

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**May 4, 2011**

**MEMBERS PRESENT:** Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak, Member Elena Whittaker; Planning Department Representative William Gladhill; Alternate Joseph Almeida

**MEMBERS EXCUSED:** City Council Representative Anthony Coviello, Alternate George Melchior

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

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**I. OLD BUSINESS**

A. Approval of minutes – April 6, 2011

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

B. Petition of **KRS Realty, LLC, owner, and Attrezzi, applicant**, for property located at **78 Market Street**, wherein permission was requested to allow exterior renovations to an existing structure (install lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 36 and lies with the Central Business B, Historic, and Downtown Overlay Districts. *(This item was postponed at the April 6, 2011 meeting to the May 4, 2011 meeting.)*

**SPEAKING TO THE PETITION**

Mr. Paul Sorli, owner of the property was present to speak to the application. He stated that he would like to put three light fixtures over the front door. The light fixtures would match the ones currently existing on the side of the building.

Ms. Whittaker asked about the exact location of the lights. Mr. Sorli pointed out the rectangular box drawn on the plans showing the location. Ms. Whittaker asked if the lights would be mounted on anything. Mr. Sorli said they would be mounted on the carved board, shown in the submitted photo and would be centered over the front door.

Chairman Dika asked for the dimension of the board that would be mounted. Mr. Sorli said that he thought it was seven to eight feet long. He added that the spacing of the lights was about 3 ½

feet apart. Vice Chairman Katz asked if the intent of the board was to be centered over the doors. Mr. Sorli replied yes.

Mr. Almeida thought the board was a good idea; however, he wondered how the power would get to the board. Mr. Sorli pointed out an electrical box in the corner where the power would run from. Mr. Wyckoff suggested that the conduit could be painted.

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 Approval for the application as presented. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Mr. Almeida stated the applicant was using an identical light fixture which he thought was appropriate. He thought it was a straightforward application.

Ms. Whittaker agreed that the plans were very clear but she was concerned that there was not equal spacing on the storefront and on the sign. She said that it did not work for her.

Mr. Almeida commented that the sign to him was the lettering and not the decoration on either side of it. He pointed out that he felt that the light fixtures over the lettering was appropriate.

Vice Chairman Katz noted that the board had some detail and it was not just a board. It was centered over the front doors so he had no problem with it.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Approval for the application as presented passed by a vote of 6-1 with Ms. Whittaker voting in opposition.

## **II. PUBLIC HEARINGS**

1. Petition of **Lawrence A. and Janet Y. Larose, owners**, for property located at **171 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace asphalt roof shingles with wood roof shingles) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 3 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Larry Larose, owner of the property was present to speak to the application. He stated that he was proposing to remove the asphalt roof and replace it with a wood shake roof with the same profile. He thought the wood shake roof would be more historically appropriate for the house.

Mr. Almeida commented that they would like to see more of these types of application. He asked Mr. Larose why he chose to make the change. Mr. Larose said that the aesthetic values far outweighed the economic values. He added that his neighbors had the same treatment.

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

Mr. Almeida applauded the applicant for his choice of materials. He pointed out that this application was proof that it was possible to install a wood shake roof and that the materials are available.

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

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2. Petition of **121-123 State Street Condominium Association, owner**, for property located at **123 State 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 Plan107 as Lot 48-1 and lies within the Central Business B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Mark Connolly, co-owner of the two unit condominium association was present to speak to the application. He stated that he would like to replace eleven windows in his unit at 123 State Street. He explained that he would be replicating the same window and look that was approved on the 121 State Street unit approximately eight or nine years ago.

Mr. Almeida asked if the windows were aluminum clad. Mr. Connolly said that the spec sheet said endura clad.

Chairman Dika asked if the window pattern would remain the same. Mr. Connolly replied yes, they would match the windows in the other unit.

Ms. Kozak asked if the windows were original to the structure. Mr. Connolly replied no, he thought they were about fifteen to twenty years old. Mr. Almeida asked if he planned to replace the picture window. Mr. Connolly replied no.

Mr. Almeida asked again if the windows were vinyl or aluminum clad. Ms. Kozak stated that she was familiar with the Pella Architect series and they were aluminum clad. Mr. Almeida stressed that it was important to continue the same language as the other unit.

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

Mr. Wyckoff stated that the application was cut and dry. It was a window that has been approved many times and was appropriate to the structure.

