

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**June 1, 2011
reconvened on June 8, 2011**

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Elena Whittaker; City Council Representative Anthony Coviello; Planning Board Representative William Gladhill; Alternate Joseph Almeida, Alternate George Melchior

MEMBERS EXCUSED:

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

A. Approval of minutes – May 4, 2011

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

B. 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. *(This item was postponed at the May 4, 2011 meeting to a work session/public hearing at the June 1, 2011 meeting.)*

WORK SESSION

- Michael Prete and Matt Greco, co-owners of The Kitchen Restaurant at 171 Islington Street were present to speak to the application. Mr. Prete stated that they had hoped to bring the owner/landlord of the building with them this evening to show them the proposed trim piece but instead he explained it would be basically a 1” x 5” solid piece of pine trim. He explained that they were proposing a solid pine French door for the side of the building that entered out onto the patio. He told the Commission that he went around the neighborhood looking and taking pictures of existing front doors and all of the doors were aluminum glass doors identical to what was originally proposed. Mr. Prete said that they would eventually come back to replace the front door to match the side door.
- Mr. Almeida commented that the new door was a great improvement and he felt it would make a big difference to the building.

- Mr. Wyckoff asked if they were proposing an awning over the front door. Mr. Prete replied no, but they might be back in the future.
- Councilor Coviello asked if the building department reviewed the application because he wondered if there would be an accessibility issue with the granite step. Mr. Prete said that they have not reviewed it. Councilor Coviello mentioned that the front door had a step as well. Mr. Clum said that an existing building with no change in use does not require it to be handicapped accessible.

Chairman Dika moved the work session into a public hearing. 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 Councilor Coviello. Chairman Dika asked for discussion.

Mr. Wyckoff stated that the door was more appropriate with the trim around it. He felt it was a great improvement.

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.

B. 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. *(This item was postponed at the May 4, 2011 meeting to a work session/public hearing at the June 1, 2011 meeting.)*

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

Chairman Dika informed the public that a site walk was held prior to the meeting at 6:00 p.m.

WORK SESSION

- Mr. Tim Matte of Matte Home Builders, contractor for the project and Attorney Peter Doyle, of Shaines and McEachern Law Offices were present to speak to the application.
- Attorney Doyle gave an overview of what had transpired to date with regards to the application. In December of 2010, the project received approval for a vent that included a vertical installation of a pipe on Mr. Sheppard’s property. In April, construction took place which did not match what was approved and was justifiably objected to by the neighbors. A meeting was held with the neighbors to try to accommodate those objections. A new proposal came out of that meeting that was being proposed this

evening. Mr. Doyle pointed out that the difference with the new plan was to have a horizontal installation that would run along the low portion of the structure that was shielded by view of the neighbors. It would have a short perpendicular piece of housing with a fan that would create the vent and remove the exhaust. He pointed out that two plans were being proposed. One was that horizontal installation with exposed piping and the other showed an adjusted roof line which would permit the horizontal portion of the installation to be covered. Mr. Doyle explained that both options were presented to the neighbors and at least one or both of them preferred the under the roof installation. The business owners would prefer just the horizontal installation. He said the applicant was open to either option that the Commission preferred.

