

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

**September 14, 2011
reconvened from September 7, 2011**

MEMBERS PRESENT: Chairman Sandra Dika; Vice Chairman Richard Katz; Members John Wyckoff, Tracy Kozak; Elena Whittaker; Planning Board Representative William Gladhill

MEMBERS EXCUSED: City Council Representative Anthony Coviello; Alternates Joseph Almeida, George Melchior

ALSO PRESENT: Roger Clum, Assistant Building Inspector

I. OLD BUSINESS

A. 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. *(This item was postponed at the September 7, 2011 meeting to a work session/public hearing at the September 14, 2011 meeting.)*

WORK SESSION

- Ms. Kristin Alexander, owner of the property and Mr. Tom Herman, contractor for the project were present to speak to the application.
- Chairman Dika informed the public that a site walk was held earlier at 6:30 p.m.
- Ms. Whittaker stated that she found the site walk helpful in viewing the proposal in relationship to its surroundings. She said that she did not see a reason for a six foot fence. She also said that she could not support a six foot fence tapering down to a four foot fence along the side property line either. She could see a four or five foot fence along the side property line.
- Mr. Wyckoff said that he disagreed with Ms. Whittaker. He felt a six foot fence was appropriate throughout the South End and especially on a lot line.
- Chairman Dika commented that she would like to see a five foot fence tapering to three feet along the lot line.
- Ms. Alexander stated that when she walked through the South End recently, she saw a lot of six foot fences. She pointed out that her goal was to provide privacy for herself and her children. She was not sure that a five foot fence would be adequate for their needs

but she was amendable to lowering the fence from six feet to four feet at the driveway portion of the fence. Mr. Wyckoff said that he would support that.

- Ms. Kozak reminded the Commission of the historic guidelines for fences. She said the only question they should be asking was whether the six foot fence height was appropriate. She felt it was appropriate between properties but felt it should be lowered at the point where it surpassed the house. Vice Chairman Katz agreed with Ms. Kozak and said that the key word was appropriateness; it was not aesthetic judgment.
- Chairman Dika pointed out that almost all of the fences in the area were lower than six feet and that there was only one six foot fence in the area. Ms. Whittaker pointed out that six foot fence was located at the rear of the property.
- Mr. Herman asked if the Commission had ever approved a six foot fence in the area. Chairman Dika explained that the Commission has approved six foot fences in the South End and it was on a case by case basis.
- Ms. Alexander stated that she was amendable to transition the fence down to the street. From the granite posts to garage, she was still proposing a six foot fence.

At this point, the meeting moved from the work session into the public hearing.

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

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Eric Spear of 49 Mt. Vernon Street stated that he would be looking at this fence every day. He felt it needed to be appropriate for the street and it needed to be an appropriate fence type.

Ms. Susan Alex of 50 Mt. Vernon Street said that Ms. Alexander told her that someone was very interested in purchasing the house. She asked Ms. Alexander to put the fence proposal off until Ms. Alex could speak to the prospective buyers to see if they wanted the fence. She said Ms. Alexander said she would. Ms. Alex said that she did not want to see the fence going around the garage because she did not think it would be aesthetically pleasing.

Ms. Willow Maranhas of 39 Mt. Vernon Street stated that she had no problem with the installation of a fence but she would like to see some changes to what was proposed. She said that it disturbed her to know that the fence would go all the way to the street rather than be stepped back. She felt that would impact the whole streetscape. She added that the style of fence did not match anything in the neighborhood. She thought it would be more appropriate to have a four or five foot fence with the finished side facing out. She also did not want to see the fence going around the garage.

Ms. Mary Lynn Hannay at 415 Union Street informed the Commission that she used to live at 64 Mt. Vernon Street. She said that she could not imagine having a fence in that location. She felt it would change the streetscape. She thought if a fence was erected, a four foot fence would be more appropriate; however, the fence going around the garage would make the garage difficult to maintain.

Mr. Robert McElwain of 259 South Street stated that he was against the proposal. He recommended a much lower fence and thought that the fence going around the garage did not make any sense.

Ms. Erica Dodge of 175 State Street said the State accepts a five foot fence but should it go to six feet, it was considered a spite fence.

Mr. Tom Herman stated that a lot of those speaking have addressed the look of the fence but pointed out that the only place one would see it was in the back yards of the two properties. He clarified that they were asking for a six foot fence tapering down to four feet. He also said the “good” side would be facing inward.

