

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 p.m.**

**February 6, 2013  
to be reconvened on February 13, 2013**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Vice Chairman Tracy Kozak; Members John Wyckoff, George Melchior; City Council Representative Esther Kennedy; Planning Department Representative William Gladhill; Alternates Dan Rawling, Reagan Ruedig

**MEMBERS EXCUSED:** Richard Katz

**ALSO PRESENT:** Nick Cracknell, Principal Planner

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**I. OLD BUSINESS**

A. Approval of Minutes: September 11, 2012

*Mr. Wyckoff made a motion to approve the minutes for September 12, 2012. Councilor Kennedy seconded and all were in favor.*

*Mr. Melchior made a motion to postpone approval of the October 3, 2012 minutes until the February 13, 2013 meeting. Mr. Wyckoff seconded, and all were in favor.*

B. Request for a one year extension of the Certificate of Approval granted on March 7, 2012 – requested by 7 Islington Street, LLC

*Vice Chair Kozak made a motion to grant a one year extension for the Certificate of Approval for property at 40 Bridge Street as requested by 7 Islington Street, LLC to a date of to March 7, 2014. Mr. Melchior seconded, and all were in favor.*

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**II. PUBLIC HEARINGS**

1. Petition of **Lauren E. Evangelista and Matthew L. Teeden, owners**, for property located at **25 Cabot 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 136 as Lot 42 and lies within Mixed Residential Office and Historic Districts.

Mr. Rawling recused himself.

Chairman Almeida reminded the Commission that they agreed to review the criteria as listed at the bottom of the property evaluation form, and use that language in their motions.

### **SPEAKING TO THE PETITION**

Matthew Teeden said he and his fiancé were proposing to put a fence up for privacy, and for better use of their backyard.

Mr. Wyckoff asked Mr. Cracknell if the zoning ordinance had a limit on fence height. Mr. Cracknell said he was not aware of a height limit, but if there was he said he would coordinate with the Inspection Department before a building permit was issued.

Vice Chair Kozak asked what height the lattice work on top of the wooden fence would be, and Mr. Teeden said it was a six foot fence with an additional two feet of lattice on top.

Mr. Wyckoff asked how the posts were treated, and if they were capped. Mr. Teeden said they were pressure treated with no cap. Mr. Wyckoff asked if the posts would extend beyond the fence, and Mr. Teeden said they would not. Mr. Wyckoff asked if the fence sections were premade, and if they were meant to be nailed on to the posts, butting up against each other tightly. Mr. Teeden said they were premade, and would be attached to the posts.

Mr. Wyckoff asked if one side would be attached to the garage, and Mr. Teeden said the garage was not theirs so there would be no connection, but the fence would be up against the garage. Vice Chair Kozak asked if they were removing the existing chain link fence and Mr. Teeden said they would not because the chain link fence was not on their property. Vice Chair Kozak asked if their wooden fence would go in front of the chain link fence. Mr. Teeden said it would not, that the chain link fence was on one property line, and currently there was no fence between their property and that abutter. Vice Chair Kozak asked how tall the chain link fence was, and Mr. Teeden guessed it was eight feet or taller. Councilor Kennedy asked if a fence could go right up to a person's garage. Mr. Cracknell said it could so long as the fence was on their property.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to grant a certificate of approval as requested, and Vice Chair Kozak seconded.*

Mr. Wyckoff said in a perfect world they would ask the neighbor to take the chain link down, but they could not. He said they had seen this fence style in the District before, and felt it fit in, and fostered the well-being of the home owner.

Vice Chair Kozak said eight feet was extremely tall for a fence, but since it was at the back of the property, the top was lattice, and there was no other opposition to it, then she would support it.

Councilor Kennedy agreed that it was very tall, and didn't like that it was butting up against the neighbor's garage, but hopefully they were friendly with their neighbor, and was okay with it in this location.

*The motion passed with all in favor, 7-0.*

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2. Petition of **Mark H. Wentworth Home, owner, and Dustin LeBlanc, applicant**, for property located at **18 Melcher Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 7 and lies within General Residence B and Historic Districts.

Vice Chair Kozak recused herself.

