

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**September 7, 2011
to be reconvened on September 14, 2011**

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

MEMBERS EXCUSED:

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

A. Approval of minutes – July 13, 2011

It was moved, seconded and passed (6-0) to approve the minutes as presented. Ms. Whittaker abstained from voting.

B. 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. (*This item was postponed at the August 3, 2011 meeting to the September 7, 2011 meeting.*)

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

Mr. Ed Rice, representing Ms. Elliott was present to speak to the application. He stated that they were prepared to present a Pella window but learned prior to the meeting that it would not meet the Commission's criteria so they wished to present a JELD-WEN window instead. Mr. Rice passed out JELD-WEN specification sheets to the Commission.

The Commission then went into a work session to review the submitted material.

- A representative of Lowes who did not give her name, was present to explain the features of the JELD-WEN window. She said that the JELD-WEN window was a pocket replacement window and would sit nicely in the opening with no protrusion.
- There was detailed discussion about how the window would sit with the original sill.

- Ms. Whittaker asked if the window would be at the same plane as the window it was replacing. The representative said that the window would be pushed up against the existing stop. Vice Chairman Katz clarified that the window would be pushed up against the existing trim.
- Ms. Whittaker clarified that the window would be a simulated divided light with a metal exterior and a wood interior. She also asked if the applicant was proposing a full screen. The representative said that the applicant would like a full screen but was proposing to use an ultra screen that was a clearer look than a traditional screen. Vice Chairman Katz pointed out that they have approved full screens in the past but he felt they should try to persuade people to use half screens when possible. He said a full screen was not a deal breaker for him however.
- Mr. Almeida commented that there was potential for a gap all the way around the window. The representative agreed that there would be a gap. Mr. Almeida pointed out that the details of a window could make or break it and if there was a gap it would always look like it did not fit. At this point, there was detailed discussion regarding this.
- Ms. Whittaker said that it sounded like they were worried about how the window would be installed. Mr. Rice commented that an HDC representative could come and view the installation of the first window. The representative said that the gaps could be filled with pieces of wood.
- Mr. Melchior pointed out that the Commission had another meeting scheduled for next week so if there was discomfort with the proposal, they could postpone the application to next week's meeting.
- Mr. Rice stated that the Pella representative told him that Strawberry Banke had a large number of Pella windows. Mr. Almeida assured Mr. Rice that Pella windows were not at Strawberry Banke.
- Vice Chairman Katz wanted to make sure that the installer understood the Historic District Commission's concerns. Chairman Dika asked the Commission if they wanted someone from the Commission to okay the first window installed. Ms. Whittaker commented that she did not think that was the Commission's responsibility. Mr. Almeida felt the applicant has heard the concerns and he thought they should leave it to them to make sure they were installed correctly.

At this point in the meeting, the work session moved to a public hearing.

SPEAKING TO THE PETITION

Mr. Rice stated that they were applying for nineteen single divided light JELD-WEN windows and if there was a gap present when installed, it would be filled.

Hearing no other 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

Vice Chairman Katz made a motion to grant a Certificate of Approval for the application as presented with the following stipulations:

- 1) That JELD-WEN Tradition Plus Wood Pocket SDL windows with Ultravue full screens were the approved windows.
- 2) That any gaps incurred during installation were filled.

The motion was seconded by Ms. Kozak.

Vice Chairman Katz stated that they have given due consideration to the application and felt that ultimately, the Commission would be satisfied.

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 stipulations passed by a unanimous (7-0) vote:

- 1) That JELD-WEN Tradition Plus Wood Pocket SDL windows with Ultravue full screens were the approved windows.
- 2) That any gaps incurred during installation were filled.

II. PUBLIC HEARINGS

1. Petition of **Douglas F. Fabbriatore, owner**, for property located at **536 Marcy Street**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 56 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

There was no one present to speak to the application.

DECISION OF THE COMMISSION

Ms. Whittaker made a motion to postpone the application to the end of the meeting. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Councilor Coviello noted that this was typical procedure but he had never seen it happen when an abutter was present to speak to the application. He did not think it would cause any harm to let the abutter speak. Ms. Whittaker said that she has seen it and she felt the applicant should speak first.

The abutter offered his comments regarding the procedure but because he was not at the podium with the microphone, his comments could not be heard and recorded.

Chairman Dika called for the vote. The motion to postpone the application to the end of the meeting passed by a unanimous (7-0) vote.

