

**MINUTES  
of  
WORK SESSION  
  
PLANNING BOARD  
and  
HISTORIC DISTRICT COMMISSION**

**PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 PM**

**APRIL 26, 2012**

**PLANNING BOARD**

**MEMBERS PRESENT:** John Ricci, Chairman; Paige Roberts, Vice Chairman; Nancy Novelline Clayburgh, City Council Representative; John Rice; Anthony Blenkinsop; MaryLiz Geffert; William Gladhill; Cindy Hayden, Deputy City Manager;

**MEMBERS EXCUSED:** Richard Hopley, Building Inspector; and Brian Groth, Alternate

**HISTORIC DISTRICT COMMISSION**

**MEMBERS PRESENT:** Richard Katz, Chairman; Joe Almeida, Vice Chairman; Jack Thorsen, City Council Representative; Dan Rowling;

**MEMBERS EXCUSED:** Tracy Kozak; Elena Whittaker; John Wyckoff, George Melchior

**ALSO PRESENT:** Rick Taintor, Planning Director; Nicholas Cracknell, Planning Consultant

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Chairman Ricci called the Work Session to order and had the members introduce themselves to the viewing public.

**I. WORK SESSION – PROPOSED ZONING AMENDMENTS**

Mr. Taintor stated that staff has prepared four packet of zoning changes for their consideration and tonight was so that they could have an open ended discussion of those items. He felt they should save Item B for the end as it was the simplest item.

**Item A. - Projections Into Required Yards**

Mr. Taintor indicated this was meant to look at setbacks from yards and accommodate the variety of facades of buildings which make things more interesting. He turned the Work Session over to Nick Cracknell.

Mr. Cracknell felt that the three main goals they were trying to address were the new section on projections or exemptions into the setbacks which would reduce the case load of the BOA. Sometimes the BOA process costs more than the actual construction project. Many projections add character and interest to the diverse neighborhoods however anything over 18" is considered part of the principal structure and has to be set back. This is an attempt to look at six types of projections, reduce the case load to the BOA, improve the project design and reflect more traditional neighborhood design. The items under consideration were

- Balconies or bay windows, not exceeding 50% of the building face in total
- Open and uncovered terraces, decks, steps, or stoops less than 4' in height
- Unenclosed porches, steps or stoops more than 4' in height
- Porticos (either enclosed or unenclosed) less than 20 s.f. in area
- Roof eaves or overhangs
- Fire escapes, fire towers, storm enclosures, awnings, or similar architectural features

Mr. Rice asked if he was talking about extending something further out. Mr. Cracknell explained that they would be able to add to their house one of these items, such as a portico, provided they met any limitations of the element itself and the maximum projection.

Deputy City Manager Hayden wanted to confirm that they are not intending to allow anything to project over someone else's property. Mr. Cracknell stated that was correct. Deputy City Manager Hayden referred to the last group of item and asked what "other similar architectural features" would be and wondered if they needed to say that. Mr. Cracknell gave examples of an elevator shaft or chimneys. Deputy City Manager felt that if there aren't other items that come to mind, maybe they should take that out. Mr. Rowling suggested roof cornices projecting over a City property. Mr. Taintor confirmed they would need an easement for that. Once it gets onto City land it is not covered by zoning because it is no longer on private property.

Mr. Rice asked if the HDC would be able to trump these maximum projections if they were out of scale. Chairman Katz indicated that the HDC works in a contextual fashion so, even though it filled these requirements, they could say that it does not fit in with the neighborhood.

Deputy City Manager Hayden felt that the HDC would still have all of the powers that they do now. An applicant just would not have to go to the BOA. She felt this was a great thing for residents.

Councilor Novelline Clayburgh asked about balconies and asked if people ever try to put them on the front and should they be more specific. Mr. Cracknell confirmed that these projections apply to all four sides. He also mentioned that a lot of these items going to the BOA is outside the Historic District.

Mr. Almeida asked how they would they control the maximum amount someone could go across the face of the building. Someone could significantly extend their building with porticos and balconies. Mr. Cracknell thought they might want to state the obvious and limit this to the ground floor.

Mr. Blenkinsop asked them to define the yard. Mr. Taintor stated that the yard is what is commonly called the setback. It is the distance by which the house has to be set back from the lot line.