**SPEAKING TO THE PETITION**

Dustin LeBlanc, owner of Little Bay Restoration and Design representing the Mark Wentworth Home said he wanted to put in replacement windows with 6 /6 grids to match the existing windows. The exterior façade would remain the same.

Mr. Gladhill noted that the application listed the windows as original in the 160 year old building, and he observed in his site walk that there was still wavy glass in the panes. Mr. Gladhill asked why they were proposing replacement windows instead of restoration of something that was 160 years old. Mr. LeBlanc said as far as he knew they were doing a full restoration on the building next door, but this was a rental property, and they were probably doing it for the sake of speed.

Mr. Melchior asked if they investigated the cost benefits of restoration vs. replacement. Mr. LeBlanc said he was asked to price replacement single pane windows to match the existing windows. Mr. Melchior asked what the advantage of replacing the original single pane with replacement single pane would be, and Mr. LeBlanc said it was to tighten up around the exterior for energy efficiency. Mr. Melchior asked how much more efficient one pane of glass would be over another, and Mr. LeBlanc said it wasn't so much the plane of glass, it was about replacing the window that was leaking air, but they would be keeping the same look. Mr. Melchior said it would be a downgrade in the look, and Mr. LeBlanc said the decision was really more about energy efficiency.

Mr. Wyckoff said he noticed that they were also removing all exterior storm windows, and asked if the storm windows would be replaced. Mr. LeBlanc said the storms would not go back on the house. He said it appeared they were put on in the 1980's.

Chairman Almeida said he didn't understand the application to replace the original windows with inferior windows and to remove the storms, noting that the Commission tries very hard to retain original windows that were custom made.

Ms. Ruedig asked about the current condition of the windows. Mr. LeBlanc said some of them had rot. Ms. Ruedig asked if they were operational, and Mr. LeBlanc said some were functional, and some were not, but a big part of the decision to replace them was that they were covered in lead, and there were children in the house. Mr. LeBlanc said the windows were part of the remediation process with containment and the same thing would be happening on the exterior with everything removed and encapsulated to keep the exterior facade looking the same. Ms. Ruedig said it would be beneficial to look into restoration and weatherization of the windows. She said the lead was understandable but it could be encapsulated without too much of a problem.

Chairman Almeida said members of the Board should make their feelings known if they want the original windows to be restored, and it was clear that they wanted the windows restored. Chairman Almeida said the applicant could continue and see how the vote came out, or he could postpone a decision, and take the time to research the restoration, stripping the lead paint, weatherization, putting on felt weather stripping, and putting storm windows on.

Mr. LeBlanc asked if they could instead use double pane instead of single pane replacements, with interior and exterior grids to make them look the same. Mr. Wyckoff said the problem was they didn't often encounter original windows like the ones in this house. Most replacement windows were granted for previously replaced windows not for original windows. Even when they saw two over two windows in a colonial home in the 1980's they were never original.

Mr. Wyckoff went on to say he went through the lead removal course as all contractors do, and removing and replacing windows casings was just as much a disturbance to the lead paint as fixing and restoring them to their original casings. Mr. Wyckoff asked if the applicant could get an exemption to replace the storm windows with a better quality without review and approval. Chairman Almeida read Exemption #10 that would permit storm and screen windows with wood frames to be put over these windows without coming before the Commission for special permission, which could also be more cost effective for the client.

Mr. LeBlanc said he would postpone, and talk with his client. Mr. Leblanc asked what the ruling would be if they decided to do a full restoration and Chair Almeida said they could do that without coming before the Board also.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

**DECISION OF THE COMMISSION**

*Mr. Wyckoff made a motion to allow the client to withdraw the application. Mr. Gladhill seconded, and all were in favor.*

Mr. Wyckoff said they assessed the historical valuation of those windows so that was why the applicant withdrew.

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3. Petition of **B & M Wharf, LLC, owner, and McNabb Properties, LTD, applicant**, for property located at **70 & 80 State Street and 5 Atkinson Street**, wherein permission was requested to allow new construction to an existing structure (add roof dormers, build dumpster enclosure) and allow exterior renovations to an existing structure (replace windows and doors, removal/reconstruction of chimneys, replace HVAC equipment) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lots 14, 15, and 16 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Steve McHenry from McHenry Architecture and Mark Gennie, project architect came before the Commission with their proposal for changes to Rosa Restaurant with co-owner, Mark McNabb.