Ms. Whittaker said that although they do not have purview over color, she hoped that the owner would choose the same color as the other unit.

Ms. Kozak commented that she could not tell if the windows were original. She stressed the importance of saving original windows on important streets in Portsmouth. This was the second and third story of the building that was already halfway complete. She said that she would support the application but that she did want to try to retain what fabric was left of original windows.

Chairman Dika stated that she has been in the building and knows first hand that the 3<sup>rd</sup> floor windows need replacing.

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

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3. Petition of **Dorothy A. Ferrari Revocable Trust, Dorothy A. Ferrari, owner** and trustee, for property located at **171 Islington Street**, wherein permission was requested to allow exterior renovations to an existing structure (install door on side elevation, add awnings) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 138 as Lot 12 and lies in Central Business B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Michael Prete, co-owner of the business at 171 Islington Street was present to speak to the application. He stated that they were bringing the door and the awning before them for consideration.

Mr. Wyckoff asked Mr. Prete how he planned to trim out the door. Mr. Prete said that the door trim would be the same as the front. It was the same door and would be trimmed out the same as the front.

Mr. Almeida stated that he did not think the aluminum door was appropriate. He thought a traditional wooden door would be better. He pointed out that there was a lot of wooden detail on the front of the building. Mr. Wyckoff agreed but he did see precedence for the aluminum door. Mr. Wyckoff stated his concern for not having information on how the door would be integrated into the opening.

Ms. Kozak suggested a wide style door stating that she felt it would be a better match. Mr. Prete said the reason they chose this door was that the landlord already had the door.

Mr. Almeida commented that he felt they needed to take this part of Islington Street more seriously.

Chairman Dika suggested a work session/public hearing at the June meeting or take the suggestions of the Commission and come back for a public hearing in June.

Vice Chairman Katz pointed out that there was already an aluminum door on the front of the building. He reminded the Commission that this was an aluminum clad or vinyl clad building with J channel abounding. Mr. Almeida commented that they do this every time on Islington Street saying that everything around it is ugly so let's keep going down this path. He said that the existing door was not appropriate. Vice Chairman Katz pointed out that the front door was staying. Mr. Almeida said maybe so, but he felt they could do better on the building. He reiterated that the Commission needed to take Islington Street more seriously than they have been. Ms. Whittaker and Mr. Wyckoff agreed.

Mr. Almeida stated that he felt the awning was a very nice addition and was very appropriate. He added that they needed more information on the awning.

Chairman Dika said that she would have like to see a sample of the fabric. Mr. Prete said that it was canvas.

Ms. Whittaker asked about the framing and how it would be connected to the building. Mr. Prete said that it would be screwed into the building.

Vice Chairman Katz asked if it was a non-retractable awning. Mr. Prete replied yes. He added that the awning would have a rigid apron.

Ms. Whittaker stated that usually the awning companies come in with samples and a framing plan. Mr. Prete said that if he had known that, he would have brought it.

Chairman Dika said that the Commission usually prefers a loose apron.

Mr. Prete expressed his frustration with the process and felt that the generalized pieces of information about the filing process were not helpful.

Mr. Almeida gave him guidelines of what additional information the Commission would need for the next meeting.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to postpone the application to a work session/public hearing at the June 1, 2011 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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4. Petition of **Paul R. and Doris M. Petersen, owners**, for property located at **44 Rogers Street**, wherein permission was requested to allow a new free standing structure (install A/C condensing unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 45 and lies within the Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Paul Petersen, owner of the property was present to speak to the application. He stated that the installation of central air conditioning resulted in a 3’x3’ unit at the back of the house. He submitted pictures of the unit for the Commission’s review.

Chairman Dika clarified that the unit had already been installed. Mr. Petersen responded yes. He explained that neither he nor his contractor knew that it needed HDC approval. Chairman Dika commented that she felt the location chosen was appropriate. Mr. Petersen pointed out that no one could see it.

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. Whittaker made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Mr. Almeida.

Ms. Whittaker stated that the Commission sees a lot of these units going in and the Commission asks that they be placed in the most discreet location possible. She pointed out that they would rather see applicants coming to the HDC prior to installation but she understood that this applicant did not know approval was needed. She felt the unit was well hidden and she was comfortable with it.

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

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5. Petition of **Basil A. and Louise Richardson, owners**, for property located at **369 Court Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace door with window on rear elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 60-1 and lies within Central Business B and Historic Districts.