Deputy City Manager Hayden asked what a terrace was. Mr. Almeida felt it was not necessarily covered like a portico. Deputy City Manager Hayden asked about some of the larger features and asked if they should have some limit applied so that they still have to go to the BOA. Mr. Cracknell stated that currently if they are under 18” they can go right up to the property line. If they are over 18” they will count as building coverage so there is another dimensional control that is pushing it to a smaller size.

Mr. Almeida asked why they wouldn’t simply change the setback requirement for the front yard. A lot are zero setbacks already. Mr. Cracknell explained that this applies to all four sides. There are clearly going to be neighborhoods that they will continue to look at.

Mr. Katz asked if someone could build a porch in front of their house with a roof. Mr. Cracknell stated they could build it but they couldn’t enclose it. Chairman Ricci thought they should define what was unenclosed as it could get complicated.

Mr. Blenkinsop asked about window pediments and where they would fit under the draft document. Mr. Cracknell confirmed that was a good point. This came up recently with Mr. Cracknell where somebody was trying to add a window pediment on a zero lot line. There was an exemption for the roof overhang which already has a 22” projection for the roof. The pediment they wanted to add was to cover a set of French doors that go out to a balconette, which they hope will become a balcony after going to the BOA. He felt it would make sense to add a seventh element to the table because they certainly do not want to have a 2’ or a 4’ projection on a window pediment. He felt that 6” to 8” would be very generous. They should spell that out.

Mr. Almeida felt that a photo they provided had a pediment that looked to be more like 12”. Mr. Cracknell confirmed they could say 12” for a window pediment. Chairman Ricci added that if they wanted anything more they would have to go to the BOA.

Ms. Geffert asked if they needed a definition of enclosed or unenclosed. Ms. Cracknell felt that unless they want to allow screens, unenclosed is unenclosed. Mr. Almeida stated it wasn’t just screens; it is often curtains, drapes or shutters. Chairman Ricci thought they should define it as people will stretch the intent. Mr. Almeida noted they are now seeing the taut or stretched canvas structures to create walls. Councilor Thorsen felt they would have a hard time finding all of the different ways they can diverge from an unenclosed space. Mr. Taintor felt they could do it by a performance standard, such as if it prevents clear visibility through any percentage of the area. Mr. Cracknell added that they could hit the intent.

Mr. Taintor felt that there was general acceptance of this concept and they just needed to work out the details.

### **Item C. - Mixed Use Planned Development**

Mr. Taintor indicated that they used Washburn Plumbing, on Islington Street, as an example of a large building surrounded by a dense neighborhood and help it fit into the neighborhood. The handout pointed out the key aspects of the Zoning Ordinance.

Mr. Cracknell stated that this was, again, a response to what has been going on in Portsmouth for a long time with respect to redevelopment of the older properties that incrementally come on the market. What he has repeatedly seen is a large number of potential development projects coming into the department for a discussion of the conceptual site plan and the zoning does not reflect a plan that respects the traditional character or context of the surrounding neighborhood. The Washburn Plumbing site was one of the examples they used in the Context Sensitive Design Workshop. It is illuminating to the existing zoning problem when someone wants to redevelop an underutilized site. Washburn is about an acre in size and the zoning doesn't work. The plan which was presented included a four level big box building with ground level parking. The building gets slid back off the street to make the handicapped ramp work for the front door and they very quickly get a building similar to one from the 1970's or 1980's. It is not reflective of the abutting neighborhood which would be wood framed structures, residentially scaled along Islington Street.

They looked at drafting a new Conditional Use Permit which the Planning Board would administrate, both within the HDC district and outside (Business, MRO, MRB). Conditional Use permits are optional to try and come up with a better fit and add value and potentially put the neighborhood in a much better place. Next to the monolithic building redevelopment scenario was Mr. Cracknell's design which was reflective of what could be done with the mixed use Conditional Use permit. It has two buildings rather than one which breaks up the scale. Neither building is five floors, there is parking underneath one of the buildings in the front and there is enough parking on the lot to meet all of the requirements of the existing Zoning Ordinance. Most importantly it not only allows the scale to be broken up but it would allow a restoration and recapture of some of the yard space which has been lost in this area over time. Mr. Cracknell felt by changing the dimensional standards through a Conditional Use Permit through the Planning Board, getting to smaller lot areas, reducing the frontage and slightly increasing the building coverage, it essentially allows for more density and better design. Importantly for the Planning Board, it would give them some building and site design standards embedded in the Conditional Use permit.