Mr. Melchior said there was a lot of material and asked if this project had been to a work session. Mr. McHenry said they had not, and Mr. Melchior asked why not. Mr. McHenry said they were trying to get back in business, and felt most of the proposed changes were inconsequential, and that they provided enough information to move through the process quickly.

Chairman Almeida asked if any other members wanted to see this project in a work session. Mr. Melchior said they talked over the last few meetings about being more efficient in their process. This proposal was comprised of large scale changes like complete window replacements, new dormers, and chimney work that were typically discussed in work sessions. Mr. Melchior said he was afraid that the public hearing would get drawn out if they didn't review it in a work session first.

Mr. Rawling said he too felt there was a great deal of work and discussion involved in what was proposed. He said he had a list of seven big concerns which involved most of the work, and did not think it could be a short discussion.

Councilor Kennedy said she understood they wanted to get Rosa's back in business, but she too had questions about the dormers, and a window, and would prefer a work session.

Mr. Melchior reminded everyone that they would have work sessions next week, and the applicant could put it at the beginning of next week's agenda instead of holding others up who were coming in for quicker decisions.

Mr. Wyckoff asked if they should take a straw vote to see what concerns commissioners had. Chairman Almeida said they owed them a review of the project, and asked if there was any way to accommodate the applicants tonight, perhaps with a 20 minute work session, and continue the following week if it got too deep. Councilor Kennedy asked if they had the legal right to throw it into work session. Chairman Almeida said the applicant couldn't, but the Commission could

*Mr. Gladhill made a motion to go into work session. Councilor Kennedy seconded and all were in favor.*

Mr. McHenry presented a summary sheet covering the overall scope of the project.

Discussion ensued regarding window replacements. Mr. Wyckoff said there were 50-70 year old windows now and the proposed Andersen A series windows were the best.

Mr. Rawling said there were a variety of window types. Mr. McNabb said the building was built in 1852, and there was a hodgepodge of structural features. Mr. Rawling said the thing was to be consistent, and follow the guiding principal of proportion. Mr. McNabb said he had no problem making changes.

Mr. McHenry said they would be replacing the first floor doors to make them ADA accessible. Mr. Gladhill asked if they could use the double doors on the Atkinson Street exit. Mr. McNabb said they could not because they were required to have two exit doors that swing out to meet modern ADA codes. Mr. Gladhill said he hated to see the doors go into a dumpster. He said he would like to see them end up somewhere positive, even in an antique store. Mr. Wyckoff suggested using them for interior closet doors. Vice Chair Kozak suggested a twelve panel door instead of a six panel door to resemble the double door.

Chairman Almeida asked if the fan light above the door would remain and Mr. McNabb said it would. Mr. McNabb said there were currently two granite steps with a stoop in the middle of the sidewalk at the Atkinson Street exit and they would be removing it to make one step. Councilor Kennedy said the granite stoop was appropriate for the area and she thought it should remain. Mr. McNabb said it could stay, but a lot of people didn't like it because it sticks out in the middle of the sidewalk.

Mr. Mark Gennie said they planned on replacing large street level windows with folding windows. Mr. McNabb said there weren't any original windows or openings on the State Street level. Mr. McNabb said there were a lot of changes to the building over the years, there was a spiral staircase, and there was a brick stoop inside and granite arches. Mr. Wyckoff asked if they would do some research and get some old photos. Mr. McNabb said they tried but couldn't find anything.

Mr. Rawling said it bothered him that the openings were not centered on the windows above them, and did not think the nano walls were proportionate with the building. Mr. McNabb said windows that open onto the street level in a Canadian/European fashion were very contemporary and popular with the public. He asked if it would make sense to take the storefront glass to a longer work session.