2. Petition of **Kristin Alexander, owner**, for property located at **64 Mt. Vernon Street**, wherein permission was requested to allow demolition of an existing structure (remove fencing) and allow new free standing structures (new railing, install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 30 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Ms. Kristin Alexander, owner of the property and Mr. Tom Herman, contractor for the project, were present to speak to the application. Ms. Alexander stated that before they discussed the fence proposal, she had a railing that was installed that was not part of her last approval. She was seeking approval for that railing. There were no questions or comments from the Commission about the railing.

Ms. Alexander went on to explain that she was proposing a six foot fence along the southerly boundary of her property. It would be a solid board fence with the smooth side facing the owner's side for ease of maintenance. She pointed out that the lot had been surveyed and registered with the State. Ms. Alexander stated that the reason for the fence was to gain privacy. She also pointed out the existing fencing that would be removed.

Mr. Almeida commented that the proposed fence appeared to be located within a few inches of the garage. Mr. Herman said that the fence would be located between 14 -16 inches from the garage. Mr. Almeida asked if they had thought of using the garage as the privacy screen. Mr. Herman explained various structural issues with the garage. Mr. Almeida said that he felt having the fence that close to the garage could be detrimental to the garage. Mr. Herman explained that he was trying to avoid stepping onto the neighbor's property to do repairs because of complaints from the neighbor in the past. Mr. Almeida stated that it was very clear by the plans that this was a wall going up between two neighbors who do not want to have to deal with one another. Ms. Alexander confirmed that there were issues between her and her neighbor and that was the intention of the fence.

Chairman Dika stated that this was a spite fence. Mr. Herman said it was not; there were other reasons such as snow blowing, which tossed stones against the neighbor's house and balls from the owner's children going into the neighbor's yard.

Ms. Whittaker stated that she had an issue with the flat side of the fence facing the owner's property. It would make the fence appear to belong to the neighbor. She also had an issue with the fence coming all the way down to the street at the six foot height. Ms. Alexander said that she was open to the idea of having the fence slope down to a lower height as it approached the street. Mr. Herman added that the fence would be easier to repair with the flat side facing in; otherwise they would have to go on the neighbor's property to do the repairs. Ms. Alexander

stated that she was open to the flat side facing out. She was also open to not wrapping the fence around the garage; however, she would like to remove the existing fencing so that she could continue to maintain the garage and retaining wall.

Mr. Wyckoff asked Mr. Clum if there was any regulation concerning whether the smooth side must face out. Mr. Clum replied no. Ms. Kozak added that it was etiquette more than anything else. Ms. Alexander stated that her neighbor was present so they could ask her what her preference was and if the smooth side was facing her house, she would have to allow them access to her property to do repairs.

Ms. Alexander said that she would be happy to drop the last section of fence to four feet. Ms. Whittaker thought it might need to be more than one section. She felt the slope should start at the front of the driveway. Ms. Kozak commented that her only concern was to preserve the setback of the houses on the street and so she felt one section was adequate. Ms. Alexander preferred one section as well. Mr. Almeida liked the idea of stopping the fence at the garage and agreed with Ms. Whittaker that the sloping should begin at the start of the granite curbing. Ms. Kozak and Mr. Wyckoff were not in agreement with that. Mr. Wyckoff added that he thought it was quite reasonable for the applicant to reduce the height by one section.

Vice Chairman Katz reminded the Commission of the Richards Avenue application that was very similar to this application. With that application, both parties agreed to lower one section of fence and that resolved the problem.

Mr. Herman stated that he would like to go around the garage with the fence for the nice clean lines it would produce. He said there would still be room to access it. Anything else would produce a breach. Mr. Almeida reminded Mr. Herman that the HDC's responsibility was to protect the aesthetics of the Historic District. Mr. Herman pointed out that the fence would not be seen at the very back of the property. He agreed with the sloping of the first section of fence by the street but no more than that. He added that they were just trying to eliminate problems between two neighbors. Ms. Whittaker asked for clarification as to how large the sections were. Mr. Herman said that the sections were eight feet in width.

Vice Chairman Katz asked for clarification about the sloping of the section. Mr. Herman said it would be a drooping slope down to four feet.

Chairman Dika asked Ms. Alexander to state what she was asking for. Ms. Alexander stated that she was asking for a fence to run along the southerly boundary, starting at four feet, sloping up to six feet, going along the boundary and going around the garage.