Chairman Katz asked what the procedure would be if someone were to exercise this option. Mr. Cracknell stated if it were within the HDC, it would be reviewed by the HDC and the Planning Board. It could be reviewed in any order or it could be a joint work session. Mr. Taintor noted that they would first need approval to do the Conditional Use Permit so it should be done through a joint work session of the two boards. It would not be wise for a developer to go through the HDC process and then not be able to get a Conditional Use permit. This would result in the Boards working more closely together. Mr. Cracknell suggested that they amend the draft to encourage, if not require, a work session with the HDC before someone files for a Conditional Use permit. Chairman Katz felt that would almost be implicit. Mr. Cracknell felt it would be good to make it explicit so that it happens.

Deputy City Manager Hayden asked if any issues would be created with phasing if they had more than one principal building on the site. Mr. Taintor indicated that they already have that problem with both 198 Islington Street and 51 Islington Street. Deputy City Manager Hayden felt they should address that and add something into the draft. Chairman Ricci suggested something like an approved construction sequencing schedule.

Councilor Thorsen asked when a developer wants to phase a development, would it be the Planning Board who decides if that would be okay and would it be acceptable for people to occupy a building

while they are building next to it. They would have to consider separation and safety and other issues in order to do that. Chairman Ricci felt that would be part of the building code as well.

Mr. Almeida felt this particular issue would be very restrictive to developers and they would have to be careful. They would be funding the second phase with the purchases from phase one. Chairman Ricci felt if done properly it would not be a problem. Mr. Taintor confirmed that they do have some issues with some projects right now where they wish they had done things differently. Mr. Almeida noted that when they previously met on this subject, they brought up a few examples of how this new zoning scenario is better but a performance driver is also minimizing the building envelope and footprint and the lead principals are also to minimize the building envelopes. This is fighting current building standards with energy uses so they would have that resistance as well. Mr. Cracknell felt that was a good point. The existing zoning for this one acre Washburn Plumbing site only allows 13 units as of right and the redevelopment scenario with 4-5 floors was at least 21. It seems with the price of real estate in Portsmouth, what sellers are willing to sell for and what buyers are willing to pay, that most of these mid-sized projects or larger require densities that exceed significantly the underlying development rights in the Zoning Ordinance.

Mr. Taintor indicated that the Planning Board has talked about changing the densities in some of the residential and mixed residential districts and there was concern about some of the mixed residential districts. They went back and looked at it and decided that it did not make sense to increase the allowed density by right so what they are doing is going through a Conditional Use process so that where they currently require 7500 s.f. of land area per dwelling unit, this will drop it to 2500 or 3500 s.f. The point is that it is a good incentive and rather than forcing someone to go to the BOA and make an argument for hardship, they already have the option to go for a Conditional Use permit and get the additional density. He felt it was a significant incentive to go in this direction and get more density and get some more value out of the land. Mr. Almeida confirmed that it would encourage a more appropriate redevelopment and restrict the tall box buildings. Mr. Cracknell also stated that if the process works out, the BOA would have an easier time knowing there is another permitting vehicle to create something that is going to lead to a better design outcome.

Mr. Blenkinsop asked if 10.743.20 was worded correctly. Mr. Taintor agreed it should say one or more.

Mr. Gladhill noted that under 10.745.20, Architectural Design Standards, he felt that the word "harmonious" was missing. They used that quite a bit on a recent application on Dennett Street. Mr. Cracknell indicated that they can look at it and add it in the appropriate place.

Mr. Thorsen went back to the Washburn Plumbing redevelopment. He asked what could be developed without a variance. Mr. Cracknell responded it could be built with one less floor. Mr. Taintor explained that they are not changing the underlying zoning at all.