Chairman Dika asked if anyone else 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

For the purposes of discussion, Mr. Wyckoff made a motion to grant a Certificate of Approval of the application as amended with the fencing tapering from six feet to four feet and with the good side facing inward. The motion was seconded by Ms. Kozak. Chairman Dika asked for discussion.

Mr. Wyckoff stated that it was inappropriate to have the good side facing in. He also felt the fence height should be reduced to five feet.

Ms. Whittaker said that with the formal side facing in, it would appear that the fence belonged to the neighbor.

Chairman Dika stated that she could not support a six foot fence.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Approval of the application as amended with the fencing tapering from six feet to four feet and with the good side facing inward failed to pass with a 0-6 vote.

Chairman Dika informed the public that since the agenda was lengthy, public comment would be limited to three minutes and any letters submitted would be noted for the record but would not be read into the record.

II. PUBLIC HEARINGS (CONTINUED)

11. Petition of **446-452 Market Street Condominium Association**, for property located at **446-452 Market Street**, wherein permission was requested to allow demolition of an existing structure (demolish rear deck) and allow new construction to an existing structure (construct new rear deck) as per plans on file in the Planning Department. Said property is shown on Assessor Map 120 as Lot 1 and lies within Central Business A and Historic Districts.

SPEAKING TO THE PETITION

Mr. Edward Solimine, president of the condominium association and Mr. Robert Lang of Lang Construction, contractor for the project were present to speak to the application.

Mr. Solimine stated that they would like to replace their existing deck with a composite, low maintenance deck. The color of the deck would be gray to match the existing building.

Mr. Wyckoff asked about the Azek railing. He showed the Commission the style he was proposing in an Azek book.

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

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Approval for the application as presented with the following stipulations:

- 1) That the Azek Trademark Railing is installed.

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

Mr. Wyckoff stated that the railing was an appropriate railing and pointed out that the building was currently vinyl sided.

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 (6-0) vote:

- 1) That the Azek Trademark Railing is installed.

12. Petition of **Matthew D. Burke, owner**, for property located at **46 Aldrich Road**, wherein permission was requested to allow new construction to an existing structure (construct entryway) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 148 as Lot 26 and lies within the General Residence A and Historic Districts.

SPEAKING TO THE PETITION

Mr. Matthew Burke, owner of the property was present to speak to the application. He stated that the existing brick steps have fallen apart and a temporary wood structure was in its place.

He explained that he would like to replace the steps and add a porch roof overhead. He then guided the Commission through the submitted plans.

Mr. Wyckoff asked Mr. Clum about the handrail. Mr. Clum said that stairs with this number of risers would require a graspable handrail.

Mr. Wyckoff asked Mr. Burke why he did not consider adding half columns. He felt the porch addition was a substantial project. Mr. Burke said that he would be amendable to adding them.

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

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Approval for the application as presented with the following stipulations:

- 1) That a graspable handrail is installed.
- 2) That half columns are added to the face of the house.

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

Mr. Wyckoff commented that he thought it would be a nice improvement.

Ms. Whittaker stated that there was no architecture on the house confirming that this would be a correct formal front. She was not sure the design went with the house.

Mr. Wyckoff added that Ms. Whittaker was forgetting that the house had a different siding on it that was hiding a lot of detail that would have been on the house. He did not want to sell the house short.

Ms. Whittaker said that she was all for a formal front but that this was not the way to achieve it so she would not be supporting the motion.

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 vote of 5-1 with Ms. Whittaker voting in opposition:

- 1) That a graspable handrail is installed.
- 2) That half columns are added to the face of the house.

13. Petition of **John and Joan Schorsch, owners**, for property located at **53 Pray Street**, wherein permission was requested to allow a new free standing structure (install condensing

unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 40 and lies within Waterfront Business and Historic Districts.

SPEAKING TO THE PETITION

Mr. John Schorsch, owner of the property was present to speak to the application. He stated that he would like to install an air conditioning system on his property. He said it would be enclosed by a fence and would be hidden with shrubbery. He added that it would not be visible by any neighbors. Discussion ensued regarding the location.