**SPEAKING TO THE PETITION**

Ms. Anne Whitney, architect for the project and Mr. Basil Richardson, owner of the property was present to speak to the application.

Ms. Whitney stated that the owner would like to add a window on the rear elevation. The window would be replacing an existing door and would match the existing window to the left of the proposed one. She added that the trim would match the existing trim.

Mr. Almeida and Ms. Whittaker commented that the application was about as straightforward as it could get.

Chairman Dika asked if the door was original to the structure. Ms. Whitney did not think so. Mr. Richardson explained that building was originally on Court Street. It was moved in 1980 to its present location. He said that the door was used internally on a section of the house that was lost to fire prior to the moving of the structure. He did believe that it was an original interior door.

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

**DECISION OF THE COMMISSION**

Mr. Almeida made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Ms. Whittaker. Chairman Dika asked for discussion.

Mr. Almeida reiterated that the application was straightforward. The window was appropriate to the building with an appropriate installation.

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

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6. Petition of **Timothy K. Sheppard, owner**, for property located at **54 Ceres Street**, wherein permission was requested to allow an amendment to a previously approved design

(relocate kitchen venting system) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 44 and lies within the Waterfront Industrial and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Tim Matte of Matte Home Builders was present to speak to the application. He stated that he was seeking an amendment to the approval that was granted in January [sic]. He informed the Commission that they have had discussions with the neighbors and others in the area and are submitting a design that was less obtrusive.

Mr. Matte pointed out that the submissions show the “as built” design and the new proposed design. He added that he worked with the City’s building department for the number of clean outs, vents, and setbacks. He admitted that it was not the most attractive structure but what they would like to do was to disassemble what was existing, come straight out from the back of the building and go directly over the roof of the restrooms/bar area with the structure. The fan would be relocated 20 feet from the building. He added that the existing sign would be removed. He felt that this approach would essentially hide the majority of the duct work and the fan.

Ms. Whittaker asked if they would be using the same fan. Mr. Matte replied yes. Ms. Whittaker asked what the diameter of the fan was. Mr. Matte replied approximately 36 inches. Chairman Dika commented that when she visited the site earlier, the diameter of the duct work seemed so much larger than what the Commission approved. She clarified that she did not mean just the cap but all of the ventilation system and duct work. Mr. Matte said that it was the standard 2 foot diameter and the reason it appeared larger was because it was double walled duct work.

Ms. Whittaker asked Mr. Clum if he had the original approval information. She thought they had originally approved ten inch duct work. Mr. Clum had the file from the prior meeting and informed the Commission that the original approval was for duct work of 22 inches in diameter. Ms. Whittaker asked if the original approval was for a three foot fan on top. Mr. Clum said the original approval was for an inline fan without the mushroom cap on top. He passed the file to Chairman Dika for the Commission’s review.

Ms. Whittaker asked about the building that housed the bathrooms and bar area and wondered what its height was. Mr. Matte said that it was about 8-8 ½ feet to the front trim board. Ms. Whittaker felt it was too large of a diameter of duct work running across the roof on a building of that size.

Ms. Kozak asked if any of the venting system would go beyond the building toward the water. Mr. Matte explained that the actual vent hood or duct work would not exceed the length of the building. Ms. Kozak asked how far back from the building’s edge would it be. Mr. Matte said approximately six feet. He added that where the step in the roof was located would be approximately the end of the duct work and where they were proposing to put the clean out. About a foot back towards the main building would be where the five foot rise would come up off of the roof. That was where the fan would be located. He also said that they were proposing to replace the sign in front of the duct work so that it would hide about 90% of the fan. Mr.



Matte pointed out the aluminum frame work in the submitted photos and explained that that was part of the frame work for the awning which would also hide the duct work. He pointed out that the pitch of the roof was not very steep. Based on his calculations, there would probably be only about 4-5 inches of the 24 inch duct sticking above the ridge.

Ms. Whittaker commented that one of the views the Commission reviews was from the water. She said that it appeared that it was going to be a very small building with a big silver chimney. Mr. Matte commented that this new proposal was going to be a lot prettier than what was there currently. He said that they would take the mushroom cap off and replace it with an inline fan.

