

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

October 5, 2011

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

MEMBERS EXCUSED: John Wyckoff

ALSO PRESENT: Roger Clum, Assistant Building Inspector

A. Approval of minutes – August 3, 2011

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

Approval of minutes – September 7, 2011

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

B. Petition of **Douglas F. Fabbriatore, owner**, for property located at **536 Marcy Street**, wherein permission is requested for 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. *(This item was postponed at the September 7, 2011 meeting to the October 5, 2011 meeting.)*

At the applicant's request, the application was withdrawn from consideration.

C. Petition of **Guy and Jennifer B. Marshall, owners**, and **Dyke and Sara Shaw, applicants**, for property located at **27 Gardner Street**, wherein permission was 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. *(This item was postponed at the September 7, 2011 meeting to the October 5, 2011 meeting.)*

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

SPEAKING TO THE PETITION

Ms. Sara Shaw, owner of the property, was present to speak to the application. She stated that she was proposing an 8' x 8' storage shed that would be 10' high. At the last meeting, she said that she was asked to provide more detail. She guided the Commission through the submitted plans. Ms. Shaw showed the Commission similar sheds in the area with the same look that she was proposing. She also brought examples of the hinges and door latch for the Commission's review.

Mr. Almeida stated that the application was very clear and he felt that the applicant had addressed their concerns.

Vice Chairman Katz said that the application was straightforward and he commended the applicant on the completeness of the application.

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

DECISION OF THE COMMISSION

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

Mr. Almeida stated that the applicant had put together a very clear application which also reflected some examples of similar sheds in the neighborhood. He added that the materials selected were appropriate.

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

D. 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. *(This item was postponed at the September 14, 2011 meeting to the October 5, 2011 meeting.)*

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

SPEAKING TO THE PETITION

Mr. Frederick Crory, owner of the condominium unit stated that he was proposing a JELD-WEN single divided light window with aluminum cladding. He explained that he was able to get the approval from everyone in the condominium association for the use of this window in the building; however, he did not have it in writing. The grid pattern would be six over six.

Ms. Whittaker reminded the Commission that at the last meeting, they told the applicant that if he came forward with an appropriate window, it would be in the condominium association's best interest to use the same window for the entire building. Chairman Dika agreed but added that she had a concern that they did not have anything in writing from the other condominium owners. She explained to Mr. Crory that if they approved this window but a condominium owner did not want to use this window, that owner would have to come before the Commission for approval of an alternate window.

Mr. Almeida asked if this was a replacement window. Mr. Crory explained that the existing casing was rotted and would have to be rebuilt. He also asked if the glass in the new window would be on the same plane as the existing window. Mr. Crory was unable to provide an answer. Mr. Almeida suggested adding it as a stipulation to the approval. Ms. Whittaker reiterated that the appearance of the new windows must match the existing look.

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

DECISION OF THE COMMISSION

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

- 1) That JELD-WEN aluminum clad SDL windows are installed.
- 2) That the plane of the glass will match the plane that currently exists.
- 3) That a blanket approval is granted to the other unit owners to replace their windows at such time that they deem necessary with the same JELD-WEN window and specifications. The Association must provide documentation that those unit owners agree to install this window only. If another window manufacturer is desired, Historic District Commission approval will be necessary.

The motion was seconded by Council Coviello. Chairman Dika asked for discussion. There was no discussion.

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 aluminum clad SDL windows are installed.
- 2) That the plane of the glass will match the plane that currently exists.
- 3) That a blanket approval is granted to the other unit owners to replace their windows at such time that they deem necessary with the same JELD-WEN window and specifications. The Association must provide documentation that those unit owners agree to install this window only. If another window manufacturer is desired, Historic District Commission approval will be necessary.

E. 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. *(This item was postponed at the September 14, 2011 meeting to the October 5, 2011 meeting.)*

SPEAKING TO THE PETITION

Ms. Jessie Aikman, representing the owner was present to speak to the application. She stated that they would like to present a different plan. She explained that they were proposing to keep the flush attached sign in the same location but would reduce its size. The awning would be reduced one inch in both the drop and the projection.

Ms. Whittaker asked if the awning would only go over the windows and not across the entire building which included a side door. Ms. Aikman said it would go over both windows and the main doorway. She added that the main goal was to cover the air conditioner. Ms. Whittaker stated her concern about the awning not covering the side door as well.

Vice Chairman Katz said that he that he understood Ms. Whittaker’s concern but he was okay with the proposal. Mr. Almeida agreed with Vice Chairman Katz. Ms. Whittaker said that the awning would just stop on the front of the building. Chairman Dika stated that the regulations for San Francisco clearly state that the awning must cover the entire building. Ms. Kozak agreed that the awning should cover the entire front. Mr. Almeida thought there might be an opportunity for the door to have its own awning someday. He did not see the issue.