Chairman Dika asked Ms. Alexander if her house was currently on the market. Ms. Alexander replied yes but she had no offers at this point.

Chairman Dika asked if anyone from the public wished to speak to, for, or against the application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

A direct abutter who did not give her name stated that she lived at 50 Mt. Vernon Street. She expressed her displeasure with the Commission for allowing the applicant to speak negatively about the current situation. The abutter stated that she has lived in her home for 23 years and has never had an issue with the property line. It was surveyed and she gained some property and now there is an issue with putting up a fence. The abutter referred to Chapter 472.76 of the New Hampshire code that said that anything over a five foot fence was considered a spite fence. She said that when she spoke to the applicant, the applicant was originally proposing an eight foot fence but has since changed to a six foot fence. She felt that the garage served as a natural boundary and that the fence should not run around it. She also felt that the good side should be facing out and told the applicant that she could come onto her property for repairs with 24 hours notice. In summary, the abutter felt the fence was not in keeping with the South End.

Chairman Dika asked if there was anyone else 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

Councilor Coviello made a motion to postpone the application for a site walk. He also wanted the City attorney to respond with any legal fence height requirements that the Commission should be made aware of.

Vice Chairman Katz asked if a site walk was only implemented when requested by the applicant. Chairman Dika felt it appropriate for the Commission to request it.

Mr. Gladhill asked if the site walk could be held prior to next week's meeting.

It was determined that a second to Councilor Coviello's motion was needed for discussion. Mr. Gladhill seconded the motion.

Mr. Wyckoff asked for clarification as to which side of the fence would be facing inward. He stated that the applicant said she was amendable to putting the good side out. If not, that would be a deal breaker for him.

Vice Chairman Katz asked if the fence would be going around the garage. The applicant was choosing to keep the proposal for the fence around the garage.

Ms. Kozak reminded the Commission that the motion was whether or not to have a site walk so discussion should be about that only. Ms. Kozak stated that they have submitted photos and drawings and she did not have any questions about what the proposal was.

Councilor Coviello stated that there was a question in his mind as to whether there should be sloping and whether it should wrap around the garage. A site walk would benefit him.

Chairman Dika called for the vote. The motion to postpone the application for a site walk at the September 14, 2011 meeting passed by a vote of 4-3 with Ms. Whittaker, Mr. Wyckoff, and Ms. Kozak voting in opposition.

Ms. Whittaker made a motion to postpone the application to a work session/public hearing with a site walk at the September 14, 2011 meeting. The motion was seconded by Councilor Coviello. The motion passed by a 5-2 vote with Mr. Wyckoff and Ms. Kozak voting in opposition.

3. Petition of **Pier II, LLC, owner**, for property located at **10 State Street**, wherein permission was requested to allow amendments to a previously approved design (new door locations, new entry canopy, remove windows at two locations, changes rooftop greenhouse) as per plans on file in the Planning Department. Said property was shown on Assessor Plan 105 as Lot 4 and lies within the Central Business A and Historic Districts.

Councilor Coviello and Mr. Almeida stated that they would be recusing themselves from the discussion and vote.

SPEAKING TO THE PETITION

Mr. Rob Harbeson, of DeStefano Architects was present to speak to the application. He stated that he thought that most of the Commissioners took part in the work sessions and public hearing for this project.

Mr. Harbeson stated that decisions on the interior layouts have impacted some of the exterior elements and he pointed out that those changes were highlighted in red on the plans.

On the west elevation, Mr. Harbeson explained that originally they had proposed a prefabricated conservatory piece but are now looking to construct something original. He also pointed out that they were also extending a roof canopy, parapet and fascia. Mr. Harbeson also pointed out a new proposed door to a roof deck, and a round window that would be eliminated.

Ms. Kozak wondered how much larger the roof would be with the proposed extension. Mr. Harbeson said it would increase by four feet.

Mr. Wyckoff asked why the round window was eliminated. Mr. Harbeson explained that it was because of structural issues.

There was discussion about which elevation was considered the front of the building.

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. Melchior. Chairman Dika asked for discussion.

Ms. Whittaker stated that the alterations were in line with the architectural values that they have already presented. She did not think they were looking at anything new.

Chairman Dika commented that she liked the new conservatory. She felt it was more architecturally pleasing to the property.

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.