Chairman Dika asked how this would be an improvement over what was there currently. She said that she was at The Weathervane across the water and said that it was very visible. She added that when the sun came out, the glare on the aluminum was incredible. Mr. Matte explained that they have not painted it yet because they have been trying to work with everyone to come up with a compromise. He added that this new proposal would be almost unobservable from across the river or coming in on boats. Chairman Dika pointed out that the canvas awning would not be in place in the winter.

Ms. Whittaker stated her concern that what was approved was not what went up and that the applicant did not come to the HDC for those changes to the structure. Mr. Matte pointed out that they did not submit mechanical drawings but only a rough sketch as to what they were looking to do. It had not yet been designed with the clean outs and everything else. Ms. Whittaker asked Mr. Clum if those leniencies were part to the approval. Mr. Clum replied that if the Commission had a problem with the run of the duct work then it was an issue.

Ms. Kozak stated that she opposed the application when it first was before them and she still opposed it now but she wanted to repeat the question she asked at the first meeting. Her question was that if someone who owned a historic house and wanted to put in a gas fireplace with a gas flue, the Commission would ask them to enclose the flue in a chimney or something that looked historic. She commented that she would hold the same requirements for business owners. She felt they should be enclosed in some way to look historic, especially on the Ceres Street waterfront. She asked Mr. Matte if he had considered constructing a non-combustible chimney enclosure or running it in a chase of the building. Mr. Matte said that running it in the building was not an option because the building was occupied by the owner. He added that they did discuss enclosing it and siding it like an enclosed chimney. He said they were trying to accommodate everyone. He did not know that the fan was required to be an inline fan so when they found that out they stopped immediately. When the issues became apparent that it was an eyesore, they started looking for options immediately. He pointed out the first approval stipulated that it be painted to reduce the shininess. They have not done that yet because they did not know whether it would be staying or going. He felt they were now offering something better and more appealing from any direction you would look.

Mr. Wyckoff stated that he was not clear as to what was now being proposed. He asked what would be on top of the bathrooms/bar room building. Mr. Matte said that the existing fan would be five feet off of the roof shingles. Mr. Wyckoff asked why they did not put in an inline fan. Mr. Matte said that he was not aware that it was required of them to use an inline fan. He

explained that they had not determined a contractor for the job until after the meeting. Mr. Wyckoff asked if an inline fan would work. Mr. Matte said yes, and explained how the duct work would be configured differently.

Mr. Almeida stated that he thought there was an enormous amount of detail missing. He felt that they owed it to themselves and to everyone who lived near this rocket ship to understand exactly what they are going to see when it is complete. He added that these applications for vent ducts are the single most destructive thing to the historic district. He said that if they had one of these silver towers on every single one of the buildings on the Ceres Street waterfront it would be devastating. He felt they should hold them to a high standard.

Vice Chairman Katz said that this cries out for a work session to include the abutters who made the original objections to the installations and Mr. Clum.

Chairman Dika commented that the new application leaves too many questions in her mind to be in a position to vote on it. She pointed out that what was built ended up looking nothing like what they originally approved. She wanted to make sure the Commission truly understands what was going to be on the exterior of the building and what people were going to see. She suggested a work session at the June meeting. She was not sure a work session/public hearing was appropriate.

Mr. Matte said that it was originally approved and the only stipulation was that it has an inline fan placed in it for occupancy. Mr. Clum said that just changing out the top of the fan was problematic because of the lack of compliance with the original application. He pointed out that the run was far different than the approval and the fan was different. He did not think the Commission had a problem with the mechanical inspector asking for a few clean out here and there. Mr. Wyckoff also pointed out that the diameter of the fan was now 36 inches. Mr. Clum added that the duct work was 24 inches.

Vice Chairman Katz stated that although he felt the applicant did a good job of removing the abutters' objections with the new proposal; he was still not convinced that all of the options have been explored. He suggested a monitor roof that could be discussed at a work session.

Mr. Almeida asked Mr. Clum if relief could be granted from some code requirements. Mr. Clum said that would be something for the State Board of Appeals and that it was a rather cumbersome process.

Mr. Matte said that in the essence of time since they wanted to up and running as soon as possible, would a walk through at the property be helpful. He offered one more alternative – putting on a metal roof in order to lower the height of the fan.

Ms. Whittaker thought a site walk before the June meeting was a good idea. Mr. Almeida said that did not alleviate the need for more detailed drawings. Vice Chairman Katz added that a mock-up would help if they had the means to do it. He also said he hoped that the abutters would be notified so that they could be in attendance.