Chairman Almeida suggested they have another work session next week, and asked the Commissioners what items they saw as being problematic and needing review. The commissioners said there were problems with the chimneys, dormers and windows. Mr. Rawlings said there were three different buildings that were beginning to blend into one big building.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

Chairman Almeida 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. Gladhill made a motion to postpone to a work session/public hearing at the February 13, 2013 meeting. Mr. Melchior seconded, and all were in favor.*

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4. Petition of **Courtyard Condominium Association, owner, and Ranger Property Management Realty Trust, applicant**, for property located at **50 Daniel Street, Unit 1**, wherein permission was requested to allow exterior renovations to an existing structure (re-face existing projecting sign) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 17-1 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Attorney Jon Flagg spoke on behalf of the applicant, Jennifer Whitmore. Attorney Flagg said they were scheduled to go before the BOA on February 19, 2013 and because the rules required BOA approval first, he asked if the HDC would consider their proposal out of order before going to the BOA. Chairman Almeida checked with Mr. Cracknell who said they could so long as approval was contingent upon going to the BOA.

Attorney Flagg submitted a picture of the existing sign that had been there since 1987 when City and Country first started their business. They also submitted a rendering of what the sign would look like when it was done.

Mr. Gladhill asked if they were using the same sign and Attorney Flagg said they would be using a vinyl cover on the same hanger. Councilor Kennedy asked if the vinyl would be over wood, and Attorney Flagg said it would be, but it would look the same. He showed a sample.

Mr. Wyckoff asked if there would be a metal frame around the sign and Attorney Flagg said there would be. Mr. Wyckoff asked if the frame would be painted, and Ms. Whitmore said it was black metal. Mr. Wyckoff said he thought the frame would give it a nice traditional look, and suggested they paint it to prevent rust.

Chairman Almeida asked if the sign would be shiny or have a matte finish and Ms. Whitmore said it would have a matte finish.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

**DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to grant a certificate of approval for the proposal as presented with the following stipulation:*

- 1) That the Historic District Commission Certificate of Approval is contingent on receiving Board of Adjustment approval for the same project.*

*Councilor Kennedy seconded and all were in favor, 7-0.*

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5. Petition of **David B. and Deborah A. Adams, owners**, for property located at **210 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (modify entry steps, add misc. window caps, change mudroom sash and frame, replace misc. cellar sashes, add new scuttle) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 26 and lies within General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. David Adams said he had a fire, and he wanted to make some upgrades and fix some mistakes that were made while he was doing repairs. He also wanted to replace what were modern commercially made cellar windows with traditional 18<sup>th</sup> century sashes. There would be other sash work at the front of the building, replacing what was there as part of the ventilation project. He also wanted to make a modification to the square front steps, changing them to a curvature with larger pieces of granite. When he first did the restoration work he didn't know what happened to the sashes on the first floor façade since the window caps had been changed a number of times. There was very little evidence of what had been done, but he assumed the 19<sup>th</sup> century sashes had been there for some time. He put traditional 18<sup>th</sup> century sashes, in, but not the matching caps. And now he would like to change those out while he was doing some clapboard work. Also, when looking at the sheathing boards at the roof, he noticed an odd batten and realized he overlooked the markings of what had once been a scuttle on the roof, and would like to restore that.

Chairman Almeida asked about the quality of the clapboards. Mr. Adams said he was only going to replace what was there on the day of the fire, and he described the clapboards as being 4-½ inches in width. He said he had no intention of painting the house and would use #1 clear coating.



Ms. Ruedig asked if the existing granite steps were original. Mr. Adams said they were not; he purchased them from Swenson's in Concord, and would go back to them for the larger replacement pieces.

Chairman Almeida said clearly this was one of the finest houses in town receiving high quality treatment.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

Chairman Almeida 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**

*Councilor Kennedy moved to grant a certificate of approval for the application as presented. Mr. Melchior seconded and all were in favor, 7-0*

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6. Petition of **Gary S. and Janice M. Colby, owners**, for property located at **308 Pleasant Street**, wherein permission was requested to allow new construction to an existing structure (construct new section of deck, relocate stairs, install doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 18 and lies within General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Richard Page came before the Commission on behalf of the applicant with a proposal to extend the porch, replace windows with doors, and move stairs to the other side. The new railing would match the existing railing, and they would install lattice panels to the underside of the porch. Everything would be painted except the decking which would be Meranti wood with a natural finish. They were proposing Marvin doors, 15 light French doors with mullions applied to exterior and interior, and exterior casing with band molding to match doors.