- Ms. Whittaker asked if there were any other options for the top cap that would meet code. Mr. Doyle said that it was his understanding that for an operation of this size it was necessary for optimal operation to have the mushroom cap style fan. Mr. Matte added that the system was designed with the codes in mind. He said that they worked with Brian Kiely, the City's mechanical inspector. He explained that the size was based on the requirements.
- Chairman Dika commented that there was a restaurant operating in the building before and it did not have this type of appliance. Mr. Matte said it was because the new owner would like to use the open fryolators which required a stage one vent.
- Mr. Wyckoff asked that if they went with Plan B would they be willing to paint what was showing. Mr. Doyle replied yes. He pointed out that that was a condition in the earlier approval and they did not anticipate that that would change.
- Ms. Whittaker asked if the roof line on Sheet A2 went all the way to the balcony. Mr. Matte said that it would not touch the balcony but that there was very little space between the two. Mr. Doyle passed out to the Commission more technical drawings that had not been prepared in time for submittal.
- Ms. Kozak asked if it was possible to construct a non-combustible enclosure around the flue below the mushroom cap that would be more historic looking than round metal. Mr. Matte said structurally, that did not make sense. If they were to construct a brick chimney, there would be nothing below it to support it because it was restaurant underneath. He added that the restaurant sits out over the water.
- Mr. Almeida asked if Section AA on the newly submitted plans showed what the mock up currently was on the building. Mr. Matte replied yes.
- Mr. Almeida pointed out that if Scheme A was used, it would keep the fan lower. Mr. Wyckoff asked what the height difference of the fan would be between Schemes A and B. Mr. Matte said the fan would be approximately 15 inches higher with Scheme B.
- Mr. Wyckoff asked if the pitch would remain the same. Mr. Matte thought it would be a three pitch.
- Mr. Almeida reiterated that as much as they might like Scheme B better, it was pushing the structure up higher. He thanked the applicant for the effort. The structure was now off of the building and he said he could be convinced on either scheme. He did not feel that they should try to hide the fact that this was a restaurant on the waterfront. It was not an historic building and they have seen a lot worse situations with these types of ducts.
- Mr. Matte thanked Mr. Almeida and explained that they went through a lot of effort to get to this point.
- Mr. Wyckoff stated that the mock up was a good representation of the project.

- Ms. Kozak felt there could be clever ways to disguise it even more. She pointed out the clever ways that cell towers are disguised. Mr. Matte said that they were open to suggestions. Their primary goal was to get open and running.
- Mr. Almeida asked about the sign that would help to obscure the duct work in Scheme A. Attorney Doyle said there was already a 3'x5' sign in place. They would use the same sign. It would obscure the horizontal install and would obscure a good portion of the vertical install.
- Ms. Whittaker pointed out that signs are not in the Commission's purview so if the restaurant was to change hands, they could not require that the sign stay in place to block the ductwork. Mr. Clum said that if the Commission asked for a shield, they could do so. Attorney Doyle interjected and said that his client was willing to accommodate the Commission so they would be willing to keep the sign in place. Ms. Whittaker said that the Commission could make that part of the condition of approval that the sign was not to be removed.
- Mr. Almeida thought it would be helpful to give the applicant feedback as to what scheme was preferred. Mr. Wyckoff stated that he was comfortable with Scheme B. He felt it was a cleaner look. Vice Chairman Katz felt either option was reasonable to him. He wanted to hear from the people who would be looking at it every day. Ms. Kozak said that she had a strong preference for Scheme B. She felt that the views from the docks, Pocos, and the River House were very important and especially since the City went through the process of building the little park in the area. She added that she would not like to see a collection of ducts and billboards hiding clutter. Mr. Gladhill stated that he was leaning more toward Scheme B. He asked if the sign could be moved down farther to hide more ductwork. Mr. Matte said that it would have to go back in the same place to meet clearances. Mr. Almeida commented that he was leaning toward Scheme A because it would keep the vent lower. He felt the lower the better but he would support either one because both were a great improvement.

At this point in the work session, Chairman Dika allowed public comment on the proposal.

Attorney Malcolm McNeill, representing abutters Kit and Chase Bailey of 135 Market Street, was present to speak to the application. He stated that his clients have appreciated the cooperation they have received from the applicants since the matter came forward. He added that it was easy to make an ugly vent but it was harder to make an attractive vent. Attorney McNeill said that his clients understand that this is an area where restaurants exist and there was a need for appropriate sanitary disposition of fumes. The neighborhood was not solely the condominium that they sit in. It was the streetscape in the Oar House area, it was the new park, and it was what can be seen from the water. He felt that minimalism to the maximum safe extent possible should be the result. Attorney McNeill said that although he could understand Mr. Almeida's concern about the height, but to the extent that the structure can be concealed was the desire of his clients. He pointed out that Scheme B was their choice. Additionally, he stated that he also had some discussion with the applicant about giving some time to construct it as long as the Commission was comfortable with it and that there were adequate safeguards to make sure what was approved was what got built.

Ms. Lisa DeStefano of DeStefano Architects, also representing Kit and Chase Bailey spoke next. She informed the Commission that she was part of the conversations with the applicant to review the changes. She asked that if the approval goes through as a two phase approach, that they ask the applicant to come back and show all of the elevations and perhaps a perspective in context so that they can really understand what the height will be in that location. She also requested that the signage be shown in the new drawings and the roofing materials are submitted.