Chairman Dika said that at the site walk, it would be important to see the diameter of the duct work and the run.

Mr. Wyckoff suggested considering the metal roof and the shorter stack as it might make more people happy. Mr. Matte said that they have explored all avenues to make this work under the time constraints of opening for business.

Mr. Almeida asked Chairman Dika if she was going to allow the abutters to speak to the application since the Commission was going to postpone it. Chairman Dika said she normally would not have anyone speak to it since they were postponing so she felt that was the right thing to do in this case as well.

**DECISION OF THE COMMISSION**

Mr. Wyckoff made a motion to postpone the application the June 1, 2011 meeting for a work session/ public hearing and a site walk. The motion was seconded by Mr. Almeida. There was no discussion.

The motion to postpone the application the June 1, 2011 meeting for a work session/ public hearing and a site walk passed by a unanimous (7-0) vote.

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7. Petition of **R and L Enterprises, owner**, for property located at **53 Bow Street**, wherein permission was requested to allow new construction to an existing structure (install awnings) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 51 and lies within the Central Business A, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. Steve McHenry of McHenry Architecture and Mr. Mike Labrie, owner of the property were present to speak to the application. Mr. McHenry stated that a work session was held in April concerning the project. Although the plans had not changed, Mr. McHenry explained that details had been added. He then guided the Commission through the submitted plans.

Mr. McHenry informed the Commission that he submitted a good description of the awning material but he did not bring a sample with him. He offered to submit a sample as a condition of the approval.

Mr. Wyckoff asked what the size of the roller was in inches. Mr. McHenry said it would be 8"x8" back at the building.

Mr. Almeida asked if there would be lighting on the awning. Mr. Labrie stated that it would likely have small LED type lighting that would be applied underneath the structural members.

Ms. Kozak asked if all of the structural elements would remain in place in the winter months. Mr. McHenry replied yes.

Ms. Whittaker expressed her nervousness about a structural awning on the second level. She pointed out that there was no precedence for them in that area. She felt that adding awnings to the second levels started to hide the buildings too much. Mr. Labrie said that hopefully 90% of the time the awning would be in retractable mode, only drawn for a passing thunderstorm. He pointed out that the upper level was closer to the building and less subject to the sun.

Mr. Wyckoff asked about the PVA acrylic material of the awning. Mr. McHenry explained that it had a matte finish. They had chosen royal blue as the color. Mr. Labrie said it was essentially a canvas material. Chairman Dika stated that it would have been good to have a sample as it was a material they were not familiar with.

Ms. Kozak asked about the spacing of the stringers. Mr. McHenry said that the spacing was limited by the fabric width. The fabric width would be 54” wide and that would likely be the spacing. Mr. Labrie confirmed that the spacing would be in excess of four feet on center.

Mr. Almeida asked if the fasteners would be stainless steel. Mr. McHenry 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**

Mr. Almeida made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Mr. Almeida stated that the applicant and the architect continue to do very appropriate things to the building; however, there was some contention a while back about some duct work that has since been painted. He added that the back of the building was a very festive location with a huge amount of activity. He understood Ms. Whittaker’s concern about the introduction of an awning on the second level but he felt it was appropriate.

Mr. Wyckoff agreed and pointed out that the painting of the duct work was relatively successful.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Approval for the application as presented passed by a 5-2 vote with Ms. Kozak and Ms. Whittaker voting in opposition.

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**8. Petition of Martingale Wharf Limited Partnership, owner, for property located at 99 Bow Street, wherein permission was requested to allow amendments to a previously approved design (change lighting locations, replace misc. doors, minor changes to granite base, add roof**

top generator) 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, and Downtown Overlay Districts.

Mr. Almeida stated he would be recusing himself from the discussion and vote.

### **SPEAKING TO THE PETITION**

Mr. Steve McHenry of McHenry Architecture and Mr. Mark McNabb, owner of the property were present to speak to the application. Mr. McHenry stated that the purpose of the presentation was to propose some minor changes to the Martingale Wharf building. He led the Commission through a power point presentation along with the submitted plans.