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

DECISION OF THE COMMISSION

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

Vice Chairman Katz said that the observations were recognized but he pointed out that this was not a permanent alteration to the building. He felt it may change over time. He also felt it delineated the storefront and was perfectly acceptable in his opinion.

Chairman Dika stated that it was a valid concern that the awning was only partially covering the building. She felt the Commission should have some serious discussions about how awnings are treated.

Mr. Almeida pointed out that this was a similar situation to the awnings at Sakura where precedence was set. He felt that this application was very similar to that one. He added that he was confident with this awning because the applicant has been before them many times for other awnings on Market Street and he had yet to be disappointed.

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

II. PUBLIC HEARINGS

1. **(Work Session / Public Hearing)** Petition of **Gilman Anderson and Winifred Amaturro, owners**, for property located at **129 State Street**, wherein permission was requested to allow new construction to an existing structure (construct rear garage addition) and allow exterior renovations to an existing structure (renovations 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.

WORK SESSION

- Ms. Lisa DeStefano and Ms. Sarah Hourihane of DeStefano Architects were present to speak to the application. Ms. DeStefano stated that they were presenting two options for the addition. Page 5 showed the first option. Chairman Dika asked for comments on the first option. Mr. Almeida commented that he thought it was a great improvement. Page 7 showed the second option that showed the option of a hip roof on the addition. Vice Chairman Katz stated that his original objection to the original design was that the structure was an entity to itself rather than being subordinate and adjunct to the original structure. He felt that the hip roof option answered all of his objections and he stated that he was firmly in favor of it.
- Ms. Kozak agreed with Vice Chairman Katz. Her only question was how it would fit with what is already there because this would be the first hipped roof in the area. Ms. DeStefano agreed that this form was new to the street but she felt the hip looked like it was leaning against or resting upon the existing structure.
- Mr. Almeida also agreed with Vice Chairman Katz. He also pointed out that there needed to be a shadow board on the eave detailing. Ms. DeStefano said that they could amend the application to include that.
- Ms. DeStefano continued to guide the Commission through the submitted plans. She highlighted the decorative pediment detail over the windows. She stated that they were trying to replicate what they believed was there at one time. She also pointed out that the deck was moved from the Sheafe Street side to the garden side of the proposed addition.
- Mr. Gladhill expressed his concern with the look of the hip roof on the State Street side of the addition but added that it was not a deal breaker for him.
- Chairman Dika said that she understood that the hip roof was not a form that is on the street currently but she pointed out that the gable roof that was originally proposed did

not duplicate the types of gables that were currently on the street. She felt that the new form was not trying to mimic something that was currently there unsuccessfully.

- Ms. DeStefano stated that the all of the windows would be replaced with a clad window in the color arctic white.
- Chairman Dika asked if any members of the public wished to speak to the changes.
- Mr. George Dodge of State Street stated that there was a house State Street that had a hip roof. He said that he was happy with the way the project has moved forward. It was much improved and he said he would support it.
- Ms. Marie Bodi of 121 State Street stated that her husband met with Ms. DeStefano and they were much happier with the new design. She pointed out that Sheafe Street was their main point of entrance and that way why she was so concerned with the project.
- Mr. Jon Sobel of 49 Sheafe Street said that he felt there could be a better rhythm concerning the three doors on the Sheafe Street side of the addition. He felt that the revisions to the gable roof were a home run but the hip roof would be very visible. He had a concern that one day the hip roof would be pocketed with skylights.
- Mr. Almeida pointed out that with the hip roof option, it allowed views beyond the building and over to State Street. He felt it minimized the impact visually to the street.
- Mr. Mark Connelly of 123 State Street stated that this process showed the dynamics of a good work session. He was in favor of the proposed changes. He pointed out that He and Mr. Bodi met with Ms. Hourihane and expressed their concern about drainage and the electric lines. Ms. DeStefano assured Mr. Connelly that they would be shedding the water away from his building.
- Mr. Almeida asked where meters would be placed. Ms. DeStefano said that they have not gotten to that point yet. She said they would be sensitive to that when the time comes.
- Ms. Bodi stated that she had a concern about their air conditioning compressor and whether the size of that would be increased. Chairman Dika explained that the applicant would need to get HDC approval to change the size of the unit.
- Mr. Todd Spencer of 37 Sheafe Street commented that he was much happier with the design. He felt that it fit better on Sheafe Street.
- Chairman Dika added that she had also had the concern about the three door rhythm that Mr. Sobel pointed out.

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

SPEAKING TO THE PETITION

Ms. DeStefano stated that she was presenting the final design with the following amendments: that Page 5 be removed from the submission, that Page 7 was the roof system that would be used, that a 1"x3" inch eave detail was added, that the decorative pediments would be added to the State Street and garden side of the structure, and that all of the windows in the brick building would be replaced.