4. Petition of **Kearsarge House Association, LTD, owner**, for property located at **104 Congress Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace trim, replace skylights, replace decorative urns and brackets) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 8 and lies within Central Business B, Historic, and Downtown Overlay Districts.

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

SPEAKING TO THE PETITION

Mr. Rob Harbeson of DeStefano Architects was present to speak to the application. He stated that this was a maintenance project for the area of the mansard roof and above. The proposal included replacing all of the trim with Azek to match existing and painting to match. The two existing bubble skylights would be replaced with a flat traditional skylight. Also, Mr. Harbeson pointed out that there were decorative brackets that would be replaced and a two missing decorative urns that they hoped to replicate and replace.

Chairman Dika asked Mr. Harbeson if he had any photos of the urns when they existed. Mr. Harbeson said no but they are continuing to do research. Ms. Whittaker thought there was an historic photo of the building at Paddy’s Restaurant that showed the urns.

Mr. Almeida commented that this was a great application. He thought it was nice that they were preserving the trim details. Ms. Whittaker added that she would not miss the bubble skylights.

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

DECISION OF THE COMMISSION

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

Mr. Wyckoff stated that it was great to see a restoration of a missing detail. He felt the repairs were appropriate.

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.

5. Petition of **Gilman Anderson and Winifred Amatur****o, owners**, for property located at **129 State Street**, wherein permission was requested to allow new construction to an existing structure (construct rear addition) and allow exterior renovations to an existing structure (misc. changes to existing rear ell) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 47 and lies within Central Business B and Historic Districts.

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

SPEAKING TO THE PETITION

Ms. Lisa DeStefano and Ms. Sarah Hourihane of DeStefano Architects and Gil Anderson and Winifred Amatur, owners of the property were present to speak to the application.

Ms. DeStefano reminded the Commission that they had two previous work sessions and have listened to responses from the Commission and the abutters. As a result, they have reduced the scale of the addition and garage. The balcony has been focused toward the private garden instead of Sheafe Street and they lessened the windows and amount of glass on the rear elevation. Ms. DeStefano then guided the Commission through the submitted plans. She pointed out that they have kept a third floor window and were proposing solid wood garage doors. Also, the shuttered windows were shown, the decorative headers were shown on the garden side of the structure but they wanted to consider adding them to the State Street side of the building as well. In addition, the skylights had been eliminated.

Ms. DeStefano explained that the plans showed the proposed black perimeter fence. She said that they would work with City staff regarding this since the existing chain link fence belonged to the City.

In summary, Ms. DeStefano said that they believed that the project would fit in with the properties on State Street and Sheafe Street. They were also respecting the existing properties with the scale, height, materials, and detailing and they were looking to enhance the existing structure by bring back some of the details.

Mr. Wyckoff commented that he was pleased with the change in massing. He said that he was hoping to see evidence that the decorative headers were at one time on this building. Ms. DeStefano pointed out that the photo on the upper right corner of Page 1 of 7 showed the remains

of where the headers used to be. Mr. Wyckoff felt the building was a federal style, probably built about 1809 with a Greek revival portico entry and that headers like what was being proposed was probably on buildings much older than this one. He said that he had hoped to see photographic evidence. Ms. DeStefano agreed that they did not have photographic evidence but they have found them in the area on another building in the area. Mr. Almeida interjected that the issue was not whether they existed but were they appropriate. He said that clearly there was a silhouette of a header on the windows. Mr. Wyckoff added that if that was evident then he would have to change his opinion; however, adding them on State Street, he did not think was appropriate.

Mr. Almeida noted that the step flashing on Page 4 appeared to be exaggerated in scale. Ms. DeStefano said that it should not be more than 6 – 8 inches in that location and the material would be copper. Mr. Almeida asked about the closed shutters and if they would be operational. Ms. DeStefano replied yes. He also asked if gutters would be installed. Ms. DeStefano explained that there were gutters on the main building that were replaced in kind with copper and additional gutters would match existing.

Ms. DeStefano noted for the record that they were proposing a custom storm door for the addition entry.

Ms. Kozak stated that the only thing that gave her hesitation was the double garage door on Sheafe Street. She did not think the carriage house doors were not convincing. Ms. DeStefano explained that it was a custom door but she could see what they could do to beef it up to get a shadow line.