The roof top plan showed the location of the generator. Mr. McHenry stated that the reason for bringing it to the Commission was its location on the roof and its size. He then showed the Commission photos of the various views of the building from the pedestrians' point of view. Chairman Dika commented that when standing at St. John's Church, three big units could be seen. Mr. McHenry said that she was looking at condensing units that were within the current guidelines. Mr. McHenry explained that the generator was currently in place and was white in color. Mr. McNabb explained that the reason the generator was already in place was that they were not aware that it needed HDC approval.

Mr. McHenry stated that they were requesting the placement of five light fixtures on the front elevation. He pointed out that cut sheets of those light fixtures were included in their packets. He explained that the last part of the application was changes to two doorways on the front elevation. The doorway to the left was the main entry door. Although Mr. McHenry stated that he was not involved in the original design of the building, it was determined that the door in scale and detail did not do justice to the main lobby entry of the building. The proposed doorway system would be bigger in scale. They were proposing a 3'6" door that was 7'6" high with surrounding glass detailing. He said that they felt it was a simpler and cleaner look.

The second door in question was a six panel door with a fan light over it that was currently in place. Mr. McHenry pointed out that this door was in the location of where the original Martingale building was and was designed in memory of the old doorway. He said that unfortunately, the doorway does not serve any purpose at all. It was a dummy door. Also, Mr. McHenry pointed out that the style and detail of the door was different than anything else on the front of building. He said that the owner would like to erase the door and extend the granite base trim over to the door opening on the left side and extend the brick work across the opening completely so that the door does not exist any longer.

With Mr. McHenry's presentation completed, he asked if anyone had any questions.

Mr. Wyckoff asked why the lighting fixtures were all the same. Chairman Dika said that she had the same question. She recalled when they were dealing with the original design, there was to be some separation of the building so that the whole building would not seem so huge. Mr. Wyckoff added that it also did nothing for the replacement of the Martingale building.

Ms. Whittaker had a concern about how high the fixtures were placed on the building. Mr. McHenry explained that code required them to be 12 feet off of the sidewalk. He added that the fixtures needed to be of a scale that was appropriate to the building which was well over 100 feet in length. He said they were trying to be very restrained in the number and placement of the lights. He felt they added a rhythm to the sidewalk.

Mr. Wyckoff asked about the lower lights down at the door level. Mr. McHenry stated that those were light fixtures that had been approval on a prior application. Mr. Wyckoff said that he did not remember approving those fixtures. Mr. McNabb said that was incorrect. The lights to the left and right of the door were considered egress lights and were minimal in scale. One of them had to have an emergency baluster. They were an essential part of egress and were considered part of the building. Mr. Clum added that they have never brought simple, small coach lamps adjacent to doorways to the HDC. In addition, Mr. Clum said that the code requires that you illuminate the exit from the building onto a sidewalk. Only when an applicant wants an ornate or overly large fixture have they been brought before the Commission. Ms. Kozak stated that this involved a lot of subjectivity and was a bit of a stretch with regards to the small blurb in the ordinance dealing with mechanical equipment. She did not think light fixtures were addressed at all in the ordinance. Ms. Kozak said that she would argue that even non-ornate fixtures would be subject to review.

Mr. Wyckoff said that he was in shock that they have tried to maintain the rhythm of the street by putting eight egress lights across the front. Chairman Dika added that she would like to see what the egress lights looked like. Mr. McNabb said that they did not bring a sample because they were part of the egress lighting and it was not unlike any of the other buildings that he has done.

Chairman Dika suggested that they discuss the current proposals and hash out the egress lights after the meeting.

Ms. Whittaker agreed that having all of the same light fixtures was not the original plan for the building. Vice Chairman Katz commented that the lights were so widely spaced that if they were viewed in their entirety one would have to be a good distance away to see them all. Ms. Whittaker pointed out that the photos submitted showed all of the light locations.

Chairman Dika did not think that the lighting locations and fixtures benefitted the building or the thought and the planning that went into it. She said she would like to see different lighting fixtures chosen. Mr. Wyckoff asked how they thought the fixtures were appropriate for the building. He felt the building tried to maintain some federal commercial design although it seemed to be getting watered down a bit. Mr. McHenry replied that it seemed to be a judgment call. He added that light fixtures by their nature are not federal and there was not going to be flickering candle lights going up the street. He felt they were festive in nature and looked like street lights that might be on a sidewalk.

Chairman Dika suggested they move onto a discussion of the main entrance door.

Mr. McHenry explained that the masonry opening for the doorway would remain the same. Mr. Wyckoff asked if the door had sidelights or panels. Mr. McHenry said they were glazed sidelights.