Hearing no questions, Chairman Dika asked if anyone from the public wished to speak to, for, or against the application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Ms. Anne Rogers Haley of 43 Pray Street stated that she was against the proposal because it would be less than nine feet from her property line. She passed out photos and a copy of the survey that was done in 2006. She said that she was worried about the noise of the compressor. She thought the proposed space was too narrow and that other locations could be considered.

Chairman Dika asked Ms. Rogers Haley if her major objection was based on sound. Ms. Rogers Haley replied yes and also the tight location. She felt there was not enough room to mask it with landscaping.

Chairman Dika asked if there was anyone else 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 of the application as presented. The motion was seconded by Mr. Wyckoff. Chairman Dika asked for discussion.

Ms. Whittaker stated that this was one of the smaller condensers they have seen. She understood the neighbors concern but she did not find anything in the proposal that made it inappropriate in that location.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Approval of the application as presented passed by a unanimous (6-0) vote.

14. Petition of **Rothwell Revocable Living Trust, Kenneth J. and Alida E. Rothwell, owners and trustees, and 393 New Castle Avenue, LLC, applicants**, for property located at **393 New Castle Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, remove window at 2nd floor deck, replace deck rails and skirting, add egress landing and ladder at 2nd floor deck) as per plans on file in the Planning

Department. Said property is shown on Assessor Plan 207 as Lot 5 and lies within Single Residence B and Historic Districts.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project and Mr. Mark Hepp, new owner of the property were present to speak to the application. Ms. Whitney stated that this was a multi-unit residential building. She explained that the window replacements would take place primarily on the old New Englander part of the building. Anderson 400 Series replacement windows were the windows selected. They would be matching the existing windows with a two over two pattern and simulated divided lights. Chairman Dika asked if the windows would have a spacer bar. Ms. Whitney replied yes.

Ms. Whitney said that one window would be removed but it could not be seen from the street. The second story decking, skirting, and deck rails would be replaced. She also explained that the insurance company was requiring an escape route from the second floor so the proposal was to build a wooden platform with an iron pipe rail that would provide access to a metal ladder. Ms. Whitney pointed out that it really would not be seen from any vantage point and was certainly not visible from the street.

Ms. Kozak asked if there would be posts supporting the platform. Ms. Whitney replied yes and said that they would be 4"x 4" posts.

Mr. Wyckoff asked Ms. Whitney when the code required a 42 inch handrail. Ms. Whitney said that it was not really required by code but by the owner's insurance company. Mr. Hepp explained that it took six weeks and ten different insurers to get one insurance company to insure him because of all of the modern risks involved. Chairman Dika commented that as a realtor, she was not surprised to hear that. Mr. Clum added that a 42 inch rail was required for a multi-family dwelling. Chairman Dika asked if the simplicity of the design was intentional to make it disappear. Ms. Whitney replied yes.

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

DECISION OF THE COMMISSION

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

Mr. Wyckoff stated that the emergency egress was not something that they wanted to see on the front of the building but he did not think it was going to be offensive to the neighbors. He felt they should allow it in this location.

Vice Chairman Katz said that if the sketch showing the view from the driveway and the river was accurate, he felt the effect was minimal.

Ms. Kozak stated that she could not support the emergency escape system because she thought there was a better way to do it. She said that she was familiar with the view of this property from the water and she felt that it could be seen more than what was suggested.

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 5-1 with Ms. Kozak voting in opposition.

15. Petition of **147 State Street Condominium Association, owner, and Frederick J. Crory, III, applicant**, for property located at **147 State Street, Unit #2**, wherein permission was requested to allow exterior renovations to an existing structure (replace four windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 46-4B and lies within the Central Business B and Historic Districts.

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

SPEAKING TO THE PETITION

Mr. Mike Bedard, representing the owner, and Mr. Frederick Crory, owner of the property were present to speak to the application.

Mr. Bedard stated that the owner would like to install four vinyl replacement windows with a six over six grid pattern in between the panes of glass. He said that upon submitting the application, he discovered that the HDC would not probably favor this choice so they were willing to present a second option. The Commission was in agreement that they should discuss the second option.

Mr. Bedard explained that the alternative window was a Sequel aluminum clad simulated divided light window. He passed out brochures to the Commission and also displayed a sample window for them to view. Mr. Crory added that the one window was located in an alley which was a garbage area so he was hoping to put a vinyl window in that location.