Ms. Geffert stated that if they had a PUD they have a set of considerations that the Planning Board gets to look at and the HDC would also have a set. She is concerned about a developer being ping-ponged between the two boards that may aesthetically disagree, although the Planning Board generally tries to honor decisions by the HDC. She was concerned that the two Boards with different aesthetic visions may cause a problem. Mr. Taintor felt that what these proposed building design standards do is get more specific than what is in the HDC section of the Zoning Ordinance and provide more guidance.

Mr. Gladhill agreed with Ms. Geffert as this project could go in front of the HDC and get approval for design standards and then go to the Planning Board and have members who don't agree with the architectural design because it is now within their purview. Chairman Ricci felt that the Planning Board would bow to the HDC opinion and the Planning Board would complement them. The point of this is to tie in with the abutting properties. Ms. Geffert felt it might make sense for the HDC to go first then.

Chairman Katz confirmed that the benchmark for the HDC activity is appropriateness which encompasses a wide range but doesn't allow them to meddle in the little items. They have done a pretty good job of applying those standards and coming to something amenable to the applicant and the HDC.

Mr. Taintor indicated that when the Planning Board is considering a Conditional Use permit for wetlands they receive an advisory recommendation from the Conservation Commission so maybe they could have the same thing from the HDC. Chairman Ricci felt that was a great idea. Quite often they have Peter Britz come to the Planning Board and address the application on behalf of the Conservation Commission. They could have the HDC do the same thing.

Mr. Almeida felt that, selfishly, the HDC should have final say on aesthetics, as they do now. Mr. Taintor confirmed that there is no intent to change that. They would have first and final approval.

Mr. Cracknell felt it might be worth considering that when the project is in the historic district, given an absence of these standards in the ordinance for the HDC, that these proposed standards would be administered by the HDC. So the Planning Board would not actually have to review it when the project was in the historic district and there would never be an opportunity for a conflict. It might make sense to formalize that the HDC reviews it inside the district and Planning Board will have authority outside the district.

Chairman Ricci suggested getting a recommendation from the HDC outside of the historic district. Mr. Cracknell thought that was a good idea. Chairman Ricci indicated they would be trying to replicate the neighborhoods and don't have a lot of experience with that.

Chairman Katz asked how that would that be implemented. Mr. Cracknell stated they will add that to the HDC work session agenda.

Councilor Thorsen felt that as far as the HDC goes, beauty is only skin deep. They are only looking at the surface of the design. Whether an application is inside or outside the Historic District, it would not take away from the Planning Board role and he is not seeing very much overlap.

Mr. Taintor stated that the HDC looks at the very fine details and the Planning Board will never be looking at that level of detail. The Planning Board will determine whether the entire design of the project offers enough benefit to the City to justify the increased density and flexibility. That is like a threshold analysis by the Planning Board and it would then go to the HDC for the details of the design and if there was any difference, it would be easier to go back to the Planning Board with a list of changes that had to be made because of HDC review.

Deputy City Manager Hayden indicated that they have the Planning Board has the Residential Density Incentive where, if more affordable units are provided, they get more density. They had a project that applied for this and they worked with them for quite a while but the affordability aspect never got addressed so the request was ultimately withdrawn. As part of that, the Planning Board was able to look at building elevations. This would be a similar process where the Planning Board was not examining the level of detail like the HDC would but everybody knew what they liked better than what they didn't like. The model of how the Conservation Commission works with the Planning Board is a good one. They make recommendations to the Planning Board for work being done in the wetland buffers and the Conservation Commission gets into much more detail than the Planning Board would ever even think of.

Mr. Cracknell felt what was important for everyone to grasp the Conditional Use Permit is that the Planning Board is used to doing Site Plan Review, Subdivision review, some Conditional Use Permits that deal with broad issues like lighting, landscaping, drainage, parking and building placement but not the fine tuning that is done at the HDC like the materials, window sashes or the steps. This proposal is somewhere in between. Building design standards are not traditionally within the Planning Board site plan review process. The HDC clearly has jurisdiction over the minutia of the building design but the standards are not well refined, which is why they will be talking about those. This is a "hybrid" of what they have been doing for decades. It is important for everyone to think about how to minimize work, effort and potential for conflict.