Mr. Gladhill asked if the fencing would be replaced at this time. Ms. DeStefano replied yes and pointed out that the details and dimensions were included in the submission. She added that they would work with the City regarding the section of fence that abuts City property.

Hearing no other 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

Mr. Jon Sobel stated that he wanted to commend the applicant, the architect, and the Commission for the time spent on this project. He felt it was a very sensitive project in an area where thousands of tourists come through as a cut through to the downtown. He said they would end up with the best possible result.

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

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

- 1) That Sheet 5 of 10 is removed from the application.
- 2) That the hip roof is the approved roofing system, shown on Sheet 7 of 10.
- 3) That a 1"x 3" trim board is added to the eave detail, noted as Eave Detail 1.
- 4) That the decorative pediment detail, noted as Decorative Pediment Detail 3., will be added to the windows on the State Street and garden sides of the brick building.
- 5) That all of the windows in the existing brick building will be replaced.

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

Vice Chairman Katz stated that this was probably one of the best examples of how the Historic District Commission should work in working with the applicant and the abutters offering their valuable opinions. He said that it appeared that they reached a decision that was amendable to everyone.

Mr. Almeida commended the owners for taking on such a huge and important project. He said that the building needed a huge amount of work and was located in the heart of the historic district.

Chairman Dika said that the success of the project came from the maturity of the abutters and the applicant and the great talent of the architects and their willingness to keep an open mind and to continuously work the project until it reached satisfaction with everyone. She thanked everyone involved.

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

- 1) That Sheet 5 of 10 is removed from the application.
- 2) That the hip roof is the approved roofing system, shown on Sheet 7 of 10.
- 3) That a 1”x 3” trim board is added to the eave detail, noted as Eave Detail 1.
- 4) That the decorative pediment detail, noted as Decorative Pediment Detail 3., will be added to the windows on the State Street and garden sides of the brick building.
- 5) That all of the windows in the existing brick building will be replaced.

2. Petition of **HarborCorp, LLC, owner**, for property located at **Deer Street, Russell Street, and Maplewood Avenue**, wherein permission was requested to allow a third one year extension of the Certificate of Appropriateness originally granted on February 21, 2007. Said property is shown on Assessor Maps 118, 125, and 124 as Lots 28, 21, and 12 and lies within Central Business B, Historic and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Attorney Bill Tanguay of McNeill, Taylor, and Gallo, P.A. and Mr. Chris Thompson of Harbor Corp. were present to speak to the application. Attorney Tanguay stated that he was filling in for Attorney Malcolm McNeill who had a prior commitment. He said they regretted to have to come before the Commission to ask for the extension. It was not from a lack of desire or commitment but rather it was the result of a lack of capital and the economic conditions that they face. He said that they want to move forward and that was evidenced in the fact that they went before the Technical Advisory Committee yesterday and received a favorable recommendation which would move them to the Planning Board for final approval. Attorney Tanguay pointed out that it was a conditional approval where the applicant would make a fair share contribution to the City to fund the Northern Tier Traffic Impact Study and Improvement Plan. He also added that there was nothing about the plan that had changed from the HDC’s standpoint.

Chairman Dika asked which Commissioners were sitting at the time of the original approval. Only Chairman Dika and Vice Chairman Katz stated that they were familiar with the project.

Ms. Whittaker asked Mr. Clum if there was any precedence for granting a third extension without reviewing the plans. She pointed out that there has been a large change to that area of the City and that it has been over five years since the original approval. Mr. Clum answered that he thought this was the first time a third extension request has come before the Commission.

Chairman Dika explained to the rest of the Commission that a great deal of time was spent on the project with many work sessions. She added that there were some specifics of the project that were of great interest to the City, one being a parking facility and the other being a conference center, both of which are badly needed. She asked that if they do not extend the approval, what was the likelihood that they could approve the project again that would include those two things.

Mr. Almeida stated that these are very unusual times. He pointed out that the project was very large and very complex and has cleared many hurdles and to erase that would be a shame.

Vice Chairman Katz commented that given the amount of time they have spent on this project, he felt they did not have the primary impetus in it as there were other City boards that would be the prime movers of this. He added that the HDC was part and parcel to it and they could create mischief if they had the inclination to deny it. He said that he did not have that inclination.

Ms. Whittaker agreed with Vice Chairman Katz; however, she pointed out that there were two members of the Commission who knew the appearance of the building and the rest of the Commission does not. She hoped that before they make the decision to extend or not, she felt they should look at the project since it was a new Commission and the area where the project was to happen has changed.