Chairman Dika said that she still had heartburn with the Sheafe Street side. She felt it still looked very contemporary, very suburban to her. She agreed with Ms. Kozak about the garage doors and hoped to see more separation between the two garage doors. Chairman Dika added that although the gable ends are on the street, there was no entry door on the street, only side entry doors. Ms. Whittaker pointed out that she wanted an addition to look like an addition. This was not an original building but something that was added to an original structure.

Mr. Gladhill wondered if there was any precedence for having a deck on the front façade of a building. Ms. DeStefano said that they looked at a site on Court Street and used some of those design elements for their inspiration.

Mr. Wyckoff had heartburn about the low pitched gables and the rake trims with shadow boards. He felt this was a detail that was taken from the existing building that was probably built twenty years ago. He said they were copying something that he did not think was appropriate when it was constructed and now they were using that as a justification to use that detail on the new addition. Ms. DeStefano said that a similar gable was evident on neighboring buildings all the way down Sheafe Street.

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. George Dodge of 175 State Street spoke about the pediments proposed over the windows. He gave the Commission a brief history of and including the functions of pediments on State Street. He thought it would be nice to see the pediments returned to the building.

Mr. Wyckoff asked Mr. Dodge how he saw the pediments working on the State Street side of the building with the existing horizontal bands. Mr. Dodge said they would have to accept the line of the band but he pointed out that evidence of the pediments existing at one time on the State Street side of the building and was visible on the first floor window.

Mr. Wyckoff asked Ms. DeStefano how the pediment would be applied. Ms. DeStefano explained that they would have to be flashed in.

Mr. Jon Sobel of 49 Sheafe Street stated that he felt the difference of opinion of the Commission on the trim detailing was because of the massing of the proposed addition. He pointed out that the existing addition was subordinate to the main building but the proposed addition took away from the historic nature of the existing building. He was concerned that the proposed addition suffocated the building in size and volume. Mr. Sobel also pointed out that the proposed addition was larger than two of the houses across the street from it. He thought there was a scaling problem and he felt there was still work to be done.

Mr. Mark Bodi of 121 State Street spoke next. He stated that this was an important area of the City and talked about its historical significance. He said that if Jay Smith were alive today he would be present so Mr. Bodi said he was his voice this evening. He talked about the Zoning Ordinance and the mention of "a sense of place". Mr. Bodi felt the structure and the renovations were too big and add that it was very difficult to have such a large massing in that neighborhood. He invited the Commission to visit the area. He asked the Commission to hold the applicants to the highest standard and felt it was premature to approve the application.

Attorney Michael King, representing Mr. Mark Connelly, owner at 123 State Street stated that he felt the application was about Sheafe Street. He stated that his client was unaware of the second work session. Mr. Connelly met with the owners when they first purchased the property and welcomed them to the neighborhood. Attorney King suggested a site visit also. He felt that the proposal would change the character of Sheafe Street because the scale of the project was tremendous; adding that the roof would be higher than it is currently.

Ms. Marie Bodi of 121 State Street showed the Commission two photos depicting the view from their deck if the proposed addition were constructed. Chairman Dika explained that views were not part of the Commission's purview. Ms. Bodi said that she agreed with Mr. Sobel and Attorney King that a site walk would be helpful. She did not think they could grasp the enormity of the project by seeing it on paper.

Chairman Dika explained the Commission visits the properties on their own prior to the meetings. She asked which Commissioners had not visited the site. All of the Commissioners had visited the site at least once and many had visited more than once.

Ms. Erica Dodge of 175 State Street commended the owners and the architect for the changes that had been made. She said that she still had a problem with the garage doors and the gable end facing the street.

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

Ms. Whittaker made a motion to grant a Certificate of Approval for the application as presented. Mr. Wyckoff seconded the motion for the purposes of discussion.

Ms. Whittaker stated that she would be willing to remove her motion if they did not think the application would pass so that more work could be done. She felt that the decorative headers were in keeping with the structure. She also pointed out that there were some contemporary features on the structure right next door and on the street. Ms. Whittaker said that she found the massing to be effectively handled. She understood the comments about the garage doors but it was not a deal breaker for her and so she felt that another work session was not needed.

Chairman Dika said that she would not be supporting the motion; however, she did appreciate the progress. She felt there were certain things that still needed work.

Ms. Kozak stated that she agreed with Ms. Whittaker. She explained that her biggest concern was the garage doors but she could not argue with the massing because it mimicked what was there.