Mr. Edward Valliere, another abutter, spoke about the application. He thanked the Commission for the acknowledgement that the process does work. They saw what was put up and they raised the red flag and everyone came together. He said that from an abutter's standpoint, he preferred Scheme B.

Attorney Jack McGee, representing the owners of the property spoke next. He stated that the owner would prefer Scheme A because of the lowered pipe. The signage would shroud the view from the Poco's side. The lower height would more than offset any intrusive view from the Poco's side, especially if it was painted.

At this point, the Commission continued with the work session.

- Chairman Dika commented that she thought Ms. DeStefano's comment about the roofing material was valid. She asked the applicant what the roofing material would be. Mr. Matte said that they would replace what was there with like kind. It would be an asphalt shingle to match what existed, if that was the desire of the owner.
- Mr. Gladhill asked if the duct work were to be painted, what color would it be painted. Attorney Doyle they would either try to match the roof shingle color or the color of the building behind it which was tan. Chairman Dika asked if paint would adhere to the duct work. Mr. Matte said it was a maintenance issue and they would probably be painting it every year. Mr. Almeida commented that they have seen duct work that has been painted and the paint has held for a couple of years so he felt it was possible. Mr. Matte said he would use a good quality flat paint.
- Chairman Dika looked at the site from across the river earlier in the day and it was so much better to look at.
- Mr. Almeida said with regards to the process that it is important to come and speak to these issues sooner rather than later because you do not always get a second chance like this.
- Mr. Valliere explained that the reason the matter came to this point was that the original application indicated an exhaust fan. He felt it was not identified properly in the advertising. If it had been, he would have taken notice. Chairman Dika pointed out that when an abutter notice is received, it is wise to come to that meeting even if it looks like the most minuscule change. Things happen within meetings and there can be surprises. She said it was their civic opportunity to be there as these discussions occur. Mr. Valliere said that a correct notice should be provided. Mr. Almeida pointed out that it is always the responsibility of the abutter to go and view the drawings beforehand. Mr. Valliere said that he did not think anything was done with malice.
- Attorney Doyle said that if the preference was for Scheme B, also called A2, which was the covered roof line, the applicant was asking that they be permitted a two step process.

They would like to install the horizontal piping immediately and then at the end of the season, raise the roofline to cover it.

- Chairman Dika asked the Commission again which Scheme was their preference. Scheme B was more preferred.
- Attorney Doyle explained that the applicant was asking to install Scheme A to get the restaurant up and running with the intent to complete the construction afterwards. He said that the City attorney said a temporary permit could be issued and if the work was not completed, then the applicant would not get to open up after that.
- There was discussion on how the phasing would happen. Attorney Doyle stated that they would like one approval tonight and then they could come back with additional information about the roofing details later in the fall season.
- Chairman Dika said that she was not sure she felt comfortable with an approval for something that was to be completed a full year away.
- She pointed out that they wanted an approval for Scheme B so she asked the Commission what other information they needed from the applicant because those items would be part of the motion. Mr. Wyckoff thought they just needed to specify that the siding, trim detail, and roof shingles are to match existing. He felt it was basic. He also said that the structure as it was to be built should be checked by the inspection department.

At this point, the work session concluded and the public hearing commenced.

SPEAKING TO THE PETITION

Attorney Doyle thanked the Commission for the time and effort that they put in throughout the application process. He stated that the work session resulted in the moving forward of Scheme A2, also referred to as Option B, which was the fully enclosed option. He said that the applicant would like to request that the work be allowed in two steps, the first step to be constructed similar to Scheme A1 so that the applicant can operate the restaurant through the summer season. Scheme A2 would be completed at the end of the summer season, either by late October or early November.

Chairman Dika asked the Commission if they had anymore questions before they moved on. 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

Attorney McNeill, representing Kit and Chase Bailey, direct abutters to the applicant, stated that they concurred with the approach being taken. He said that this presumes that by the second season, which would be this time next year, there would have to be an enclosure in place. A long term Plan A would not be acceptable. He clarified that what the Commission was approving was a Plan B that had an interim ability to operate without completion for a defined period of time. He said that was acceptable to them. He also stated that he appreciated the process that has been undertaken.