Ms. Whittaker asked for clarification as to what windows were to be replaced. Mr. Crory said that one window was on the side of the building and visible from State Street and the other windows were visible from Sheafe Street. No windows on the front would be touched.

Mr. Wyckoff commented that the existing windows were installed very poorly. At this point in the meeting, some of the Commissioners went down to the table to view the sample window more closely. Mr. Wyckoff stated that he had questions about how the window would fit in the opening, how a screen would relate to it and the awkwardness of the muntin placement.

Ms. Whittaker stated that she had a bigger picture question. She pointed out that they would have one floor of a large, visible building having different windows than the rest of the other

floors. Mr. Wyckoff pointed out that with the Library condominiums; the Commission gave a blanket approval for the entire building.

Mr. Crory said that he really needed new windows. He explained that they were rotting, they were inefficient, and uninsulated.

Ms. Kozak pointed out that the windows were not facing State Street. She felt that was the most important side of the building.

Vice Chairman Katz asked the Commission their opinion of the sample window. He said that he was not comfortable with the detail of the exterior grid. Mr. Wyckoff added that the sill was very angular and flat. Chairman Dika stated that she was uncomfortable with it as well.

Vice Chairman Katz asked the applicant if he had explored the windows that have been previously approved by the HDC. Mr. Crory replied no. Mr. Wyckoff pointed out as an example that the Andersen 400 series has been approved time and time again.

Mr. Bedard said that they sell the Andersen 400 Series window but he wondered if the condominium association would have to approve that window or does the HDC. Vice Chairman Katz said that if, for example, the Andersen 400 Series window was presented for this building, the Commission could grant approval for the whole building.

Chairman Dika suggested moving forward with a window the Commission was familiar with and get the approval but she cautioned that it might limit what the other condominium owners could do with their windows in the future.

Mr. Bedard asked to postpone the application to the next meeting so that they could come before the Commission with another window option.

DECISION OF THE COMMISSION

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

16. Petition of **Irene Bartholomew, owner**, for property located at **90 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (install two windows in original openings, re-side gable with cedar shingles, replace trim with composite material, replace gutters) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 74 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Jeff Greene, representing the owner and contractor for the project was present to speak to the application. He stated that the principal work would take place on the northeast gable end. He

said that he would like to strip the siding, install two windows that had previously existed and reside with cedar shakes. The windows chosen would be Marvin double hung windows.

Mr. Gladhill asked if he was proposing half screens. Mr. Greene replied yes. He pointed out that the windows on the front of the house were installed about two years ago. Chairman Dika asked if the proposed windows would be the same as the front windows. Mr. Greene replied yes but explained that the existing windows were replacement windows and the proposed windows would be tear outs and would be about ½” taller but would be the same width.

Chairman Dika asked Mr. Greene if he had any evidence that the windows once existed on the northeast elevation. Mr. Gladhill pointed out the owner’s letter submitted with the plans explained that when the interior plaster was removed in 1978, the window openings were evident.

Mr. Greene also explained that he would be replacing all of the rotting trim on the back of the house with Azek, matching the existing profiles. He pointed out that the fir gutters were rotting and he would like to replace them with the standard K style aluminum gutters. Vice Chairman Katz asked if he was going to keep the configuration of the rake boards running by the gutters. Mr. Greene replied yes. Mr. Gladhill asked what color the aluminum would be. Mr. Greene said it would probably be painted to match the house colors.

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 said that he owned a house in that neighborhood. He said he would like to know why the applicant was proposing to put shingles on the side of the house. He said it reminded him of what was done further south in Massachusetts.

Mr. Greene stated that was a relatively traditional to have shingles on the gable ends. He said that had photos of houses in the area with the same detailing. He passed the photos to the Commission for their review.

Chairman Dika commented that the Commission has had some very deep discussions on this topic in the past so they were familiar with all of the arguments for and against.

Chairman Dika asked if there was anyone else in the public 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. Kozak 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. Kozak stated that this seemed to be a straightforward and well intended application. The windows were well detailed and selected for the application. The gutters faced the back and were very low impact. She said that the only real question was the clapboard versus shingles on the gable end. She found it hard to deny the application on that one account. She agreed that it was a fairly common occurrence in the district and she felt she could bend a little on this issue.