Vice Chairman Katz suggested that an approval of the extension could be contingent on the agreement that there would be a meeting with the applicant to fill the present Commission in on the project. Chairman Dika asked when the approval would lapse. Attorney Tanguay said it would expire on October 8, 2011. Attorney Tanguay stated that Mr. Wyckoff was part of the Commission at that time so there were three members.

Councilor Coviello stated that he would not be in favor of asking the applicant to come back and present if the Commission was not going to provide suggestions. It would cost people a lot of time and money and he was not sure the Commission had that authority. Councilor Coviello asked if the goals of the HDC have changed within the last five years and has the area changed in the last five years in such a way that the HDC might have different opinions.

Mr. Almeida pointed out that when they have reviewed other projects in the area, the Westin project is referenced many times. It shows up in other applicant's site plans and renderings. Even though some of them were not present for the hearing did not mean that they were not familiar with it.

Ms. Kozak said that they were being asked to extend an application; they were not being asked to review if from head to toe. She said that they should ask themselves if any of the perimeters changed. She acknowledged that there has been development in the area but she did not think that the goals and the master plan for the Northern Tier were consistent with how it was approved. She did not see anything that would cause them to not extend the approval.

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

DECISION OF THE COMMISSION

Mr. Almeida made a motion to grant another one year extension for the project as approved. The motion was seconded by Vice Chairman Katz. Chairman Dika asked for discussion.

Ms. Whittaker stated that she was shocked by the comments made. She explained that she was elected to the HDC right after this project was approved. She said that there have been adjustments made to the HDC regulations made after the approval. She pointed out that they

have considered this project without its details while other major transitions surrounding it went up around it. She was shocked to think that some of the Commissioners felt there has not been a major change to the area. She felt it warranted a look.

Councilor Coviello stated that Ms. Whittaker has made a very good point. He said it was not an easy decision for him.

Vice Chairman Katz said that the members of the Commission at the time exercised their due diligence to come to the determination that this project was worthy of approval. He felt nothing has happened since then to doubt their ability to come to that decision.

Mr. Gladhill stated that he was not part of the Commission at the time but came to many work sessions as a member of The Portsmouth Advocates. He agreed that the area has changed but not so much that the original plan warrants a review.

Chairman Dika said that she would vote to support it. She remembered spending a lot of time reviewing it but her greatest fear was that having waited so long to produce this project, that there will be major modifications. She said that she was hopeful that when they do come back, that they will see the same project in its entirety instead of some piece meal fabrication that they could not quite afford to complete.

Hearing no other discussion, Chairman Dika called for the vote. The motion to grant another one year extension for the project as approved passed by a vote of 6-1 with Ms. Whittaker voting in opposition.

3. Petition of **Harbour Place Condominium Association, owner**, for property located at **135 Bow Street**, wherein permission was requested to allow new construction to an existing structure (construct new covered entry) and allow exterior renovations to an existing structure (reconfigure windows at entry, install granite posts, install lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 2-1 and lies within Central Business A, Historic and Downtown Overlay Districts.

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

SPEAKING TO THE PETITION

Ms. Jennifer Ramsey of Somma Studios was present to speak to the application. She stated that they were proposing a covered entry. She explained that this covered entry was part of a larger scope of work to deal with water issues. The plans called for infilling the upper area with a new roof system below it. The roof entry would have a trough drain to collect the water and divert it away from the entry.

For the eave detail, Ms. Ramsey explained that they were taking portions of the taller eave band that is currently on the tower. A copper gutter would be added at this location as well. Also, as

part of the proposal, they were proposing some light fixtures. Ms. Ramsey said that she would return at a later date for approval for the granite retaining walls.

Mr. Almeida commented that this stretch of Bow Street had very authentic materials and he felt that this was an opportunity to use copper as the roofing material instead of a standing seam roof that was being proposed. He also felt it was in a prominent location. Chairman Dika asked Ms. Ramsey if they would consider that change. Ms. Whittaker asked if it was a deal breaker for some of the Commissioners. Vice Chairman Katz said that it would be nice but it was not a deal breaker for him. Ms. Kozak and Chairman Dika she agreed with Mr. Almeida.

Hearing no other 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

Mr. Hank Stebbins, president of the condominium association and a resident of 135 Bow Street explained this was the first phase of the project of the renovation of their condominium. He said that it received unanimous approval from the homeowner's association meeting. He pointed out that there has been a great deal of investment next door at the Harbour Place building and so they needed to bring their standards up to meet what's there.

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.

Mr. Almeida asked if standing seam metal roofing would be proposed anywhere else on the property as the renovations unfolded. Ms. Ramsey replied no.

Vice Chairman Katz stated that he was disturbed by the gentile arm twisting to upgrade the material. He said that he was uncomfortable with that since he did not see anything that was inappropriate about the proposal.