Vice Chairman Katz commented that he did not think the application was ready for approval. He felt that there was no problem with the State Street side but Sheafe Street was a different story. He was not happy with it. The roof pitch did not meet the roof pitch of the other structures there. He pointed out that a lot of people have made their comments and objections known so he felt they should work toward a resolution.

Mr. Wyckoff felt that the massing was appropriate for the location but he did not feel that the detailing was appropriate. He added that he was not ready to approve the application. Mr. Almeida also said that he felt the application was not ready for approval.

Chairman Dika asked Ms. DeStefano if they were still interested in seeking a vote on the application this evening. Ms. DeStefano requested a work session on September 14, 2011. Ms. Kozak questioned whether one week would give them enough time to make changes.

Ms. Whittaker removed her motion to grant a Certificate of Approval. Ms. Whittaker then made a motion to postpone the application to a work session at the September 14, 2011 meeting. The motion was seconded by Mr. Wyckoff. Chairman Dika called for the vote. The motion to postpone the application to a work session at the September 14, 2011 meeting passed by a vote of 6-1 with Ms. Kozak voting in opposition.

6. Petition of **Strawbery Banke, Inc., owner**, for property located at **420 Court Street and 454 Court Street**, wherein permission was requested to allow new free standing structures (install mailbox receptacles) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7 and lies within the Mixed Residential Office and Historic Districts.

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

SPEAKING TO THE PETITION

Mr. Rodney Rowland, Director of Facilities and Special Projects at Strawbery Banke was present to speak to the application. He stated that as a result of increasing the number of tenants, both commercial and residential, mailboxes were needed to accommodate them. He said that the mailboxes were required to be located on a proper City street. He then guided the Commission through the submitted plans.

Mr. Gladhill asked if the locations were approved by the United States Postal Service. Mr. Rowland replied yes.

Councilor Coviello asked if lighting would be involved. Mr. Rowland said that lighting was already installed in the areas and that no additional lighting was needed.

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

DECISION OF THE COMMISSION

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

Ms. Whittaker stated that she was not happy with these units but understood this was an economic well-being issue for this property value and Strawbery Banke. If it was not for that, Ms. Whittaker said that she would not be able to support them. She said that she preferred to see them inside.

Mr. Gladhill pointed out that by approving them outside, the Commission was setting precedence. Ms. Whittaker clarified that this approval was a unique situation and that she did not want to see these all around the downtown.

Ms. Kozak commented that these types of mailboxes happen typically at apartment and condo complexes. She wondered why they would not try to disguise them more. She did think that the locations were fairly discreet and their small size allowed her to support them.

Mr. Wyckoff did not think the boxes were tucked away and he felt they were inappropriate. He did not think enough thought was given to them. He pointed out that many condo associations have them housed in little buildings and he felt a little kiosk could be built.

Mr. Gladhill asked for and received clarification as to the location of the box at 454 Court Street.

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 Mr. Wyckoff voting in opposition.

7. Petition of **Strawbery Banke, Inc., owner**, and **3S Artspace, applicant**, for property located at **92 Marcy Street**, wherein permission was requested to allow a new free standing structure (install temporary “T” shaped wall) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 104 as Lot 7 and lies within the Mixed Residential Office and Historic Districts.

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

SPEAKING TO THE PETITION

Mr. Chris Greiner, co-founder of 3S Art Space was present to speak to the application. He stated that this project was a partnership between 3S Art Space, Strawbery Banke Museum, and the Civic Center Design Studio based in New Orleans, LA. He said that they were seeking to construct a temporary wall on the grounds of Strawbery Banke Museum for an interactive public art project. He briefly explained the details of the project. He said it would be erected on September 9 and would remain up through October 10 of this year. He added that Portsmouth would be the first City outside of New Orleans to recreate this project. Mr. Greiner gave the Commission an additional rendering of the wall showing it in better context with its surroundings. He explained that the wall would be 32 inches long and 8 feet tall.

Councilor Coviello asked how this project came to be associated with Strawbery Banke Museum. Mr. Lawrence Yerdon, president and CEO of Strawbery Banke explained that this was not something that he easily adopted but Mr. Greiner convinced him. He said that not only was Strawbery Banke Museum a preservation site but they also saw themselves as an educational and cultural institution. He pointed out that they have a wonderful public space which is a good place for people to meet. He felt this was a good project for the museum and was only temporary.

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 with the following stipulation:

- 1) That the wall is allowed to be in place from September 8, 2011 through October 10, 2011.