Attorney McNeill asked Mr. Clum if he would know, based on what was submitted this evening, what was to be built with regards to Plan B. Mr. Clum said he believed he could with the dimensions that have been submitted. He suggested to the Commission that when making their motion, they state a date when the final product needs to be built. If it has not been built by the time, then the property would be in violation. Attorney McNeill said that would be their perspective as well. Attorney Doyle stated that they would be able to have the final design built by April 1, 2012. Attorney McNeill said that was very fair and consistent with the discussions that have been had.

Ms. DeStefano stated that she would request that when the motion is made, that Mr. Wyckoff's comments regarding the materials be part of the motion because they are not on the drawings.

Attorney Jack McGee said that their preference was A1 and not A2 and he explained why. He explained that the Sheppards were not happy with what went up after the initial permit was granted. After the May 4 meeting, he met with Attorney Tanguay who was present in place of Attorney McNeill and assured them that there would be meetings to discuss an alternative. That did happen and he was glad it did. Attorney McGee was sorry that the Commission did not appreciate plan A1. He explained that Mr. Sheppard grew up in the house. He worked on the waterfront and had a great interest in improving the area. Attorney McGee also grew up in that neighborhood and worked in some of the buildings on merchants' row. In 1964, the Theatre by the Sea went in and that was when the restaurants came. It is the restaurants that made Ceres Street what it is. He stated that he felt Plan A2 was overkill. He thought it would be more intrusive than A1 because there will be a higher stack. It would affect the Sheppards because it would be more in their face. He also felt the City would be better served by plan A1 but that the Sheppards would not oppose plan A2. Attorney McGee closed by saying that by accommodating the restaurants it would make it economically feasible to have the atmosphere that is currently there.

Chairman Dika asked if there was anyone else from the public wishing to speak to, for, or against the petition. 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 with the following stipulation:

- 1) That the design depicted on sheet A1 (dated stamped 5/23/11) may be installed immediately but that the design depicted on sheet A2 (dated stamped 5/23/11) is the final approved design and must be constructed and in place by April 1, 2012. Trim details, siding and roofing materials are to match what currently exists.

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

Ms. Whittaker stated that she looked at the economic vitality of the City and the appropriateness with its surroundings. She pointed out that there was commercial venting in that area but that it

was very different. They run up the side of the buildings and could be more concealed than they currently are but unfortunately they are seen. When they run up the side of a four story building, they are not seen as much. She pointed out that this was a commercial vent one story high and so she could not support it because it would be in plain view on Ceres Street.

Ms. Kozak said that she agreed that they all hate to see mushroom caps and the view from the water was critical but she thought this could work. She said it was not the skyline. She agreed that the vents that are on the four and five story buildings are further away but she thought they were more offensive because they break the skyline of the City. She felt this was a much better solution and would support it.

Mr. Almeida stated that he would support the motion as well. He appreciated the efforts that went into the design. He thought it was a positive change. He also wanted to make sure that the Commission was crystal clear about the materials for the building.

Ms. Whittaker asked Mr. Clum if they should stipulate that the applicant come back to clarify the materials. Mr. Clum said that the motion indicated that the trim details match existing. Chairman Dika said that if they do not match or if they want to change them, then they would have to come back.

Chairman Dika commented that she was beginning to shift from the idea that anytime anyone wants to have a restaurant in the Historic District that they should accommodate them if the building itself does not accommodate these types of ventilation systems. In the future, she would be looking to see if there are just some buildings that should not be restaurants.

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

- 1) That the design depicted on sheet A1 (dated stamped 5/23/11) may be installed immediately but that the design depicted on sheet A2 (dated stamped 5/23/11) is the final approved design and must be constructed and in place by April 1, 2012. Trim details, siding and roofing materials are to match what currently exists.

II. PUBLIC HEARINGS

1. Petition of **George A. Dodge III Revocable Trust 2002 and Erica C. Dodge Revocable Trust 2002, owners**, for property located at **175 State Street**, wherein permission is requested to allow new constrAdministratively Withdrawn (sneys) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 45 and lies within the Central Business B and Historic Districts.

This application was administratively withdrawn from consideration. Chairman Dika explained that the reason for the withdrawal was that wording in the Zoning Ordinance was not clear but it was determined that the intent of the Ordinance was to exempt bishop caps from HDC review.