Mr. Wyckoff asked what the door sizes would be, and if the doors would fit in the former window casements. Mr. Page said it would be tight, but they would fit.

Mr. Rawling asked how wide the mulling strip was on the west elevation. Mr. Page said he didn't redraw the details, but followed stipulations from the last meeting. Mr. Rawling said they needed to see changes on the plans.

Mr. Rawling asked if it would be possible to lower the palladium window and Mr. Page said he could not because of the sink in the interior, and said it already had been approved.

Mr. Gladhill asked how many feet the deck was from the cemetery and Mr. Page said it was about 25 feet. There would be no digging.

Ms. Ruedig asked what was going to happen to the bulk head and Mr. Page said there would be a hatch constructed in the deck to access the bulkhead below.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

Chairman Almeida 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 Chair Kozak moved to grant a certificate of approval and Mr. Wyckoff seconded.*

Vice Chair Kozak commented that they were only extending the deck, addressing the stair and the door on the back of the house, and although the deck was slightly visible from the cemetery, the request was quite modest, and it would not change or diminish the historic character of the house.

Mr. Wyckoff said the compatibility of the exterior design works out very well.

*The motion passed with all in favor, 7-0.*

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7. Petition of **Jeffrey H. Marple Revocable Trust of 2002, Jeffrey H. Marple, trustee and owner**, for property located at **252 - 254 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace door) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 72 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Jeff Marple, owner of the property said he wanted to replace a wooden door with a door with lights to match the rest of the doors in the building and the adjacent buildings that had doors with lights.

Mr. Wyckoff asked what was going to happen to the mail slots, and Mr. Marple said he put them in himself 25 years ago, and they were not historical, but he would leave one mail slot. Mr. Gladhill asked why there were three mail slots and Mr. Marple said there were three apartments there at one time.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

**DECISION OF THE COMMISSION**

*Mr. Wyckoff made a motion to grant a certificate of approval. Vice Chair Kozak seconded.*

Mr. Wyckoff said the proposal meets the four criteria. Vice Chair Kozak said it matches the doors next to it and similar doors on the street.

*The motion passed with all in favor, 7-0.*

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8. Petition of **Hoefle, Phoenix, Gormley, and Roberts, P.A., owners**, for property located at **127 Parrott Avenue**, wherein permission was requested to allow an amendment to a previously approved design (replace five windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 115 as Lot 3 and lies within Mixed Residential Office and Historic Districts.

**Vice Chair Kozak recused herself.**

**SPEAKING TO THE PETITION**

Daniel McCarthy, the architect representing the owner presented their proposal to replace five windows that were falling apart on the second floor of sunroom with Talon double hung windows by Andersen that would have spacers with a 7/8 inch colonial profile.

Chairman Almeida reminded the commissioners that like other applications, whatever they approved for windows, became the precedence for the rest of the building.

Mr. Wyckoff asked if they would be putting in half or full-sized screens and Mr. McCarthy said screens were not part of the request.

Mr. Rawling asked how they would be installed. He said the windows appeared to be set in brick molding with wood framing and wood trim. Mr. Rawling noted that there would be a five inch reduction in the size of the window if the windows proposed were inset in the existing casing with similar framing and molding. Mr. McCarthy said the windows would be set on top of the sill, and would match what was there.

Mr. Wyckoff asked if they were replacement windows or new construction windows, and if the casings were going to be ripped out from the outside and if they were proposing to plug the new windows into existing casings on the outside, or if they would be inserted from the inside. Mr. McCarthy said they were replacements. Mr. Wyckoff said the drawing looked incorrect. Mr. Rawling asked what kind of trim would be between the new window and the existing casings and jams. Chairman Almeida said it sounded like he was proposing to replace the sash, and they should ignore the sill and the head and the brick molding. Mr. McCarthy said they were not replacing the casing, and the window would be plugged in.

Chairman Almeida asked if the window came already hung in a jam and they were getting the sash pieces loose. He said it appeared that they would be reducing the size of the sash if the window was already hung and they were putting it in the existing jam.