Mr. Wyckoff agreed with Ms. Kozak. He said that originally, most of the houses in Portsmouth were probably clapboarded, however, in a maritime community; people would make shingles in the winter because they had nothing else to do and they put them on their houses. Now, he added, there are a lot of houses in the historic district with shingles and he thought it was an appropriate look. He added that the windows proposed were acceptable.

Chairman Dika stated that she did not feel the shingles were appropriate on the gable ends of colonial homes but with this particular house, she did not feel there would be any damage by doing it.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant a Certificate of Approval for the application as presented passed by a unanimous (6-0) vote.

17. Petition of **Nicole R. Gregg Revocable Trust, owner**, for property located at **13 Salter Street**, wherein permission was requested to allow a new free standing structure (construct fixed pier with ramp and float) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 28 and lies within Waterfront Business and Historic Districts.

SPEAKING TO THE PETITION

Mr. Zachary Taylor, project planner for Riverside and Pickering Marine Contractors was present to speak to the application. He stated that the project began with a State wetlands application to construct a pier, ramp, and float on their property. He explained that it would be their standard design with pressure treated wood and an aluminum gangplank. They would be using stainless steel cabling to meet the handrail design code.

Ms. Kozak asked if the pier, ramp, and float would extend halfway across the creek. She pointed out that it was such a narrow creek. Mr. Taylor replied no.

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.

Ms. Whittaker commented that this was exactly what they have approved before. She had a concern with its location on a creek instead of open water but she did not think it seemed to be out of place.

Ms. Kozak added that it seemed consistent with what was already on the waterfront in the historic district.

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 (6-0) vote.

18. Petition of **Deer Street Associates, owner, and Harbor Eye Care Center, applicant**, for property located at **161 Deer Street**, wherein permission was requested to allow new construction to an existing structure (install awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 18 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Jessie Aikman of Back Channel Canvas Shop was present to speak to the application. She stated that the applicant was expanding the practice and moving into the space next door. She said that they would like to extend the awning over the storefront; however, it would be two awnings. She added that there would be some signage on it.

Mr. Wyckoff asked if the awning would have a loose valance. Ms. Aikman replied yes, that it would be a straight valance. She added that it would be on a welded frame and would not retract. The existing awning did not retract either. The color of the awning would be black.

Ms. Whittaker asked Mr. Clum if the Commission had purview of the lettering. Mr. Clum said only with respect to where it was positioned.

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

DECISION OF THE COMMISSION

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

Mr. Wyckoff stated that this was the type of awning that they wished that other people would bring to them. It was not lit from inside and was not made of vinyl or plastic. He felt it was appropriate since there was one already existing next to it.

Ms. Kozak commented that this was a more modern building with a more vintage awning on it. She said it was not in a context where it would create a problem but she just wanted to point it out.

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 (6-0) vote.

10. Petition of **Jeffrey H. Marple, owner, and Scott and Michelle Massidda, applicants,** for property located at **10 Market Square**, wherein permission was requested to allow new construction to an existing structure (install awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 22 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Jessie Aikman of Back Channel Canvas Shop was present to speak to the application. She stated that the applicant would like to place an awning on the front the building to dress up the entrance. She said that there would be some signage on it. It would be a retractable awning to stay in keeping with other awnings in that part of the City. The awning would be a burgundy stripe pattern with a solid color valance.

Ms. Whittaker stated that she was uncomfortable with the awning being retractable. Ms. Kozak pointed out that a lot of the awnings in that area were retractable. Mr. Wyckoff agreed. Ms. Aikman explained that when the awning was retracted, the arms would fold up under the body of the awning.

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 Mr. Wyckoff.

Vice Chairman Katz stated that this awning was a typical feature of Market Street. He felt it was 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 (6-0) vote.

20. Petition of **Capital Security Financial Services, c/o Steve and Doris Briggs, owners,** and **Assiah Russell, applicant,** for property located at **40 Market Street**, wherein permission was requested to allow new construction to an existing structure (install awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 30 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Jessie Aikman of Back Channel Canvas Shop was present to speak to the application. She stated that the main goals of this project were spruce up the entry and to cover up the air conditioning unit located above the door. She said that the awning would be retractable and would be black with a gold stripe. The valance would have a scalloped edge to it.

Ms. Kozak asked if the existing sign would be moved up and placed on top of the trim band. Ms. Aikman replied yes. She explained that there was not enough room to place the awning with the sign in its current location. Ms. Kozak said that she would have a problem with the new sign location.