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

Mr. Wyckoff stated that this was a temporary structure. Chairman Dika added that she did not it Would be appropriate if was to up for any long than the dates specified.

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 unanimous (7-0) vote:

- 1) That the wall is allowed to be in place from September 8, 2011 through October 10, 2011.

8. Petition of **South Mill Condominium Association, owner, and Hubbard Family Trust Agreement 2007, Christopher W. and Kathi J. Hubbard, applicants** and trustees, for property located at **139 South Street, Unit D**, wherein permission was requested to allow new free standing structures (install fencing and lamp post) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 7-4 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Ms. Kathi Hubbard and Mr. Christopher Hubbard, owners of the condominium unit were present to speak to the application. Ms. Hubbard stated that they would like to install a wrought iron looking fence and lamp post to delineate their yard. The fence would be aluminum with black powder coating with two gates and black quad finials. It would be three feet high but would be four feet up at the patio area.

Ms. Kozak asked about the gates. Ms. Hubbard said that there would be two gates, one on the side and one at the patio area.

Ms. Kozak commented that the fence posts were very thin. Mr. Hubbard said that the posts would be 2" x 2".

Ms. Whittaker had a concern with the material. She stated that when walking right next it, there was a big difference in material. Vice Chairman Katz said that he could not see the fence having much of an impact on passersby.

Mr. Almeida noted that the ground sloped and so he wondered if the fence would follow the grade. Mr. Hubbard said it would step down, but that there would be some leveling of the lot. He added that Upright Fence Company would be installing it.

Vice Chairman Katz stated that this was at the back of the house so not much would be seen from the street.

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

DECISION OF THE COMMISSION

Vice Chairman Katz made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Councilor Coviello. Chairman Dika asked for discussion.

Vice Chairman Katz stated that there would be minimal impact on passersby and he did not see any reason why this would have an adverse effect on South Street.

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 Ms. Whittaker voting in opposition.

9. Petition of **Guy and Jennifer B. Marshall, owners, and Dyke and Sara Shaw, applicants**, for property located at **27 Gardner Street**, wherein permission is requested to allow a new free standing structure (construct and install shed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 15 and lies within General Residence B and Historic Districts.

Chairman Dika stated that she would be recusing herself from the discussion and vote. Vice Chairman Katz presided over the public hearing.

SPEAKING TO THE PETITION

Ms. Sara Shaw, new owner of the property was present to speak to the application. She stated that she would like to construct a storage shed and finish it with a similar material to that of the existing fence.

Ms. Whittaker asked why the shed was so tall. Ms. Shaw said that the maximum height allowed was ten feet. Ms. Whittaker thought it was too tall for the area. Mr. Almeida did not think it was an excessive height. He felt it should be a usable shed.

There was discussion about the exact location of the fence.

Mr. Almeida stated that the transom windows in the proposed shed might make it impossible to frame the shed.

Mr. Wyckoff said that they needed more details. Councilor Coviello told Ms. Shaw that her builder should be able to provide those details and a sketch to the Commission.

Mr. Almeida thanked Ms. Shaw for proposing a custom built shed. He said that they have approved sheds where a photograph was submitted and the proposal was to replicate 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

Councilor Coviello made a motion to postpone the application to the October 5, 2011 meeting. The motion was seconded by Ms. Whittaker. The motion to postpone the application to the October 5, 2011 meeting passed by a unanimous (7-0) vote.

10. Petition of **Fall Line Properties, LLC, owner, and 226 State Street, LLC, applicants,** for property located at **220-226 State Street,** wherein permission was requested to allow exterior renovations to an existing structure (misc. changes to windows, add door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 68 and lie within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Brendan McNamara, designer of the project, and Mr. Jay McSharry, owner of the property were present to speak to the application. Mr. McNamara stated that they were seeking to change some windows on the second floor and add a door on the first floor. He explained that all trim would match what was currently existing. He added that the building was built in 1955.

Mr. Wyckoff asked if the storefront that he was creating would be similar to the existing storefront. Mr. McNamara replied yes.

Mr. Almeida commented that it was a very straightforward and simple application and that he would be supporting 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. Wyckoff. Chairman Dika asked for discussion.

Ms. Whittaker stated that the applicant was simply tweaking the architectural reality that currently existed.

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.