2. Petition of **One Middle Street, LLC, owner**, for property located at **150 Congress Street**, wherein permission was requested to allow new construction to an existing structure (install nine flat plate solar collectors on roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 11 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Jay McSharry, owner of the building was present to speak to the application. He informed the Commission that the material submitted had all of the pertinent information.

Ms. Whittaker asked if there would be nine flat plate collectors. Mr. McSharry replied yes and added the roof was 8,000 square feet in size. Ms. Whittaker asked what the total run would be. Mr. McSharry introduced Jack (no last name given) from Sea Solar Solutions who would answer any technical questions. Jack said that the run would be a little more than 36 feet.

Mr. Almeida asked if the feeds would be wrapped in a black material. He pointed out that they asked for that with the Middle Street solar panel approval. Jack said that they generally use black so they could use black. Ms. Whittaker pointed out that the roof was white so the panels might disappear if they were white. Mr. Almeida said he was fine with either one. It was not a deal breaker for him.

Councilor Coviello asked if the Salvation Army building would get any glare from the panels. Jack explained that the glass was stippled and he had never seen a hard reflection off of the glass. He did not think it would be an issue.

Mr. McSharry explained that they used construction tape and stands to build a structure that would show what could be seen from various vantage points and took pictures of that.

Councilor Coviello asked if there was any screening that could be done from the non reflecting side that would benefit the view from the 3rd floor of the Sake building. Jack explained that if they were to get into anything solid then they would have wind issues. He thought maybe a mesh on the back of the collectors might disguise it. Ms. Whittaker said that she would not be interested in anything hiding it but instead would like the new technology to look like new technology.

Mr. McSharry informed the Commission that he had a letter from the Portsmouth Historical Society located in the Discover Portsmouth Center stating it was in support of the application. He gave the letter to Chairman Dika.

Mr. Almeida commented that it was a wonderful application with minimal impact from the street. He did not see any issues with the application. It was an exciting new technology that the

Commission was going to have to deal with. Ms. Whittaker added that it went along with the City's green initiatives quite well.

Hearing no more questions, Chairman Dika asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise she declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Ms. Whittaker 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.

Ms. Whittaker stated that this application supported a lot of the Historic District's realities specifically to support new technologies.

Councilor Coviello said that one can be in favor of new technology and not be in favor of the proposed use of it. He explained that he was in favor of solar power but just because it was new technology did not mean that it should be approved. He pointed out that the duct work that they just spent an hour discussing was new technology and the fact that it was not part of the green initiative should not diminish it any less. Councilor Coviello thought that they may be getting a little over excited about solar power and they might not be doing their due diligence in thinking about the abutters. He felt they should delay the application and try to get a sample of the material to see if there would be glare. Perhaps they should even have a site visit to see what it would look like. He stated that he could not support it now but he could support it upon further reflection and discussion on how to better implement it into the downtown.

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 5-2 with Councilor Coviello and Chairman Dika voting in opposition.

3. Petition of **Carol J. Elliott, owner**, for property located at **143 Gates 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 99 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. J. Cook, representative for Renewal by Andersen and the applicant, was present to speak to the application. He stated that the applicant would like to replace her windows with the Andersen Renewal windows. He pointed out that they would like to make one change to the proposal and that was to change to grills that would be permanently affixed to the exterior of the glass.

Mr. Wyckoff stated that he was assuming that these windows were different from the Andersen Woodwright windows that the Commission has approved in the past. Mr. Cook said that was correct. He explained that they were composite wood windows. Mr. Wyckoff asked if they were factory painted on the outside. Mr. Cook said no but that they were fully paintable. He said they would come with a white finish on the exterior. Mr. Wyckoff also asked if any casing would need to be changed. Mr. Cook replied no, the interior and exterior casings would not be touched. Mr. Wyckoff asked if the windows had a slanted exterior sill. Mr. Cook said yes, they would match the existing sill. Mr. Wyckoff asked if the applicant was proposing full screens. Mr. Cook answered yes. Mr. Wyckoff asked if half screens were available. Mr. Cook said yes but the full screen was the preference of the applicant.

Ms. Kozak asked the muntin width and profile. Mr. Cook said he was not sure of the exact dimensions.