Mr. Almeida felt it was worth pointing out that there is one very powerful card that the HDC rarely plays, which is the scale and mass and building location. Mr. Cracknell responded that was not on the list because that is an objective and not a performance standard. Mr. Almeida felt that height and mass will often be the most contentious.

Mr. Taintor thought that sometimes the HDC approves a height that doesn't meet the zoning requirements. The Planning Board doesn't necessarily look at height and mass. It only looks at zoning.

Deputy City Manager Hayden asked where do they want to go from here on this. They need to spend more time on this and let people digest it. Mr. Taintor felt they have enough questions and input to go back and revise the proposal. Deputy City Manager Hayden thought the HDC might want to discuss building design standards and architectural design standards and give more input. Mr. Cracknell felt that if they used "crack" changes in the document they can continue to use these documents and see the changes.

Ms. Roberts brought up one of her architectural pet peeves which is the issue of transparency on the ground floor. Under Section 10.745.13, at least 33% of ground floor should be clear. She would like to see clear windows as much as possible as she walks around town and sees places where they have made mistakes by not pushing for that. Some of the windows in the Hilton are not as clear as they should be and it creates dead space. Mr. Cracknell stated the 33% was just a benchmark.

Ms. Roberts thought they had mentioned that other communities in New Hampshire had applied the Context Sensitive Redevelopment. Mr. Cracknell only knew of communities in Massachusetts.

**A. Neighborhood Commercial Uses**

Mr. Taintor handed out some colored pages showing existing or former neighborhood commercial uses in Portsmouth and an overview of the standards. The structure is very similar to that used for the Mixed Use Conditional Use Permit. This one has a location standard so it is basically saying this use would only be allowed at intersections on major streets and no closer to a business or mixed residential district or to another similar neighborhood use and it has a maximum floor area of 2,000 s.f. This would be a Conditional Use Permit from the Planning Board, there would be building and site design standards, the same types of performance standards as the previous discussion, and the idea is to have the availability of the small convenience stores close to neighborhoods without large parking lots. It allows for creating on street parking towards the parking requirements.

Councilor Thorsen asked if this would extend to converting residential properties to commercial. Mr. Taintor confirmed that it would allow someone to convert the first floor of a house to a commercial use. Councilor Thorsen asked about a limit to how many would be allowed in a neighborhood. Mr. Taintor reiterated that they would only be allowed at a major intersection and they have to be spaced at least 500' apart. He felt it would be fairly self-limiting.

Councilor Thorsen gave an example of a person being able to convert a 1<sup>st</sup> floor to office and live on the second floor.

Mr. Rice asked where "collector" is defined. Mr. Taintor confirmed that it is not but they would have to do that. It is a standard term and is probably defined by DPW at this time.

Deputy City Manager Hayden reminded the Board that, just like other Conditional Use Permits that they have, it is optional. The Planning Board still has to find certain criteria and that the impacts on traffic, market values, public infrastructure and facilities, stormwater runoff or environmental factors will not be detrimental to the surrounding area. One of the great things about the Conditional Use Permit is that they give a lot of discretion to the Planning Board.

Mr. Rowlings asked about the density and separation of units. The fishmarket and South Street and Vine are right next to each other and is a nice neighborhood centering. It may not be appropriate on a broad level he would hate to see that precluded. Mr. Taintor clarified that he over-simplified what the regulation says and it actually says no more than three can be located within 500' of another. Mr. Cracknell felt it was important to think about if three is the right number to start testing the market and to see if this is good for Portsmouth. No one is committed to these performance standards and they are all up for discussion.

Councilor Thorsen stated that when they create a Zoning Ordinance Conditional Use right, they are creating property rights in this case, and when they issue the permit they are removing the rights from the adjacent properties. He felt there might be a legal question where a neighbor wants to convert but his neighbor got in ahead of them. Mr. Taintor agreed that they should look at that. There are examples of that type of thing where they only allow certain uses within a certain distance of something else. It may be better to limit it to specific intersections.

Chairman Katz asked if this would necessitate an ordinance change. Mr. Taintor confirmed that it does. Chairman Katz felt that a lot of these questions will come out in the wash when public input starts. Someone may not want a business next to their house and they may be very vocal about it.