Chairman Dika explained to Ms. Ramsey that she should specify what material she was willing to propose. Ms. Ramsey said that the proposal was to use the patina copper color metal roofing material. She pointed out that it was used at 117 Bow Street.

Mr. Almeida said that appropriateness was what he was addressing. He pointed out that there are an unusual amount of authentic materials on Bow Street. He felt the Commission made a mistake recently with some faux granite steps that did not come anywhere near achieving the look of granite. He wanted to be careful about approving faux finishes.

Mr. Stebbins stated that they would prefer to go with the original proposal.

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 Ms. Whittaker. Chairman Dika asked for discussion.

Vice Chairman Katz stated that he did not find it inappropriate. He said he would like to see copper roofing also but he felt the Commission was constantly struggling with slippery slopes.

Ms. Whittaker agreed with Vice Chairman Katz. She also said that this material was already being used in the same space in small sections.

Mr. Melchior stated that he would not be voting in support of it because material was within the Commission’s purview. He pointed out the situation where an applicant was asked to change from cementitious siding to wood siding. Mr. Almeida added that they were only talking about 25 square feet of copper.

Reluctantly, Vice Chairman Katz withdrew his motion so the applicant would not lose the application.

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

- 1) That real copper is used as the roofing material.

The motion was seconded by Mr. Almeida. There was no additional discussion.

The motion to grant a Certificate of Approval for the application as presented with the following stipulation passed by a 6-0 vote with Vice Chairman Katz abstaining:

- 1) That real copper is used as the roofing material.

4. Petition of **T.J. Martin and Christopher S. Martin, owners**, for property located at **508 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, reconfigure windows on north and west elevations) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 57 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. T.J. Martin and Mr. Christopher Martin were present to speak to the application. T.J. Martin explained that they have revised their plans and are now leaving the window on the interior stairway as is. He passed out revised plans showing that change. Christopher Martin stated that on the north elevation, they were proposing to change the size of a kitchen window by making it shorter in height and expanding it in width. They were also proposing to board up one window location on the west elevation.

Councilor Coviello commented that the house had aluminum siding. He wondered if they would be able to match the aluminum siding when they boarded up the window. T.J. Martin said that it was and it was paintable.

Ms. Whittaker had a concern with the new window configuration. She pointed out that the window they wished to change was the one window on that elevation that made sense. T.J. Martin said that he understood her concern but he did not think it was that dramatic of a change. Vice Chairman Katz stated that he did not have a problem with the configuration.

Councilor Coviello asked if the top of the proposed kitchen window at the same height as the existing window. Ms. Whittaker said that it was three inches higher. Councilor Coviello said that the new height was getting close to the skirt area on the house.

Ms. Kozak asked about the floor heights. She indicated that she had a problem with the window. She wondered if the sill could be lowered and still keep the width. T.J. Martin said that he had no problem lowering it.

Ms. Whittaker stated that she felt like the Commission was designing the project for the applicant. She suggested postponing the application so that additional window choices could be explored.

Vice Chairman Katz advised the applicants to come back with some alternatives and the Commission can review them and vote on the one that works the best with the structure. Mr. Almeida asked for more details on the windows as well.

DECISION OF THE COMMISSION

Councilor Coviello made a motion to postpone the application to the November 2, 2011 meeting. The motion was seconded by Vice Chairman Katz. The motion passed by a unanimous (7-0) vote.

5. Petition of **Nancy J. Ratliff Trust 2000, owner**, for property located at **180 New Castle Avenue**, wherein permission was requested to allow amendments to a previously approved design (delete two story addition, replace with one story mud room addition, rebuild entry porch, misc. window changes) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 23 and lies within Single Residence B and Historic Districts.

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

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project was present to speak to the application. She stated that a work session was held last month to discuss the changes to the previously approved

design. She explained that they were eliminating the two story addition and instead adding a mud room on the rear elevation. The mud room would be 8'6" in width. On the right side elevation, the stairs would be expanded by one foot. On the rear elevation, one double hung window would be replaced with three casement windows.

Mr. Almeida asked if the foundation on the mud room addition would have a brick veneer. Ms. Whitney explained that some areas would have the brick veneer but the areas where it was close to grade would not.

Vice Chairman Katz asked if anyone in the public wished to speak to, for, or against the application. Seeing no one rise she declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Almeida made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Councilor Coviello. There was no discussion.

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

6. Petition of **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 side porch addition, rebuild steps, replace misc. windows and doors, install fencing, add generator and HVAC unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 44 and lies in the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project was present to speak to the application. She passed out a revised plan and highlighted the changes: a new entry porch on the Gardner Street side, adding a roof over an existing addition, replacing casement windows with double hung windows on the two story addition, replacing a door with a pair of double hung windows and relocating the door to the right of those windows, rebuild the steps, add a six foot fence and reconfigure and replace various windows on the structure. The proposed window would be Marvin clad single divided light. Ms. Whitney also said that an HVAC unit and a generator would be installed.