Vice Chairman Katz commented that full screens would really obscure the window for much of the year. Mr. Wyckoff agreed. Mr. Wyckoff asked if the screens would be the true screens. Mr. Cook replied no, they would be black, standard screens.

Mr. Wyckoff asked if he would be using the same muntin pattern that currently existed. Mr. Cook replied yes.

Mr. Almeida pointed out that this was a 220 year old house on Gates Street. He felt they did not know enough about this window. He said they would probably not have spent more than two seconds approving the Woodwright Series.

Mr. Cook explained that with the Andersen Woodwright windows, the vinyl cladding fades quickly in 6-10 years. His window was a composite which was a 40 year look that would not fade, discolor, or chip.

Councilor Coviello asked if it was possible to postpone the application for a week to get more information. Vice Chairman Katz stated that it would be nice to have a sample window to view. Mr. Cook said that he had a sample in his car and left the meeting to go get it. Chairman Dika called for a 5 minute recess.

Mr. Almeida asked Mr. Cook to describe the features of the window. Mr. Cook explained that the differences between the sample window and the window that would be going into the applicant's house were that there would be grills on the top and bottom, the exterior would be white, the grills would be affixed on the exterior.

Mr. Almeida stated that he was being convinced that the window might work. He asked where the glass plane would be. Mr. Cook said the window would sit the same as it does now.

Ms. Whittaker asked if there would be a spacer bar and interior grills. Mr. Cook replied no. Mr. Almeida pointed out that they have never approved a window without those features. Mr. Cook said they could include a spacer. Ms. Kozak added that the spacer was not the typical spacer bar that they see.

Councilor Coviello asked if the glue from the exterior muntins would be seen from the inside. Mr. Cook said that they would use clear glue and it would be vaguely seen.

Ms. Kozak commented that she felt the interior muntin was important to making the window look more authentic. She asked if an interior grill could be attached. Mr. Cook replied yes and thought the applicant would be fine with that.

Chairman Dika asked the age of the existing windows. Mr. Cook said that the applicant said they had been replaced once before so he thought they were 40-50 years old. Mr. Almeida guessed that they were no older than 12-13 years old.

Mr. Almeida asked if a window sample existed that showed the features the Commission was looking for. Mr. Cook said that he would have to make one in order for them to see it. Chairman Dika asked if a window could be prepared by next week. Mr. Cook said that he could try.

Ms. Whittaker explained that if they approve this window, then they will have to approve them in other 200 year old buildings. She pointed out that this was a very different window from anything that they have approved in the past.

Mr. Wyckoff said that he would also be interested in seeing both screen options. Mr. Almeida added that it would also be helpful to see a cross section of the window that shows where the window will sit in the casing.

DECISION OF THE COMMISSION

Ms. Whittaker made a motion to postpone the application to the June 8, 2011 meeting. The motion was seconded by Mr. Wyckoff. There was no additional discussion.

The motion to postpone the application to the June 8, 2011 meeting passed by a unanimous (7-0) vote.

4. Petition of **John L. and Jean M. Shields, owners**, for property located at **308 Pleasant Street**, wherein permission was requested to allow new construction to an existing structure (replace deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 18 and lies within General Residence B and Historic Districts.

Chairman Dika stated that she would be recusing herself from the discussion and vote.

SPEAKING TO THE PETITION

Mr. John Shields, owner of the property was present to speak to the application. He stated that he was attempting to do an in-kind replacement of the deck but discovered that the railings and

the handrails did not meet code. He brought a sample of the railing system which would be mahogany. The rest of the deck would be of wood.

Hearing no questions, 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 Approval for the application as presented. The motion was seconded by Ms. Kozak. Vice Chairman Katz asked for discussion.

Mr. Wyckoff stated that it was a very appropriate railing for the home and was a positive move for the neighborhood.

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

5. Petition of **Rockingham House Condominium Association, owner, and B & B Realty Trust, applicant**, for property located at **401 State Street, Unit J213**, wherein permission was requested to allow exterior renovations to an existing structure (replace seven windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 3 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Bruce Belanger, owner of the condominium unit and president of the condominium association was present to speak to the application.

Vice Chairman Katz asked if the proposed window had been installed previously in the building. Mr. Belanger said that he believed that it had been. Vice Chairman Katz asked if the windows would fit in the original openings. Mr. Belanger replied yes.