Maybe they are trying to second guess this too much as far as eventualities. Mr. Almeida felt that was a great point. Chairman Ricci felt that the intersection requirement helps in getting the commercial business out of a very dense residential neighborhood, like Elwyn Park. He also added that traffic could be reduced because instead of getting into your car to drive to the grocery store, you could just walk down the street and that would benefit the community.

Councilor Thorsen stated that the people in the Sherburne neighborhood would love to see the abandoned convenience store occupied.

Deputy City Manager Hayden stated that this concept grew out of the last Master Plan and people wanted these neighborhood businesses. They do need to have public process on the zoning amendments but they first need to make sure these two Boards think it is a good idea. If there is not broad support between these two boards, they should not take it to the City Council. They need to make sure that this is important enough for these two boards to make it happen. They should take their time, review everything and perfect the documents.

Mr. Almeida asked about the Richards Avenue convenience store which was converted to residential. Deputy City Manager Hayden indicated that a lot of efforts were made to foster that store but they just could not make it economically viable. She felt that part of the issue was that there was not a lot of street traffic as it was in the heart of the neighborhood.

Mr. Almeida felt that these were all excellent ideas and a great direction to go. He didn't want anyone to misinterpret all of the questions as they just needed to thoroughly understand everything.

Mr. Rice asked if the Richards Avenue store would be allowed to exist under this new proposal. Mr. Taintor confirmed that it would not because it was not at an intersection. He explained that local streets provide immediate access to individual lots. Collector streets gather the traffic from local streets and bring them out and the arterial streets are primarily for through traffic. Middle Street would possibly be a collector street or minor arterial and Richard would be a local street.

Mr. Rawlings added that it was a neighborhood investment group that carried the Richards Avenue store for quite a while. They really tried to keep it going.

Ms. Geffert felt this does the same things as the other PUDs but does it differently. There are some aesthetic standards but not what the HDC would typically consider. This is an easier one but they may still have to look at process in the HDC.

Mr. Gladhill asked if retail uses would require outside ventilation. Mr. Cracknell stated that no restaurants would be allowed. Mr. Taintor listed the allowed uses as convenience goods, community store and general retail sales. Pre-packaged foods could be sold.

Mr. Almeida asked what filter would be in place to address signage and lighting. Mr. Taintor confirmed it allows a projecting sign or a wall sign up to 20 s.f. Mr. Almeida felt 20 s.f. is a big projecting sign. Mr. Cracknell stated that could be smaller. Mr. Taintor suggested they could have a wall sign up to 20 s.f. and a protecting sign up to 6 s.f.

Councilor Novelline Clayburgh mentioned the vacant convenience store on Greenland Road where they sold gasoline and made pizza and subs. That was isolated from the homes and she asked if they would be able to do something like that. Mr. Taintor indicated they wanted to start small and that would not be allowed under this proposal.

### **B. Historic District – Exemptions and Work Sessions**

Mr. Taintor referred to the handout showing the changes to the ordinance in bold and indicated this was basically to try to bring things up to past practice and also to address some issues that the Planning Department has been finding in their review.

#### **10.633.20 Exemptions from Certificate of Approval**

Paragraph (5) Mr. Cracknell reviewed the handout. He stated that Article 6 starts with the purpose, goals and objectives of the HD and he felt they need to discuss the jurisdiction. The ordinance then states that anything within the map area is jurisdictional if it is a building or a structure. There are 11 exemptions listed in the ordinance and they need to discuss window replacement. There does not appear to be an exemption in the ordinance for people to replace a window, whether it is good, bad or non-contributing to the district. There is, however, a clear exemption for a door replacement. So, they have inserted windows to the door exemption section. He used The Page atrium as an example of a non-contributing window. They can discuss this matter further at the HDC work session in 2 weeks to determine what the Zoning Ordinance says they should and should not be doing.

Mr. Gladhill asked if they have a window with 200 year old historic glass, the way this is written, they would have to replace the windows with 200 year old glass. Mr. Cracknell confirmed they will get into that at their future work session.

Mr. Almeida felt that the HDC struggles with windows more than anything else. With the replacement of doors and windows and the in-kind term they use, it is hard to understand by applicants and homeowners. They of course want to replace a drafty old window but to take out a 100 year old window that was probably built specifically for that house is a different story.

