construction to an existing structure (construct additions) and allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 23 and lies within Single Residence B and Historic Districts.

Chairman Dika recused herself from the discussion and vote. Vice Chairman Katz conducted the public hearing.

**SPEAKING TO THE PETITION**

Vice Chairman Katz informed the public that a work session was held on this application last month.

Ms. Anne Whitney, architect for the project was present to speak to the application. She stated that a few Commission members were absent last month so she guided the Commission through the submitted packet. She explained that they were proposing two additions and described the project in great detail.

Mr. Wyckoff noted that the corner boards looked rather large. He asked Ms. Whitney if that was what she was intending to use. Ms. Whitney replied yes.

Ms. Whitney pointed out a large French casement window above the one story addition that was to be used to get large furniture to the second floor. She said they have chosen not do that but would instead replace that window in kind.

Ms. Whitney said that there would be a French sliding door and small casement window on the one story addition. Mr. Wyckoff noted that the drawings did not show any stairs leading to the French door. Ms. Whitney explained that there would be wooden steps with two risers.

Mr. Almeida stated that the architect had incorporated a lot of the comments made at the work session into the plans; however, he was concerned with the number of casement windows being proposed. Ms. Whitney said that the reason for the casement windows was because of the kitchen and the bathrooms in the home. Mr. Almeida pointed out that on the west elevation, the window and pane sizes were larger and made the other windows look very different. He felt that window D on the east elevation was a more appropriate size. Ms. Whitney pointed out that the existing windows on the structure were extremely small. She said the reason for the different sizes was that she wanted the addition to look like an addition.

Mr. Almeida commented that the existing structure had a combination granite and brick foundation. He wondered if the new addition would have a concrete foundation. Ms. Whitney said that they could do a brick shelf on the New Castle Avenue and the side elevations. Mr. Almeida thought that would help.

Mr. Wyckoff stated that he shared the same concern. He said that these were possibly the largest and widest casement windows that he has seen on the front of a house of a historic nature. He was not sure how it played out in the work session but he was having trouble with it now.

Vice Chairman Katz commented that he viewed the side addition almost as an enclosed porch. He said they could probably find many examples in the City with this type of structure with larger lights. He found it very appropriate in this instance. Ms. Whitney added that that was what she was trying to achieve.

Ms. Maltese asked if this house was the historic Blunt house. Ms. Whitney did not think so and added that she had worked with the previous owner and that had never come up. Ms. Maltese said that she was not at the work session and was shocked by the presentation. She explained that she had a problem with the side addition. She felt the side addition completely changed the front view of the house and that she was not in favor of the proposal at this time.

Ms. Whitney pointed out that this was a very small addition, just seven feet. She also pointed out that they received approval in 2006 for this exact same addition but of course, that approval has lapsed.

Mr. Wyckoff pointed out that it seemed like they had moved into the discussion phase instead of the question phase of the public hearing. Vice Chairman stated that there was a work session on

this application and to now reopen this for members who were not present was a bit irritating. Mr. Wyckoff pointed out that they are presented with this now and he was now uncomfortable with it.

Mr. Almeida asked if the Commission could go into work session mode followed by a public hearing. Vice Chairman Katz said that it would be up to the applicant to agree to that. Ms. Maltese stated that if the rest of the Commissioners were comfortable with it then it would be a waste of time because she was only one vote.

Vice Chairman Katz recollected that the only window problem was with a window on the second floor to accommodate moving large furniture to the second floor. He felt the applicant had resolved that. Mr. Almeida said that he recalled having discussion on the windows on the addition as well.

Mr. Wyckoff asked Ms. Kozak and Councilor Coviello their opinion on the windows. Ms. Kozak stated that she did not have a problem with the size of the addition. It was stepped back from the front face of the structure and was a time tested form for putting a porch on the side of a house. She said she was not in favor of using large casement windows facing New Castle Avenue on such a historic property. Councilor Coviello said that he did not have a strong opinion on the windows. He thought the corner view of the addition had an awkward expansion on it now so he felt the porch addition would help to clean up that corner.

Vice Chairman Katz asked Ms. Whitney if she would like to continue with the public hearing or go into a work session. Ms. Whitney said that she would like a work session because she felt the issues could be solved very easily.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to postpone the application to the end of the meeting for a work session/public hearing. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (6-0) vote.

\* NOTE: See page 14 for the conclusion of this petition.