Councilor Coviello asked for the front porch and railing details. Ms. Whitney had a drawing of the railing system and she passed it to the Commission for their review. She also had a sample of the railing with her.

Council Coviello asked what the reason for the fence was for. Ms. Whitney explained that the applicant would like privacy in their yard. Ms. Whittaker stated that she had concern with the fence. She felt they were closing down these homes and yards with high fences. She said that

they take away a lot of the walking views in the area. She said that she would like to see the fence lowered. Ms. Whittaker asked the Commission if they had any problems with the fences. There was considerable discussion regarding the height of the fence. Chairman Dika said that she was inclined to agree with Ms. Whittaker but on this stretch of Gardner Street it was fairly typical. No Commissioners spoke in opposition to it.

Councilor Coviello asked the Commissioners if they had a problem with the view of the new porch being blocked by the fence. Chairman Dika said that it was such an improvement to what was there it was hard for her to speak against it. No Commissioners spoke in opposition to it.

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

DECISION OF THE COMMISSION

Mr. Almeida made a motion to grant a Certificate of Approval for the application as presented. The motion was seconded by Councilor Coviello. There was no discussion.

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.

7. Petition of **John R. Maher, owner**, for property located at **240 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, replace front door, replace vinyl siding with composite siding, replace mudsill with composite material, renovate rear porch and gable roof, remove rear east chimney, lower two front chimneys) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 136 as Lot 10 and lies within Mixed Residential Office and Historic Districts.

SPEAKING TO THE PETITION

Ms. Anne Whitney, architect for the project and Mr. John Maher and Mrs. Skye Maher were present to speak to the application. Ms. Whitney stated that there were many elements to the application so she would start with the front doors. She explained that the doors was very old and in very poor condition. They would like to replace the doors as they have been repaired several times. She was proposing a Simpson fir door that would be made in a narrower configuration. The stain glass pattern would be replicated and mounted on the inside of the doors. Ms. Whitney pointed out that she did not include this detail in the plans since it was something that would be applied from the inside.

Ms. Whitney also said that they would be replacing the windows, one unit at a time as tenants vacate. She said that in the older part of the building, there were six over six windows and they were planning to keep that pattern. The arched window over the front door would be repaired. The newer section of the building had two over two windows and those remain the same pattern as well.

Chairman Dika asked what the age of the windows was. Ms. Whitney asked Ms. Maher and Ms. Maher stated that there was a renovation done in 1880 and some of the windows were replaced at that time. Chairman Dika asked if there had been any consideration to rebuilding the windows that were there. Ms. Whitney explained that they were in tough shape. She added that the installation of the solar panels has helped with the energy efficiency of the building and the window replacement would only help that cause. She said that their preference was to replace the windows to get the building as tight as possible.

Ms. Whitney stated that they would like to remove the vinyl siding and replace it with hardiplank. They would also like to use Azek for any trim that might need to be replaced.

On the rear porch, Ms. Whitney explained that they would like to add an overhang using the same trim pattern.

As the final proposal, Ms. Whitney stated that the building had several tall chimneys. They would like to remove one chimney. All of the chimneys were not in good condition. They would also like to reduce the height of the two front chimneys to 36 inches from the highest point. She added that none of the chimneys were in use. Ms. Whittaker asked if the chimneys were original to the structure. Ms. Whitney said she thought so. Ms. Whittaker said that was something she would not be able to support. Ms. Whitney asked about the rear chimney that was added when the addition was added. Ms. Whittaker wondered what the other Commissioners thought. Chairman Dika said that she could not support the shortening of the chimneys and she would have to think about the removal of the third chimney. Mr. Almeida stated that it would be a deal breaker for him. He said they should be rebuilt because they were too important to the structure.

Ms. Whittaker stated that she had concern with the front door proposal. She felt the doors should be restored. Ms. Whitney said that restoring it would be a significant investment; probably around \$6,000-\$8,000. Ms. Whittaker said that she understood but that this was an historic home. Chairman Dika and Mr. Almeida agreed.

Chairman Dika commented that they did not come for a work session with this project.

Ms. Maher stated that she was the manager of the property. She said that she understood the issue of the chimneys but she disagreed. She pointed out that the front door has been worked on so many times. They are warped and do not lock well. She said she would love to be able to replace the doors and would be as sensitive as possible in doing it.

Ms. Whitney added that they would also like to replace the rear door. It was an existing wood paneled door installed in the 1970's. They would like to replace it with a Therma Tru door with a transom above. She noted that a transom did originally exist at one time in that location.