III. WORK SESSIONS

A. Work Session requested by **Old City Hall, LP, owner**, for property located at **126 Daniel Street**, wherein permission was requested to allow new construction to an existing structure (construct dormer to accommodate vertical clearance for elevator). Said property is shown on Assessor Plan 106 as Lot 1 and lies within Central Business B, Historic, and Downtown Overlay Districts.

- Mr. Richard Johnson of Pine Brook Corporation was present to speak to the application. He stated that he was presenting four choices of dormers for an elevator override for the building. The dormer would be nine feet wide and four feet high. He said that he was leaning toward the one that would keep the lowest profile possible.
- Ms. Kozak commented that it was a good location for the override.
- Mr. Johnson explained that the louvers for ventilation would be located on the side and would be colored the same as the siding.
- Mr. Almeida asked if the dormer would interfere with the copper ridge. Mr. Johnson replied no, that he was thinking about flat and shed roofs.
- Mr. Wyckoff said that the dormer should be minimized as much as possible.
- Ms. Whittaker stated that she was pleased that they were not proposing it on the side of the building.
- Mr. Johnson said that the flat roof proposal would provide the lowest profile. Ms. Whittaker said that she would support the flat roof.
- Mr. Almeida stressed that the materials chosen would be very important. Mr. Johnson said that he was proposing to use hardiplank siding and Azek trim.

B. Work Session requested by **Piscataqua Savings Bank, owner**, for property located at **15, 21 and 27 Pleasant Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows). Said property is shown on Assessor Plan 107 as Lots 32, 33, and 34 and lies within Central Business B, Historic, and Downtown Overlay Districts.

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

- Mr. Richard Johnson of Pine Brook Corporation was present to speak to the application. He said that they would like to replace the windows with new insulated windows. He pointed out the inconsistency with the muntin patterns.
- Ms. Whittaker suggested that Mr. Johnson visit the Athenaeum to see if historical photos of the building existed to get an idea of what the original muntin pattern was. Mr. Wyckoff suggested matching what was on the first and second floors of the bank which was a six over six pattern.
- Ms. Kozak mentioned that the first floor windows were true divided lights. She said that she would like to see the first floor windows remain but she was not as concerned with the upper floors on the back side.
- Ms. Kozak said that she would be open to a simulated divided light if it had a higher muntin profile.
- Mr. Melchior suggested not replacing the first floor windows. Mr. Johnson said that he would have to talk with the owner about that.

C. Work Session requested by **Walter G. and Michelle White Ziebarth, owners**, for property located at **3 Marsh Lane**, wherein permission was requested to allow demolition of an existing structure (demolish garage and breezeway) and allow new construction to an existing structure (construct two story addition). Said property is shown on Assessor Plan 123 as Lot 6 and lies within General Residence A and Historic Districts.

- Mr. Walter Ziebarth, owner of the property was present to speak to the application. He stated that he started this process in 2007 and explained that the scope of the project was to demolish the breezeway and garage and construct a two story addition. He said that he would like to use Marvin simulated divided light windows and would match the existing trim. He added that he would like the addition to have a barn or carriage house look and would use shakes to try to achieve that.
- Chairman Dika asked the age of the house. Mr. Ziebarth thought it was built about 1858 and noted that the house had been moved to the existing site.
- Mr. Wyckoff stated that he remembered this project and that the sticking point at the time was the five double hung windows mullied together.
- Councilor Coviello commented that colonial houses typically have a garage that is smaller than the house. With this project, the scale was now shifting over to the garage.
- Ms. Kozak asked if the connector stepped back. She felt that was important so that they would read as separate elements. Mr. Ziebarth said that it did.
- Mr. Wyckoff felt that the cupola was not wide enough. There were varying opinions on the cupola.
- Mr. Almeida said that he was not opposed to a lot of windows, but he just did not want to see them pushed together.
- Chairman Dika and Ms. Whittaker both thought a site walk would be important.
- Councilor Coviello reiterated that he felt the addition was too big.
- Ms. Whittaker suggested a work session/public hearing and site walk at the October meeting.

With regards to Petition #1, 536 Marcy Street, Douglas F. Fabbricatore that was postponed earlier in the meeting to the end of the meeting, Councilor Coviello made a motion to postpone the application to the October 5, 2011 meeting. The motion was seconded by Mr. Gladhill. The motion passed by a unanimous (7-0) vote.

IV. ADJOURNMENT

At 11:15 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on October 5, 2011.