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4. Petition of **Gregory D. and Jennifer J. Martin, owners**, for property located at **369 Pleasant Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 65 and lies within the General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Gregory Martin, owner of the property was present to speak to the application. He stated that he would like to replace the windows in his house with Andersen Woodwright windows. He pointed out that the third floor window did not have any grills so he would like to propose a two over one grill pattern for that window. He also said he would like the opportunity to replace them over a two year period. Chairman Dika told Mr. Martin his approval would be good for one year. She wondered if there was any way to modify that. Mr. Clum stated that in the past, the Commission has voted that the approval be granted for future window replacements. It was agreed that once the project was started, it could be ongoing.

There was additional discussion on how the sills would be handled with the window replacements.

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 for the application as presented. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Almeida stated that the applicant had provided all of the detail that the Commission requires. He applauded the applicant for matching the third floor window with the rest of the house.

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.

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5. Petition of **Jason N. and Barbara L. Theodore, owners**, for property located at **46 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace gutter and downspout) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 11 and lies within the Central Business B and Historic Districts.

The Commission decided to hear Petition #5 that was postponed earlier in the meeting.

Mr. Wyckoff made a motion to hear Petition #5. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (6-0) vote.

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

**SPEAKING TO THE PETITION**

Ms. Jennifer Ramsey of Somma Studios was present to speak to the application. She stated that the applicant wished to replace an aluminum gutter and downspout with a copper gutter and downspout. She added that the brackets would be replaced but would stay in the same location.

Mr. Almeida commented that the Commission loves to see these types of applications. He wondered; however, if there would be any protection of the copper downspout as it came down to street level. Ms. Ramsey did not think it was the applicant's intention to do anything of that nature.

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 for the application as presented. The motion was seconded by Ms. Maltese. There was no discussion.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (6-0) vote.

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6. Petition of **Peirce Block Condominium Association, owner, and Orion Seafood International, Inc., applicant**, for property located at **20 Ladd Street, 3<sup>rd</sup> floor**, wherein permission was requested to allow new construction to an existing structure (install exhaust and supply ducts) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 17-K and lies within the Central Business B, Historic, and Downtown Overlay Districts.

Chairman Dika and Councilor Coviello recused themselves from the discussion and vote. Vice Chairman Katz conducted the public hearing.

### **SPEAKING TO THE PETITION**

Mr. Rob Harbeson of DeStefano Architects was present to speak to the application. He explained that Orion Seafood International has been in this location on Ladd Street for sixteen years and in all of those years, they have not renovated the space. He said that they would like to stay in this location but they need to upgrade to accommodate a kitchen. The reason for the kitchen was to prepare seafood to show at trade shows. Also, approximately six times a year they will have customers visit their location for taste testing events.

Mr. Harbeson stated that discussions have taken place with the Inspection, Health and Planning Departments. He said that the kitchen would need to be classified as a commercial kitchen and would require a limited use permit because of the very limited times the kitchen would be in use. The kitchen would require all of the mechanical requirements for a commercial kitchen. He added that the Planning Department determined that the proposal did not require a variance.

Mr. Harbeson guided the Commission through the submitted plans. He pointed out that the Commission's review involved the mechanical stacks at the back of the building. He said that the alleyway at the back of the building had a number of mechanical and electrical devices going up the back of the building. He explained that they explored the possibility of doing the work internally but it was not possible. They were proposing to locate the ducts on the center of the roof mass to make them less visibly obtrusive.

Mr. Almeida stated that he could not support the application. He said that he understood that this was being labeled as the back of the building but pointed out that this spot in the City was very special and it was very unfortunate that the amount of mechanical equipment has been placed there over the years. He added that it was getting more painful to see historic buildings downtown with aluminum "rocket ships" going up the sides of them and he could not support another one.

Mr. Harbeson responded by saying that he understood and appreciated Mr. Almeida's position. He said that in this case, the addition of the kitchen was imperative to this business remaining in this location. He added that they explored other options and they just do not exist. As a result, they have tried to place them in the least visibly obtrusive location as possible.

Ms. Maltese stated that she agreed with Mr. Almeida. She appreciated the fact that the applicant has tried to put it in the best location possible but she would not be able to support it.

Ms. Kozak asked about the finished height of the ducts. Mr. Harbeson gave her detailed information concerning the mechanical units, curbing, and finished height. He pointed out that



all of these are the minimum sized mechanical units that will meet mechanical code for this commercial kitchen.

Ms. Kozak asked where on the roof they would be located. Mr. Harbeson said they would be approximately in the center of the roof. Ms. Kozak asked if there was a parapet on the roof or was the roof flat. Mr. Harbeson said that the back side of the roof was flat but the front had a slight parapet on two sides with a mansard ridge. He added that he has not been able to find a location in town where the back side of the roof was visible.