Ms. Whitney informed the Commission that they were willing to leave the chimneys as is. Vice Chairman Katz pointed out that exception in the Zoning Ordinance regarding the replacing of doors. Mr. Almeida added that it would need to be identical.

Ms. Whitney told the Commission that they would withdraw the request to replace the door and the chimney proposal from the application at this time.

Ms. Whitney stated that the window they were proposing was a Trimline window with aluminum cladding and a spacer bar.

Ms. Kozak suggested that they discuss the loss of the original windows at street level. She said it was difficult to see original windows going into dumpsters instead of being repaired or retrofitted with storms or weather stripping. Ms. Whitney said that if they did that, then the upper windows would not match the street level windows.

Mr. Gladhill stated that he had trouble with removing original windows from old buildings like this one. Chairman Dika said she did also. Ms. Whittaker commented that there was a large expense in restoring historic windows but there was a way to make historic windows more energy efficient. She pointed out that the Commission’s purview was to preserve historic character. Mr. Almeida added that both can be achieved.

Ms. Whitney suggested that they postpone the application to a work session/public hearing at next month’s meeting.

Chairman Dika encouraged the Commissioners, on their own time, to take a look at the windows prior to the next meeting.

DECISION OF THE COMMISSION

Councilor Coviello made a motion to postpone the application to the November 2, 2011 meeting for a work session/public hearing. The motion was seconded by Mr. Melchior. The motion passed by a unanimous (7-0) vote.

8. Petition of **Michael R. and Denise Todd, owners**, for property located at **254 South Street**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 4 and lies within the Single 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 November 2, 2011 meeting. The motion was seconded by Councilor Coviello. The motion passed by a unanimous (7-0) vote.

At this point in the meeting, Mr. Rick Taintor, Planning Director, informed the Commission that the American Planning Association recently designated Market Street and Market Square as one of the top 10 great streets in the country for 2011. He explained that they designate these streets to exemplify high quality character and the role that planners and communities play in creating communities of lasting value. He congratulated the Commission and their predecessors for the work that they do and have done to make this designation possible.

III. WORK SESSIONS

A. 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 us, multi-story building). Said property is shown on Assessor Plan 125 as Lot 1 and lies within Central Business, Historic, and Downtown Overlay Districts.

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

- Ms. Lisa DeStefano of DeStefano Architects, Mr. Matt Worth of Pro Con, and Mr. Jeff Johnston of Cathartes Private Investments were present to speak to the application. Ms. DeStefano stated that they had a work session last month to reintroduce the project.
- Mr. Johnston said that what they heard from the work sessions was that the corners on Maplewood Avenue were very important. They have brought commercial back to both corners to the street level. He said that they have met with Steve Kelm to coordinate with the project proposed across the street. He also explained that they have eliminated the opening on Maplewood Avenue and were trying to make it a pedestrian friendly street. He said that they still had work to do but were trying to respond to the comments from the work session.
- Ms. DeStefano guided the Commission through the four elevations. She said that they were looking at similar materials as to what was approved before and looking at earth tones as to the color palette.
- Mr. Almeida commented that the base of the building feels the same as the adjacent building. Ms. DeStefano said that they would bring some 3-D models to the next meeting to address that concern.
- Chairman Dika stated that what she hears from the public was that they are worried that there will be another big rectangular building. Ms. DeStefano said that on the hotel side of the building, there were some plane changes and angles in the footprint which help to break up some of the mass.
- Ms. Kozak asked what the depth was of the recessed zones. Ms. DeStefano replied that she would like to see a couple of feet.
- Mr. Almeida commented that he mentioned at the work session that he was worried about the lighting at the street level parking. Ms. DeStefano said they would have a much tighter grill system to screen it. Chairman Dika asked what they were losing to cause this to be street level parking now. Mr. Johnston said that one level was the City's and one

level was the owner's. He explained that the effort was to slide it up above the water table. Ms. Kozak stated that she was still struggling with having parking at the sidewalk for such a great expanse of a City block. Ms. Whittaker pointed out that they have that situation right up with the street with the parking garage. She did not think it was going to be a sidewalk that anyone would want to use. Mr. Johnston explained that this parking was what was required for the building – 250-270 spaces. They are providing all of their parking on site.