At this point in the meeting, the discussion shifted to the second door.

Chairman Dika pointed out that this was the part of the building that was the Martingale. Mr. Wyckoff commented that he was totally aghast that this door was proposed to be removed. Ms. Whittaker stated her discomfort with it as well. Vice Chairman Katz was aghast that they would be obligated to a fake door.

Ms. Kozak stated that she was not on the Commission for the original application and the work sessions for this project but she pointed that the original door did not look quite like this. Chairman Dika agreed. Ms. Kozak stated that she was bothered by that.

Ms. Whittaker said that the door was one of the concessions to make sure the door was kept. She said that she would have to admit that the entire building was gone now. Mr. Wyckoff pointed out that they gave approval to replicate the building. There was then discussion about the granite base. Mr. McNabb agreed that the granite base stopped at the corner. He pointed out that this was never their intent. He said this came to light when the sidewalks were finished. Martingale Wharf was 200 feet long and it changes 12 feet in elevation. He said that when the sidewalks were finished it looked awkward. He also wanted the Commission to know that in the original Martingale building, the door was a dummy door as well.

Chairman Dika stated that she has been troubled by the appearance of the door and the fan light since it was installed because clearly it was not right. But at the same time, she said that by erasing the door, another part of the Martingale was lost. She said that it speaks to the disappointment they all have in how the project has been run from day one. She added that they have really lost the original building. Vice Chairman Katz asked Chairman Dika to not extend her displeasure to everyone on the Commission.

Mr. Wyckoff commented that the fan light was certainly out of proportion. He added that if there was one thing that needed correction it would be the fan light.

Chairman Dika suggested a work session where they could come to a better solution.

Mr. Gladhill commented that without the door, the building would just look like a building without a door on the front.

Ms. Whittaker stated that she did not have a problem with the generator.

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.

## **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Mr. Stephen Parker Feld, of Bow Street spoke to the application. He submitted a letter written by Mr. Jim Splaine, former assistant mayor and read it into the record.

Mr. Feld pointed out that the door the applicant wanted to erase was the only entrance to the Martingale for at least the last 35 years of which he had knowledge. He added that the generator does appear above the parapet line. He did not believe the pictures shown were accurate to the present situation.

Mr. Feld submitted a photo that was taken that day clearly showing the generator extending above the parapet line. He also said that the statement made that door was of no use was factually incorrect. The door that they wished to erase was the only access to the 11 or 12 apartments that were there since the 1960's.

Mr. Feld informed the Commission that in 1979, the Portsmouth Advocates did an extensive study. Its conclusion was that the Martingale was a very important building. He reminded the Commission that when the demolition was agreed to a couple years back, the demolition was contingent upon rebuilding the Martingale structure as nearly identical to what it was in 2009. He added that erasing the only access door was a complete aberration of that agreement. Mr. Feld also remembered discussion at that 2009 meeting where it was suggested to try to save the oriel on the building. He closed by saying that if the Commission decided that it was okay to erase the last vestige of the building, it would be a huge mistake.

Mr. McNabb stated that he would be willing to move the door to a work session.

Chairman Dika asked if anyone else 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 Approval for the application as presented with the removal of the door on the Martingale section of the building from the application. There was no second to the motion.

Chairman Dika stated that she would like to see a postponement on all three items.

Mr. McNabb asked if a work session for the lights and the door would be acceptable. He would like to be able to move forward with the main entry door and the generator.

Vice Chairman Katz made a motion to grant a Certificate of Approval for the application as presented with the door removal and lighting proposals withdrawn from the application. The motion was seconded by Ms. Kozak. There was no discussion.

The motion to grant a Certificate of Approval for the application as presented with the door removal and lighting proposals withdrawn from the application passed by a vote of 5-1 with Ms. Whittaker voting in opposition.



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9. Petition of **Worth Development Condominium Association, owner,** and **Portsmouth Baking Company, applicant,** for property located at **121 Congress Street,** wherein permission was requested to allow exterior renovations to an existing structure (install window on rear elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 6 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. John DeStefano of DeStefano and Associates was present to speak to the application. He stated that several months ago they received approval to install a door and a window on the rear elevation and they have since been installed. He explained that on the upper floor there was an interior office for the operation. He said that the owners would like to have a window for the office to let in some natural light. Mr. DeStefano explained that they would like to propose a smaller window than what was originally proposed. He passed out copies of the current window proposal to the Commission. The new window dimension would be 16” and would fit within the block dimension.