Vice Chairman Katz 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. Vice Chairman Katz asked for discussion.

Ms. Kozak stated that she shared the concerns expressed and pointed out that they have seen mechanical duct work starting to erode valuable views of the City. She said that she would support the motion because this was the back of the building. Although it was an important courtyard, it currently had a wallpapering of utilities. She did not think the addition of these two stacks would change the nature of what was there now. She also did not think it would change the skyline or panoramic views of the City.

Ms. Maltese agreed that there was already wallpaping but it was a lower wallpaping in her opinion. She said that it does not have to be this way. She felt it broke the line of the roof which was a big problem for her. She added that these are the times when she does not like being on the Historic District Commission because this decision affects someone's company. But she felt this was not the place for it and she could not support the motion.

Mr. Wyckoff said that it was very disturbing to see this whole back alley covered with mechanical equipment. He pointed out that most of it was contained to the first and second floors. He added that also what bothered him was the height of 50-60 inches once they are on the roof with their termination. He was not comfortable turning the application down but he felt he had to.

Hearing no other discussion, Vice Chairman Katz called for the vote. The motion to grant a Certificate of Appropriateness for the application as presented failed by a vote of 3-2 with Mr. Almeida, Ms. Maltese, and Mr. Wyckoff voting in opposition and Vice Chairman Katz and Ms. Kozak voting in favor.

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7. Petition of **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 (construct additions with associated misc. renovations) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 48 and lies within the General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mrs. Stefany Sheehan and Mr. Craig Welch, owners of the property were present to speak to the application. Ms. Sheehan thanked the Commission for the time spent with them during the work sessions and the site walk.

Mr. Robert Rodier, architect for the project spoke next. He guided the Commission through the submitted packet. He explained that the project entailed a 23' by 32' addition on the rear of the structure which included a garage, an open air courtyard, all of which was covered by a roof garden. He also said there was a small bump out in the kitchen for an eating area and a reconfigured area at the back of the house for an entrance.

Mr. Rodier explained that the house was currently vinyl sided but the addition would be wood clapboarded. He pointed out on the plans where that transition would take place. He also showed two pictures of granite walls and said that this was the look that they would be trying to achieve.

Chairman Dika commented that they could arrange for someone on the Commission to approve the stone on site. Mr. Rodier said that would be perfectly acceptable.

Ms. Kozak asked how they planned to treat the corners with the stone. Mr. Rodier explained in detail how that would be achieved. There was also discussion about how the arch would be achieved with the stone. Mr. Rodier explained that until they find a supplier for their particular look of stone, which will lead them to determine how they will achieve the desired look, they could not give a definitive answer. He said that he would be happy to come back for a work session in the spring to share with the Commission these additional details. The Commission was comfortable with that. Considerable discussion ensued regarding how the arch detail would be achieved.

Ms. Kozak asked about the exposed foundation on the street side. Mr. Rodier explained that it was existing. He said that they could bring the siding down to about 8-10 inches from the ground. Ms. Kozak pointed out that the rest of the building had a brick foundation where it was exposed and she suggested that it be continued with the new addition. Mr. Almeida was in agreement with Kozak.

At this point in the meeting, there was considerable discussion concerning the columns, steps, a planter, and the railing system. Councilor Coviello suggested that the application be postponed to next month's meeting so the details could be presented and reviewed.

Mr. Almeida pointed out that the submitted plans did not have any dimensions on anything. He felt this was a basic requirement of an application. Vice Chairman Katz asked if the drawings were to scale. Mr. Rodier replied yes. Vice Chairman Katz said that that was good enough for him.

**DECISION OF THE COMMISSION**

Councilor Coviello made a motion to postpone the application to the September 8, 2010 meeting. The motion was seconded by Mr. Wyckoff. The motion passed by a unanimous (7-0) vote.

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Ms. Maltese left at this point in the meeting.



8. Petition of **111 Market Street Condominium Association, owner**, and **Ryan Abood, applicant**, for property located at 111 Market Street, Units 4 & 5, wherein permission was requested to allow exterior renovations to an existing structure (reconfigure and replace rear windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 39 and lies within Central Business B, Historic, and Downtown Overlay Districts.

Councilor Coviello recused himself from the discussion and vote.