- Ms. Whittaker agreed that the current parking garage that we have was not an architectural gem but we are a city and there will be parking garages. She felt this proposal was a much nicer parking reality than what was existing.
- Mr. Gladhill pointed out that the Hanover Street parking garage was set back from the street with a strip of grass in between.
- Chairman Dika also pointed out that it was the importance of the access to the northern tier along Maplewood Avenue because there was not another pedestrian access.
- Ms. Kozak stated that she felt the Maplewood Avenue elevation was probably more important than the Hanover Street elevation. Mr. Almeida talked about a fake storefront that would hide the parking garage. Ms. DeStefano said that they could take a look at that idea.
- On the Port Walk Place elevation, Ms. DeStefano pointed out the metal awning that would announce the entrance and egress to the parking area. She said that they were still working on the details to the left and the right of the center bays. She pointed out that they were showing the muntins and mullions the same on all of the buildings. Ms. DeStefano pointed out; however, that she was working hard to not have too much copying what was across the street.
- Ms. Kozak stated that the building seemed to be all brick. She wondered if there would be any relief such as projecting brick or recessed courses. Ms. DeStefano said that the base would be projected and there would be some relief. She also said that there would be different column widths.
- There was discussion on the use of materials on the Port Walk Place side of the structure. Mr. Almeida commented that he thought the green color on the residential building was very successful. Ms. Kozak said that there was a fine line between creating a collection of what looks like separate buildings like at 6-16 Congress Street and a building that is one building but has variety to it. She was not sure where this building fell. Ms. DeStefano said that they were creating the look of a collection of buildings. Ms. Kozak pointed out that the base was the same so perhaps it should look different from top to bottom.
- Ms. Kozak commented that she liked the massing on Port Walk Place for that size street.
- Ms. DeStefano said that Deer Street was the smallest of the elevations. She pointed out that they would investigate the tower more on this elevation.
- On the Maplewood Avenue elevation, Ms. DeStefano explained that the wall would be recessed back three feet that would allow them to have the green space that was needed on this elevation. There would be no vehicular access now on this side. She pointed out that the trash and mechanicals would be on this side but tucked behind doors. Ms. DeStefano also pointed out that the scale has been reduced down to be more pedestrian friendly. Mr. Johnston told the Commission that the sidewalk was 9'6" which was generous from a pedestrian standpoint.

- Ms. Kozak said that a perspective sight line looking up from the sidewalk would be helpful at the next session. She wondered if you could see beyond the building when looking up or did you have to cross the street to see it. She was excited to see the elevation coming together.
- Ms. DeStefano stated that for the next meeting, they would be showing all of the interior courtyard elevations, 3-D drawings, options of looking at specific areas on the building as a storefront, and examples of relief on the face of the building.

Ms. Whittaker left at this point in the meeting.

B. Work Session requested by **Robert L. Vaccaro, owner**, for property located at **411 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove slate roof, replace with simulated slate roof) and allow new construction to an existing structure (install solar panels). Said property is shown on Assessor Plan 135 as Lot 2 and lies within Mixed Residential Office and Historic Districts.

SPEAKING TO THE PETITION

- Mr. Robert Vaccaro, owner of the building, Mr. Dan Rawling, partner for the project, and Mr. George (last name not given), a solar engineer were present to speak to the application.
- Mr. Vaccaro stated that the existing slate was deteriorating and they were proposing to use the same simulated slate that was approved for the porch approximately ten years ago.
- Chairman Dika asked Mr. Vaccaro how long he has owned his home. Mr. Vaccaro said since 1999.
- The Commission was okay with the simulated slate proposal.
- Mr. Vaccaro explained that he was also proposing to place solar panels on the roof. He said that the panels would be on the south facing sections of the roof. The panels would be 3' x 5' in size and would be black in color. He said that they would like to put as many panels on the roof as possible and that would allow them to generate about 1/3 of the power for the house.
- Ms. Kozak asked Mr. Vaccaro if he had thought of photovoltaic tiles for the roof. George stated that they had thought of them but there was really only one manufacturer of them. He added that when they were exposed to the sun they get very hot and explained in detail why they were not the ideal product. Mr. Vaccaro added that the tiles looked like glass; they did not look like slate.
- Mr. Gladhill asked if they could see a sample of what they were proposing. George said that he could show them pictures of installations. He explained that it would be a black frame with a solid black module and would blend in well. Mr. Rawling said that there was an example of similar panels on a house on Richards Avenue.
- Vice Chairman Katz asked if the panels would be seen from any other streets besides Merrimack Street. Mr. Vaccaro said he did not think so.

- Mr. Melchior asked if this condition was reversible. Mr. Vaccaro replied yes.
- Vice Chairman Katz commented that this proposal was less obtrusive than ones that they have approved previously. Mr. Melchior added that this was pretty close to the ideal situation.
- Ms. Kozak stated that the only thing that bothered her about the proposal was the patchwork look of the roof. She also thought there would be a big contrast in look between the slate roof and the panels.
- Chairman Dika asked if there was way to make the panels less shiny. George said that they were not that shiny but it was a glass surface that would naturally slough off the rain and snow.
- Mr. Rawling agreed about the patchy look and said they would try to get a more unified look.

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 December 7, 2011.