Vice Chairman Katz stated that he appreciated Ms. Kozak's comments but it would not be a deal breaker for him. He agreed that the sign was impinging on an architectural feature but he felt the effect was minimal. Chairman Dika said that she would like to go to the site and see the situation. Mr. Wyckoff stated that he agreed with Vice Chairman Katz. He felt it was a minimal change to move the sign up a foot and was not a deal breaker for him either. Mr. Clum pointed out that the ordinance states that the sign was supposed to line up with architectural features. Ms. Kozak argued that this was a very important streetscape and one of the most defining characteristics of Market Street was the first to second story belt course bandings that were continuous and the new sign location broke that up visually. Mr. Gladhill stated that he liked the design of the awning but agreed with Chairman Dika. He would like to get a good look at the building.

Chairman Dika asked Ms. Aikman if she would like to postpone the application to the October meeting. Ms. Aikman said that she was unable to discuss the situation with the applicant since she was not present.

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 Mr. Wyckoff. Chairman Dika asked for discussion.

Vice Chairman Katz stated that the objections were well rounded and he appreciated the concerns; however, he did not share the same concerns to that level. He felt the sign would be a minor infringement and he did not see another solution.

Ms. Whittaker said that she hoped that the motion would be retracted and that they could postpone the application to the October meeting because if the motion failed to pass the application would be dead.

Ms. Aikman thought a postponement was the best alternative.

Vice Chairman Katz withdrew his motion. Mr. Wyckoff made a motion to postpone the application to the October 5, 2011 meeting. The motion was seconded by Ms. Kozak. The motion passed with a unanimous (6-0) vote.

III. WORK SESSIONS (CONTINUED)

A. Petition of **Gilman Anderson and Winifred Amature, 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. *(This item was postponed to a work session at the September 7, 2011 meeting.)*

- Ms. Lisa DeStefano and Ms. Sarah Hourihane of DeStefano Architects were present to speak to the application. Ms. DeStefano stated that this was a conforming property and would remain a conforming property after the renovations. She showed the Commission City tax maps showing that the footprint of the existing building with the addition was in keeping with the scale and properties in the surrounding area.
- Ms. Hourihane also showed a 1904 Sanborn map. It showed that the existing building was originally built with a rear wood framed addition. Ms. DeStefano pointed out that their proposal was in keeping with what was there in the previous structure except that they were pulling their addition back from the Sheafe Street.
- Ms. DeStefano stated that they found actual photos with the pediments above the windows and shutters. The photo was copied onto the submitted plans for the Commission's review. She added that it was determined that the building was built in 1850 and was classified as a federal row block building.
- Ms. DeStefano explained that the plans to be reviewed this evening showed the pediments, the operable shutters, the garage doors, and the step flashing. She then guided the Commission through the submitted plans.
- After the presentation, Mr. Wyckoff commented that he felt the trim details were unacceptable. He felt they were duplicating trim that was constructed in the 1980's or 1990's. He did not feel the existing details were appropriate for the building.
- Ms. Kozak commented that the addition should not overwhelm the main building. She felt that keeping the trim simple was in keeping with the historic building.
- Vice Chairman Katz pointed out that looking at the streetscape, the houses are subsidiary.
- Ms. DeStefano pointed out that the houses across the street were two stories whereas the addition was one and three quarters.
- Chairman Dika said that the addition looked like a house in the suburbs. Vice Chairman Katz added that it looked like a house attached to a brick house. There was discussion

regarding the entry doors. Ms. DeStefano stated that she was now hearing new concerns. She thought that the concerns stated at the last meeting were the garage doors and trim.