### **SPEAKING TO THE PETITION**

Mr. Brandon Holben of McHenry Architecture was present to speak to the application. He stated that the scope of work related to the previous approval granted on June 2, 2010. They were now seeking to enlarge the masonry openings on the 4<sup>th</sup> and 5<sup>th</sup> floors on the Ceres Street elevation. He then guided the Commission through the submitted packet.

Mr. Wyckoff asked about the lintels over the windows and asked what they were made of. Mr. Holben said that they were wood and rotting.

Mr. Wyckoff asked if they were intending to fix the structural problems that they might find when they open up the building. Mr. Holben explained that at a minimum, they would fix the structural problems as is. He added that the new lintels would be steel. Mr. Wyckoff commented that the proposal did not leave much masonry.

Ms. Kozak asked if they were proposing to change only the width of the masonry opening or were they changing the height as well. Mr. Holben said that the height would remain the same and that only the width would change.

Mr. Almeida asked if it was possible that the amount of brick being removed would require a complete removal of brick and rebuild upward. Mr. Holben said that was not the intent.

Mr. Almeida asked if they would see a cut brick line where the openings were expanded. Mr. Holben confirmed that there would be a brick corner and return.

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 Mr. Wyckoff. Chairman Dika asked for discussion.

Vice Chairman Katz stated that if symmetry and proportion are goals to reach for, he felt this was a quantum improvement over the previous application. He said that it just looked right.

Ms. Kozak said that she appreciated the effort to expand the views as it was one of the best views in the City. She agreed with Vice Chairman Katz about the symmetry and regularity which was how the building was originally conceived. Although she had a hard time with the enlargement of the fifth story windows, she did approve it. She did not have a problem with the size of the proposed windows but she said she would not be supporting the motion because she felt that the windows in the building were too close together. She thought that enlarging six of them negatively impacted the brick to glass ratio of the building.

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 vote of 4-2 with Ms. Kozak and Mr. Almeida voting in opposition.

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9. Petition of **Greenway Management North, LLC, owner, and Yalcin Kaya, applicant,** for property located at **79 Daniel Street**, wherein permission was requested to allow new construction to an existing structure (install exhaust duct for coffee roaster) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 9 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Yalcin Kaya, owner of a new business in the building was present to speak to the application. He stated that his application was similar to the Orion Seafood application but was different because the ductwork would be placed in a secluded back alley.

Mr. Almeida asked the applicant if he had explored interior routes for the ducts. Mr. Kaya replied yes and explained that the ducts would have to go through two residential units. He felt that the rear of the building was the best location for it because there was an alley with trash receptacles for three restaurants.

Mr. Wyckoff asked if there would be two ducts. Mr. Kaya replied no, there would be just one. Mr. Wyckoff asked what the diameter of the duct would be. Mr. Kaya said it would be 10 inches due to a recommendation by the mechanical inspector.

Councilor Coviello asked about the extension of the pipe beyond the roof. Mr. Kaya said that the ductwork would run along the roof. Councilor Coviello asked if the pipe would protrude above the ridge of the roof. Mr. Kaya replied no.

Mr. Almeida asked if there would be a round cap at the very top of the pipe. Mr. Kaya replied no, the cap would be new technology for Portsmouth. He added that this new technology would push the roasting smell up and into the atmosphere.

Mr. Almeida agreed that this was a different location than the previous application. He did not agree that it was not a significant location. It was Custom House Court and there was a history to it. He felt it was not as prominent location as the previous application. Mr. Almeida pointed out that the duct work would cut back from Custom House Court about 25-30 feet and he thought that helped.

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 Ms. Kozak. Chairman Dika asked for discussion.

Mr. Wyckoff agreed that the location was a different situation than the previous application. He did not think it would affect any of the historic buildings nearby.

Chairman Dika commented that she felt the Commission had some responsibility to keep the community viable and that meant to continue to support businesses in the area. She said that this property has been vacant for a very long time and she thought it was wonderful that the applicant was stepping forward to put a new business in there. Unfortunately, she said sometimes there are unattractive mechanicals. She pointed out that the Commission was very quick to allow new green technologies on buildings so if they were going to be generous in that way then they needed to be generous to the business community. Chairman Dika stated that she was saddened to see the Orion application turned down earlier in the meeting. She said that they are one of the few companies in the area that continue to hire during the downed economy and they needed that kitchen.

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.