Paragraph (7) and (8) is a modification and clarification of wall and roof mounted mechanical and electrical equipment. It is fairly detailed. This largely came from recent reviews of approvals for big construction projects where nothing ever showed up on a plan until it was half built. They need to clarify how they review and approve these devices that get added to buildings.

Chairman Katz wondered if part of this project was from lack of supervision on a project. Mr. Cracknell felt if one is going to put up 15 condo units, there is going to be mechanical equipment sticking up and everyone should know that, especially the applicant. They need to be very clear on what is exempt and deal with the ambiguity and confusion. They need to recognize that these devices are going to be on the buildings so they should figure out what they should look like, set the ground rules, institutionalize them and codify them and there will be fewer problems.

Mr. Taintor added that some of this comes out of change in the nature of development. When the HDC was created, probably most development was of a smaller scale and there was not such a prevalence of condos. As they move towards the condo-type of ownership they start having separate

utilities and that requires more ventilation. Chairman Ricci agreed that this has come from how developments have evolved and it makes sense to deal with in at the HDC.

Paragraph (9) deals with storm windows and storm doors. Past practice is to allow a lot of this as exempt items however the Zoning Ordinance is not clear on whether they are exempt or not.

Chairman Katz stated that the opinion has been for quite a while that storm windows were allowed because they preserve an existing wood window that much longer. Mr. Cracknell felt they should probably continue with that. Mr. Almeida was surprised it was a presumed exemption because it was not in writing. Chairman Katz confirmed it was an understood exemption. Deputy City Manager Hayden indicated it was a past practice.

(14) Clarification on sign review by the HDC. You can resurface a sign as long as you are not going to the BOA.

Mr. Almeida pointed out that they do not allow internally illuminated signs. Mr. Taintor confirmed that was in the Zoning Ordinance.

(15) Temporary structures have been a past practice and should be included in the exemptions. Moveable barriers are often used by sidewalk cafes as temporary fencing. Mr. Cracknell felt they should discuss whether they want a performance standard of what they want them to look like. That would also include fencing and maybe they could come up with a pallet of fencing that might be appropriate for specific neighborhoods of the whole district. A temporary handicapped ramp is something they may be able to standardize so that someone doesn't have to go through the application process.

(16) This pretty much states the obvious, that terraces, walks, driveways and sidewalks are exempt activities.

(17) Mailboxes came up recently at Strawberry Banke and Mr. Cracknell felt they could revise this so that it was much less encompassing and exempted the single mailbox on the single residences.

Ms. Roberts mentioned they have had past issues with flagpoles and dealing with the height. Mr. Cracknell stated they are allowed to be 35' in most neighborhoods. Mr. Taintor thought it might be better to include flagpoles in the regular zoning ordinance and not just the HDC. Mr. Almeida reminded them that there are flagpoles mounted to buildings as well.

(18) This section exempts all public parks and cemetery structures and Mr. Cracknell felt it might be better to simply strike this because the municipal properties are exempt from the HDC.

Mr. Gladhill asked if an above ground vault was a structure. Mr. Cracknell confirmed it was an accessory structure.

Mr. Cracknell felt that awnings were another item to discuss for better performance standards.

Mr. Rice felt that the HDC had pretty clear performance standards for awnings which helped them define what out-of-character was and what an awning was.

Mr. Almeida stated the awnings are very simple and straightforward but how an awning is mounted on a building can get complicated.

Mr. Cracknell summarized that they are looking at clear exemptions and seeing if they can come up with a clear performance standard that would allow certain activities to occur without any review and to talk about an administrative review for items that don't warrant the full blown review.

10.635.20 Work Sessions.

Mr. Taintor stated that currently there is no requirement to provide any documentation prior to a Work Session which puts a lot of people at a disadvantage. This would allow HDC members to prepare for the work session. Mr. Almeida also felt it would allow abutters to have something to look at ahead of time.

Deputy City Manager Hayden felt this was a great discuss.

Chairman Ricci thanked the HDC for joining the Planning Board for the work session.

**II. ADJOURNMENT**

A motion to adjourn at 8:50 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board

These minutes were approved by the Planning Board on June 21, 2012.