- There was discussion of expanding an area by three and a half feet for a side entry. Ms. Kozak felt that it was not necessary and said that she felt they were on the right track. Ms. Whittaker commented that if what they are currently proposing was appropriate, why should make the architects spend more time and money to redesign it.
- Mr. Wyckoff thought that the change to the garage doors helped the design a lot. He added that he felt the entry door should have some trim detail.
- Mr. Gladhill still liked the idea of moving the building out three feet to make it look more like an addition to the building.
- Ms. Whittaker asked the Commission if they were okay with the massing. No Commissioner expressed opposition to the massing.
- Before opening the work session up to public comment, she informed the public that a letter concerning the project had been submitted by Jonathan and Valerie Sobel of 49 Sheafe Street. The letter was placed on record.
- Mr. George Dodge of 175 State Street stated that he would like to see the pediments replicated as much as possible. He too said that the original rear structure was auxiliary to the house and the ceilings were relatively low. He asked about the proposed ceiling heights. Ms. DeStefano said they already have less than 7 ½ feet on the eaves on the second floor. She said it would be hard to go less.
- Ms. Valerie Sobel of 49 Sheafe Street asked about the square footage of the proposed structure. Ms. Whittaker said that was not within the Commission's purview. Ms. Sobel did not think that the design worked and she felt it was because of the massing. She felt there was one garage too many and it was going to be very tight going in and out.
- Mr. Marie Bodi felt that the application had been fast tracked. She did not think the structure belonged and would stick out like a sore thumb.
- Ms. Whittaker stated that she did not believe the project was being fast tracked. Some projects take more time, some take less time but she disagreed that the project was on a speedy trajectory.
- Mr. Todd Spencer of 37 Sheafe Street stated that a lot of the comments this evening have been relevant. He felt the set back from the street was important. He liked that the balcony was moved to the courtyard area.
- Attorney Michael King, representing abutter Mark Connelly said that the elevations submitted did not show the height of the roof. He asked if the height was the same as what was existing. Ms. DeStefano replied no and she could not tell him what the difference in height it was. She said she would include it on the final drawing. Attorney King explained that his client was having a hard time getting out of his building now. He added that massing was a concern.
- Mr. Mark Connelly stated that he felt massing was a concern and it created a line of sight issue and would also cut off natural light to the back of the building.
- Ms. Erica Dodge of 175 State Street said that she liked the idea of putting the hip roof on the gable end as well.
- Mr. Mark Bodi stated that they have made a lot of progress but he felt the massing was still too large.

B. Work Session requested by **Parade Office, LLC, owner**, for property located at **195 Hanover Street**, wherein permission was requested to allow a new free standing structure (construct mixed use, multi-story building). Said property is shown on Assessor Plan 125 as Lot 1 and lies within Central Business, Historic, and Downtown Overlay Districts.

- Ms. Lisa DeStefano of DeStefano Architects, Mr. Matt Worth of Pro Con Incorporated, and Mr. Jeff Johnston of Cathartes Private Investments were present to speak to the application.
- Chairman Dika commented that there has been a lot of press coverage in the paper and she wanted to clarify for everyone that the Commission's scope of review according to the Zoning Ordinance was to review any construction, demolition, repair, or renovation of a building or a structure. She pointed out that there are certain things that are not within the Commission's purview to review.
- Ms. DeStefano asked what Commissioners were sitting on the Commission for the project. Commissioners Gladhill, Kozak, Almeida, Coviello, and Melchior were not.
- Mr. Johnston stated that the program for the building has changed a bit. It was still a mixed use project and the vision and master plan of Port Walk was still in place. He said that they would guide the Commission through the proposed elevations to show them the opportunities and challenges that were associated with the site. He pointed out that one big part of the project was to put all parking on site; one level of parking would be below grade and one level of parking would be above grade.
- Ms. DeStefano showed a site plan explaining that the hotel which was phase one has been completed and phase two was currently under construction. Phase three would be a u-shaped building with a parking deck at grade with access from Maplewood Avenue. She explained that the building would include a hotel with residential above and some retail at the first floor level.
- Ms. DeStefano explained the importance of Port Walk Place and said that they would be able to add more trees than what was previously designed and approved. She added that they would be working with the same materials as originally proposed.
- Ms. DeStefano stated that one change to the building was that there would be a porte-cochere on the front of the building that would pull cars off of Port Walk Place. Mr. Wyckoff asked if one would be able to look through the porte-cochere. Ms. DeStefano replied yes. She said the sunlight would penetrate through it.
- Ms. DeStefano guided the Commission through the various elevations. She highlighted that there would no longer be public parking but instead the parking would be for the users of the building. She pointed out the grade change which would allow for the subsurface parking. Mr. Johnston explained that the grade change from Deer Street down to Maplewood Avenue was 8-9 feet so they were trying to take advantage of the grade differential to lower the garage still off of Maplewood but above the water table. Ms. DeStefano pointed out that a lot of attention would be paid to the pedestrian experience with regard to the parking garage. Ms. Kozak agreed that it was important.
- Mr. Wyckoff stated that he hoped that the corner of the building would be cut in on the first floor only. Ms. DeStefano said that it was their intention to match the existing corner of the building.
- Ms. Kozak asked why the building massing was more prominent on the secondary street (Port Walk Place) rather than the primary street. Ms. DeStefano said that when they first