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### III. WORK SESSIONS

A. Work Session requested by **7 Islington Street, LLC, owner**, for property located at **40 Bridge Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing structures) and allow a new free standing structure (construct mixed use multi-story building, previous approval expired). Said property is shown on Assessor Plan 126 as Lot 52 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

- Mr. Steve McHenry, architect for the project was present to speak to the application. He stated that the approval for the project had expired and he was seeking a re-approval. He said the purpose of the work session was to refresh the Commission’s memory of the project and added that no changes had been made.
- Mr. McHenry explained that a series of five or six work session were held regarding the project. Initially, the problem with the project was the overall scale of the project. In the end, the application was denied and an appeal was made to the Board of Adjustment. The Board of Adjustment ruled that the applicant go back to the Historic District Commission for another work session where the scale of the building was reduced and the project ultimately received approval. In the meantime, a lot line revision was approved along with required changes to the rear of the building. He explained that they have received approval from Traffic and Safety and Site Review and now the HDC was their last stop.
- A power point presentation showed the existing conditions and the proposed plans for the project. The project included first floor retail with a center door and ten residential units above.
- Mr. Almeida commented that he remembered when the application was presented and said that he would support the project as it was presented now. In addition, he asked where the mechanical units would be located. Mr. McHenry said that they would be located on the roof.
- Mr. McHenry stated that would submit an updated package for the public hearing. Chairman Dika pointed out that several members were not present this evening to give their comments.

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B. Work Session requested by **Thirty Maplewood Avenue, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow a new free standing structure (construct 4-5 story mixed use building). Said property is shown on Assessor

Plan 125 as Lot 2 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

- Ms. Jennifer Ramsey of Somma Studios was present to speak to the application. She stated that she was back with preliminary plans for Phase II of the 30 Maplewood Avenue site. She said that they were proposing a four to five story building that would wrap around the lot with parking in the building. She said the building would not be as tall as the Marriott structure across the street. She presented two options. One was a four story structure and the other was a four story structure with a fifth floor pulled back from the edge. Ms. Ramsey again pointed out that the building would wrap around the existing VFW building on the lot.
- Ms. Ramsey told the Commission she was hoping to get feedback about the massing and the parking.
- Ms. Kozak commented that the five story building as seen from Deer Street and Maplewood Avenue was a nice infill to that corner. Mr. Wyckoff thought that the massing was a little extreme. He wondered if it would detract from the Hanover Market, located next door that was a two story building. Ms. Ramsey reminded them of their discussion about putting a third floor on the Hanover Market sometime in the future.
- Mr. Almeida stated that he did not have a fear of a large building in that location. He said it would all depend on how it was detailed and how it relates to the street. Mr. Wyckoff agreed.
- Mr. Wyckoff commented that the proposed parking garage was necessary now because the beauty of the Hanover Market was that it had a large number of parking spaces to accommodate the building.
- Ms. Kozak stated that she was more in favor of the design on page 3 rather than page 4. Mr. Almeida agreed. Ms. Ramsey said that she was leaning in that direction as well.

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With the work session concluded, the Commission resumed their discussion of Petition #3 with a work session/public hearing.

3. **Petition of Nancy J. Ratliff Revocable Trust 2000, Nancy J. Ratliff, owner and trustee**, for property located at **180 New Castle Avenue**, wherein permission was requested to allow new construction to an existing structure (construct additions) and allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 23 and lies within Single Residence B and Historic Districts.

Chairman Dika recused herself from the discussion and vote.

## **WORK SESSION**

- Vice Chairman Katz stated that they would explore the objections to the application which seemed to revolve around the right side of the addition.
- Ms. Whitney stated that she went back to her office while the rest of the meeting continued and made some changes to the plan. She explained that she would be able to get a casement window with the same muntin profile that would match the windows on the four over four double hung windows on the east side of the house. Ms. Kozak and Mr. Almeida commented that they thought the look was much more successful.
- Mr. Almeida asked about the foundation. Ms. Whitney said that she would propose that the New Castle Avenue side and the west elevation of the house have a brick veneer foundation.

- Ms. Whitney explained in detail how she would handle a section of the roof so a cricket would not be needed.

Hearing no other discussion, Vice Chairman Katz announced that he was closing the work session and reopening the public hearing.

### **PUBLIC HEARING**

Vice Chairman Katz asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise he 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 with the following stipulation:

- 1) That the revised plan dated 9/01/10 is the approved plan.

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

Mr. Wyckoff stated that the improvements have made it more appropriate for the Historic District and more in keeping with the surrounding buildings.

Mr. Almeida thanked Ms. Whitney for her cooperation and patience.

Hearing no other discussion, Vice Chairman Katz 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 (5-0) vote:

- 1) That the revised plan dated 9/01/10 is the approved plan.

### **IV. ADJOURNMENT**

At 10:00 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on November 3, 2010.