Ms. Whittaker asked if the zero degree sill angle was the current reality. Mr. Belanger replied yes, as based on the existing lintel and sill.

Mr. Almeida commented that he felt the applicant picked a very appropriate window. He asked Mr. Belanger why he did not consider a full divided light with a spacer bar. Mr. Belanger said that it would be.

Mr. Belanger informed the Commission that Mr. Gene Fisk, property manager was also present this evening. He asked the Commission about receiving a blanket approval to replace other windows in the building. He explained that there were a lot of senior citizens in the building who would like to replace their windows and to come before the Commission could be a very

intimidating process for them. He wondered if the Commission could give a blanket approval. Mr. Almeida stated that the Commission has done it before and he felt it was a good idea.

It was decided that a separate application for multiple windows replacements for multiple units should be filed with Mr. Belanger speaking as the representative.

Hearing no other questions, Chairman Dika asked if there was anyone wishing to speak to, for, or against the application. Seeing no one rise she declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Ms. Whittaker made a motion to grant a Certificate of Approval for the application as presented with the following stipulation:

- 1) That Andersen 400 Series Woodwright full divided light windows are installed.

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

Ms. Whittaker said that everything has been said as to the appropriateness of the window. Mr. Wyckoff added that the two over two pattern was a very good selection for the building. Mr. Belanger clarified that the two over two windows are were in the common areas but the rest of the building were one over one window patterns. Ms. Whittaker also said that the windows would be a huge improvement to the look of the building on the back alley.

The motion to grant a Certificate of Approval for the application as presented with the following stipulation passed by a unanimous (7-0) vote:

- 1) That Andersen 400 Series Woodwright full divided light windows are installed.

In other business, Chairman Dika commented on the recent street art displays. She wanted the public to understand that paint and paint color was not part of the Historic District's ordinance. She said that it has not been added because it was felt to be something that was very difficult to manage. Communities that do regulate paint keep it simple by allow very limited choices which was something that was not supported in Portsmouth. She continued to say that regulating images was stepping into an area of freedom of expression and 1st amendment rights. The property owners who displayed the art work were completely within their rights to do so, however, some people felt disrespected and duped. Chairman Dika explained that this was a neighborhood issue and a thoughtfulness issue but it was not the duty of the Historic District Commission to comment on it past what was within the Ordinance.

In additional business, Mr. Wyckoff expressed concern as to whether a downtown building was built as approved. He explained that this all came about with the removal of the Martingale door. He went on to describe in detail other design features that were not built as approved as

well. Chairman Dika informed the Commission that she and Mr. Wyckoff met with Mr. Taintor to discuss these misbuilds. From there, Mr. Taintor spoke with Mr. Clum. Mr. Clum stated that he had a discussion with the developer, Mark McNabb. Mr. McNabb asked for some time to review them since he was not involved in the project from day one. He said that it was expected that Mr. Taintor and Mr. McNabb would get together soon to talk about the issues and how to fix them. Ms. Whittaker stated that the Commission was not the committee to enforce this. It takes staff to do it and the City needs to make sure that it is staffed well enough to handle it.

Mr. Almeida commented on the recent art displays and stated that none of the murals have done any harm to the buildings.

Councilor Coviello jumped back to the issue of enforcing approvals. He said it was totally appropriate to mention inaccuracies to City staff when you see it.

Mr. Wyckoff pointed out that the 51 Islington Street project was to be a two phased approach with one of the stipulations being that they would not have a blank wall to look out while awaiting Phase 2 of the project. He informed that Commission that there was currently a blank wall. Mr. Almeida recalled being crystal clear about the fact that the Commission did not was a blank wall.

Chairman Dika said that even though it was not their job to police these projects, they were going to have to given the budget constraints and limited staff. Ms. Kozak made the suggestion of scanning applications and post pdfs on the City website for the public's use.

In the last piece of business, Chairman Dika stated that a friend of her purchased a historic house that had 40 windows that needed restoring. Her friend has been unable to find anyone to do the work. She asked the Commission that if they came across names of individuals who do that type of work, she would appreciate receiving their names.

III. ADJOURNMENT

At 9:40 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on July 6, 2011.