started the project in 2001, they looked at a lot of traffic patterns. Consultants that were hired to study it said that retail should not be on a thoroughfare street. Maplewood Avenue was a thoroughfare street with 12,000 cars a day coming down it and they did not want cars slowing down looking left and right when they should be progressing through the lights. Chairman Dika commented that she was very concerned with the Maplewood Avenue view when coming into the City. Ms. DeStefano said they would really emphasis the two corners.

- Ms. DeStefano pointed out that the loading docks on the Maplewood Avenue side have been eliminated. She said that they were exploring the possibility of putting a green wall in the infill piece.
- Ms. Kozak felt the plans had come a long way.
- Mr. Wyckoff commented that they could have actual balconies instead of Juliet balconies.
- Ms. DeStefano said that they have not spent any time working on the Deer Street elevation because they knew where their challenges were at the moment.
- Ms. DeStefano stated that they would continue with work sessions.
- Chairman Dika pointed out that there was other development happening on the other side of Maplewood Avenue which would impact this project. She added that the relics on the property were of concern to members of the Commission. She explained that they took their history seriously, and even though it was not within the purview of the Historic District, she hoped that they would be sensitive to the nature of the area. Mr. Johnston said that they were sensitive also and they follow the rules of Section 106. He added that he understood the importance of history in this town.

Ms. Whittaker left at this point in the meeting.

B. Work Session requested by **Gibson B. Kennedy, Jr., and Patricia A. Kennedy, owners**, for property located at **267 Marcy Street**, wherein permission was requested to allow new construction to an existing structure (construct entry porch addition, 2nd floor deck addition) and allow exterior renovations to an existing structure (replace windows). Said property is shown on Assessor Plan 103 as Lot 44 and lies within General Residence B and Historic Districts.

- Ms. Anne Whitney, architect for the project and Mr. Gibson “Mike” Kennedy and Patricia Kennedy, owners of the property were present to speak to the application.
- Ms. Whitney explained that they have eliminated the second floor deck proposal. She then guided the Commission through the submitted plans which included plans for a wrap around porch, replacing a door with new windows, adding a new door on the right side and the replacement of various windows. Marvin windows would be used. She also explained that on the rear of the house, the vinyl would be removed and replaced with wood but the rest of the house would remain vinyl for now.
- Ms. Whitney said they were also proposing a six foot fence which would screen the porch addition. She said it would be a straight board fence with the smooth side facing out.

She explained that for the back part of the yard, the applicants would like to install a seven foot fence that would drop down to four feet along the street. Some of the Commissioners thought that seven foot would be a bit too high.

- Ms. Whitney said that a second A/C unit would be installed as well. Mr. Gladhill reminded the applicant that it would need to be located 10 feet from the property line.

C. Work Session requested by **Nancy J. Ratliff Revocable Trust 2000, owner**, for property located at **180 New Castle Avenue**, wherein permission was requested to allow amendments to previous approval (eliminate two story addition, replace with one story mud room). Said property is shown on Assessor Plan 101 as Lot 23 and lies within Single Residence B and Historic Districts.

Chairman Dika stated that she was recusing herself from the discussion.

- Ms. Anne Whitney, architect for the project and Ms. Nancy Ratliff, owner of the property were present to speak to the application.
- Ms. Whitney stated that the project recently received a one year extension. She said that the main change was on the rear elevation. She said that they were going to leave the back shed addition as is and would add a mudroom.
- Ms. Whitney said that the east side would remain the same; however, they would be replacing the windows. She added that she would like to increase the size of the front steps to 6 feet but it would require going before the Board of Adjustment. She said that she would add it to her HDC application but understood it would be contingent on receiving BOA approval.
- Ms. Kozak expressed displeasure with the sliding glass door. Ms. Whitney pointed out that they already had approval for the door but that she would research other alternatives.

IV. ADJOURNMENT

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

Respectfully submitted,

Liz Good
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on November 9, 2011.