Councilor Kennedy asked if the sill was still in good shape. Mr. McCarthy said he was told they were just replacing the window. Councilor Kennedy said she was still confused, and couldn't vote unless Mr. McCarthy could clarify what was going on with the sills. Mr. McCarthy said it would be the same material as what already exists on other windows. Chairman Almeida said he was then concerned that the window would shrink by five inches. Mr. McCarthy said that was not what they were doing. Mr. McCarthy said they were replacing the existing casing and sitting it on the existing sill so they were not trying to shrinking the window width. Mr. Rawling asked him to present a drawing or sketch because he said it appeared the window unit would be reduced on three sides and words were not adequately explaining the dimensions. Chairman Almeida said they often saw what was once a fine sash becomes a very different looking window, and they wanted to get it right so all future window changes would match.

**SPEAKING TO, FOR, OR AGAINST THE PETITION**

Chairman Almeida 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**

*After due deliberation, Councilor Kennedy moved postpone to February 13, 2013 so that additional information could be submitted and reviewed. Mr. Melchior seconded, and all were in favor.*

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9. Petition of **Robert Nute, owner**, for property located at **46 Mark Street**, wherein permission was requested to allow an amendment to a previously approved design (remove three windows and upgrade window brand) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 52 and lies within Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Robert Nute, owner of 46 Mark Street came before the commission with a request to change the previously approved Green Mountain brand windows to Marvin brand windows with an equivalent 2/2 simulated divided light, made of extruded aluminum casing to avoid rot. He also requested deleting three windows, one on the north elevation that was proposed and approved, and two on the east elevation because there were too many windows proposed by architect, and it was necessary to free some wall space for appliances and cabinets on the interior. He also wanted to delete the window on the farmer's porch.

Chairman Almeida said the owner of Green Mountain windows attended the previous hearing and the Commission was very satisfied with the Green Mountain windows, and the decision was

weighed heavily. Mr. Nute said he toured the facility, and was also very familiar with their product. Mr. Rawling said he too was excited about the Green Mountain windows, but sees no problem with Marvin windows either.

Councilor Kennedy said she didn't mind the removal of the porch window, but minded the window next to the bays. Mr. Nute said that was the only interior wall to put the kitchen range and refrigerator against. He added that there was seven feet between his house and the next, which was a condo project so they would be the only ones that could see that wall.

Chairman Almeida said the approved Green Mountain windows were wood, and asked what the current proposed windows were. Mr. Nute said he was asking for extruded aluminum windows because the failure rate of wood clad windows was ten years or less, and at \$50,000 he would like windows that would last longer. He said many builders say Marvin windows were a better product with a longer life expectancy.

Chairman Almeida said there was no aluminum around the house, and the HDC was hesitant to approve aluminum windows on a residence in the Historic District. Mr. Nute said this was new construction and the previous proposal was for Azek paintable PVC around the Green Mountain window. Mr. Nute said the HDC approved Anderson and Marvin windows in the neighborhood before.

Mr. Rawling said one of the nice features of the Green Mountain windows was a thicker sill, and asked Mr. Nute what kind of sill he was proposing. Mr. Nute said they would use historic 2" thick sills. Chairman Almeida asked if that would change any of the trim details, and Mr. Nute said it would not, and that cedar shakes would go up against the aluminum. Mr. Wyckoff said he thought it would look the same as Azek stock which was plastic and this was aluminum. Mr. Rawling asked which casing they would be using. Mr. Nute said it would be a flat casing so it would look the same as what was proposed.

Councilor Kennedy asked what the north elevation would look upon. Mr. Nute it would look on Mark Street.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to grant a certificate of approval as presented. Mr. Melchior seconded.*

Mr. Wyckoff said looking at the criteria, it brought forward the use of new technologies, materials and practices, and it was an appropriate style of window for the house.

Councilor Kennedy said she still didn't like losing the window by the bay which gave a nice look, but she would accept the applicant's explanation that it was close to another house.

*The motion passed with all in favor, 7-0.*

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**IV. ADJOURNMENT**

*At 9:10 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.*

Respectfully submitted,

Jane K. Kendall,  
Acting Secretary

These minutes were approved at the Historic District Commission meeting on Nov. 6, 2013.