Mr. Wyckoff stated that every window on the second floor had a mullion. Mr. DeStefano said that they could include that. He was willing to do either.

Ms. Whittaker had a concern that the new window did not seem to fit with the existing windows. She asked if the proposed window was on the same plane as the other windows. Mr. DeStefano replied yes.

Chairman Dika commented that the lack of symmetry on the rear elevation bothered her.

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 Approval of the application as amended with the submitted plan dated May 4, 2011. The motion was seconded by Ms. Whittaker. Chairman Dika asked for discussion.

Mr. Almeida stated that this was an application that made it very difficult to apply any HDC guidelines. He did not see anything that was inappropriate.

Ms. Whittaker said that the applicants that have come before the Commission have added some nice features to the back that has distinguished the different businesses. She also agreed Mr. Almeida that it was not inappropriate to the building.

Mr. Wyckoff stated that he was having trouble with the door, the height of the door and the fact that it did not seem to correspond to other doors and had nothing to do with the large picture window. He felt that the new window was totally out of proportion. He added that he thought the location was important and for those reasons he would not support it.

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

**III. WORK SESSIONS**

A. Work Session requested by **30 Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission is requested to allow a new free standing structure (construct 4 and 5 story **Request To Postpone** on Assessor Plan 125 as Lot 2 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

Mr. Wyckoff made a motion to postpone the application to the June 1, 2011 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (7-0) vote.

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B. Work Session requested by **Donald S. and Beth S. Margeson, owners**, for property located at **24 Marcy Street**, wherein permission was requested to allow new construction to an existing structure (construct rear and side addition) and allow exterior renovations to an existing structure (replace siding, replace windows, install gas meter, install A/C condensing unit). Said property is shown on Assessor Plan 105 as Lot 8 and lies within the Central Business B and Historic Districts.

Ms. Whittaker recused herself from the discussion and left the meeting. Mr. Gladhill also left at this point in the meeting.

- Mr. Joe Paquet, contractor for the project was present to speak to the application. He stated that the project included a side addition, a small rear entry addition, replacing windows, replacing clapboards, installing a gas meter, and installing an A/C condensing unit.
- The side addition would be a screened porch. The roof line would match the roof line on the existing house. Mr. Paquet said that they were considering removing the slate from the garage roof to use on the addition so that it would match the rest of the house.
- Mr. Paquet brought two samples of windows he was considering – Lepage and Pella brands. The current windows were single pane of wood construction. Mr. Almeida thought this structure seemed like a great candidate for a window restoration. The Commission discussed in detail the possibility of restoring the existing windows if they were deemed to be original to the structure. Mr. Paquet said that he would have to talk to the owners about that possibility. Ms. Kozak stated that the back windows would be less important but stressed that this house was in a very important location.

- Mr. Paquet asked if there would be any concerns to installing a gas meter and a condensing unit. He said he would like to place the gas meter on the Court Street side of the house. The A/C unit would be on the opposite side of the house, tucked behind some plantings.
- It was determined that the replacing of the wood siding would not need HDC review. Mr. Wyckoff recommended pine clapboards.
- Chairman Dika asked the age of the structure. Mr. Paquet said that he was still researching that. He pointed out that the house was all post and beams.
- Ms. Kozak cautioned to make sure that all of the proportions were accurate.
- Mr. Paquet commented that they might employ the same siding techniques as the Petersen project on Maplewood Avenue.
- Mr. Paquet explained that he would like to move the rear door and construct a new entry addition. Ms. Kozak said that it would be helpful to have an elevation drawing.
- There was discussion concerning the existing fence that was in disrepair. Mr. Almeida commented that it was one of the nicest fences in town. Ms. Kozak said that she would not want to see a privacy fence on the front of the house. Mr. Paquet explained that the owners were more concerned with the privacy on the State Street and Court Street sides of the property.
- Mr. Almeida stated that he thought the windows proposed were very bulky. Ms. Kozak encouraged restoring the windows on the front façade.
- Mr. Paquet told the Commission that the work proposed might have to be completed in phases.
- It was suggested to have a site walk prior the next meeting to inspect the windows.

#### **IV. ADJOURNMENT**

At 10:30 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 June 1, 2011.