

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:30 p.m.

May 22, 2013

MEMBERS PRESENT: Chairman Joseph Almeida; Vice-Chair Tracy Kozak; Members Richard Katz, John Wyckoff, George Melchior; City Council Representative Esther Kennedy; Planning Board Representative William Gladhill; Alternates Dan Rawling and Reagan Ruedig

ALSO PRESENT: Nicholas Cracknell, Principal Planner

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Chairman Almeida said this was an informal work session to discuss ways to improve their process. He said the work session was overdue, but they had heavy workloads, including sixteen applications next month that would make it impossible to meet multiple times in a month.

1. Review of January 2013 Work List and Action Items

Chairman Almeida said they created the 2013 Strategic Plan and assigned names to each task in January. He asked the Commissioners to provide updates on their progress. Vice-Chair Kozak said she would like to see the sheet uploaded onto the City's website so applicants could see the criteria and goals they use. Chairman Almeida agreed and noted that the website was now up and running. Vice-Chair Kozak said www.planportsmouth.com website was fantastic, but thought the actual HDC page needed a little more work.

A. Project Review Process

G.1.5. Mr. Wyckoff said he had a conversation regarding enforcement of stipulations with Mayor Spear who didn't think going onto job sites was within the HDC's scope. Mr. Wyckoff still thought they could bring blatant violations up to the building code enforcer. Mr. Katz asked if there was any precedence in the ordinance, and Mr. Wyckoff said citizens alone had the right to report violations and commissioners could too. Mr. Cracknell said he gets calls from the general public as well as HDC members when things run awry, and while he understood the Mayor's concerns about going onto someone's property, they still needed to be sure applicants were complying, and observations could be made from the sidewalk. He said it was important to stipulate any modifications made to the proposal because otherwise the building inspector could not determine which aspects of construction were approved. Mr. Wyckoff said he believed the ordinance said once the HDC gave an approval for an application, they had the right to go onto the property for review. Chairman Almeida said they had to display their ID's. Mr. Katz read from the ordinance, which said the building inspector and the commissioners had the right to review existing conditions on a site walk upon receipt of an application. Mr. Cracknell reiterated that 95% of what was done could be viewed from the sidewalk.

Councilor Kennedy asked if application decisions were posted on the website and Chairman Almeida said they were on the Actions link with stipulations listed.

G.1.7; G.1.8; G.1.9. Vice-Chair Kozak said it would be helpful for the Commissioners and other land use boards to have a three-dimensional, computerized map and model of the City in BIM (Building Information Modeling). She said many municipalities use BIM so large projects can insert their proposals into the model so anyone can look at the project from any angle. She said most large projects were done in BIM anyhow so it would not be a hardship for them, although it would be a substantial upfront cost to create a modeling of the City. Mr. Almeida said he didn't think it had to be BIM. Vice-Chair Kozak agreed, but said they wanted to be sure the mapping program wouldn't be too crude, however.

Chairman Almeida said other historic towns and cities use these tools already. Mr. Wyckoff said he thought the City received funds from the Memorial Bridge project. Mr. Cracknell said there were funds that had been earmarked for a historic survey, but not for these kinds of tools. Vice-Chair Kozak said the historic survey was on the list, and was just as important.

B. Review Criteria

G.2.1. Chairman Almeida said he was confident the commissioners were using the approval criteria listed in the Zoning Ordinance to determine the appropriateness of an application and reminded them to review the purpose and intent in the criteria as well.

G.2.2. Mr. Gladhill said there would be a preliminary discussion of height, scale and massing by the Planning Board in relation to the Master Plan as well. Vice-Chair Kozak said she thought the key item that would help clarify the ordinance was the term "surrounding properties", and no where was that defined in the ordinance, whether it was an abutter, the neighborhood, or within sight of the property. Mr. Cracknell said he thought the Commission should define the term further before going to the Planning Board or City Council for any changes. Vice-Chair Kozak said the City Attorney gave an opinion that "surrounding properties" meant what could be seen from the site, which was one definition, but she agreed it could be discussed further. Chairman Almeida said Attorney Sullivan was asked how he would define it in a court of law, but he also said much of their work was subjective. A discussion of interpretations ensued. Chairman Almeida acknowledged that Form Based Zoning codes could also assist in their decisions, but it would be a work in progress for the Commission. Mr. Cracknell said they could look at the language of other communities, and Chairman Almeida asked Vice-Chair Kozak to draft a statement that the commissioners could develop further.

C. Priority Areas for Preservation

G.3.1. Mr. Cracknell said they were seeking funding to update the 1982 Portsmouth Advocates classification of buildings. He said the preparation of a GIS map of the downtown Historic District was almost complete, and he would do a presentation at the next meeting.

G.2.3. Chairman Almeida said assessing and ranking existing buildings to identify priority areas for preservation and enhancements was a high priority, and was an ongoing project. Mr. Cracknell said they needed the GIS map first.

Ms. Ruedig said the map and survey list would be important for consideration for the National Register of Historic Places. She also discussed the benefits of being a member of the Association of National Historic Preservation, which would be a good support tool for reference, as well as providing links to other historic districts throughout the country with design guidelines and survey forms. Mr. Wyckoff said reviewing ordinances and visual guides from other districts throughout the country were very helpful. Mr. Rawling agreed that looking at various websites provided helpful ideas. Chairman Almeida asked if membership provided access to other resources. Ms. Ruedig said it provided ideas, links and access to their conferences, but she didn't think there was anything binding about it. Chairman Almeida said it would be helpful to discuss some examples to present to City Council as well.

Mr. Katz said he had reservations with the Historic District Commission acting primarily as a preservation organization. He said he thought their task was to reconcile new construction with older structures and preserve those aspects of the City that were desirable. He said they could just as easily look at other aspects of the ordinance to foster heritage and economic well-being and recommend joining the Chamber of Commerce as being important.

Mr. Melchior said it made sense to him because it was clearly defined that most historic district commissions were preservation boards at heart. He said they talked about it a lot, but they clearly didn't have the tools to decide on the ethos, guidelines or standards they needed, and they shouldn't turn up their noses at anything that helped.

Ms. Ruedig said they didn't make a distinction between a historic district commission and a preservation society, and part of their mission was preservation and it was difficult to separate them from that. Mr. Katz said he was just trying to maintain a sense of objectivity. He said he had no problem if the ordinance was changed to say their prime purpose was preservation, but until then, he had a little skepticism. Mr. Gladhill said the first line of the ordinance said the purpose of the Historic District was to preserve the architectural and historic resources of the City of Portsmouth. Chairman Almeida said he understood Mr. Katz's reservations about changing their purview, but they all understood their mission and he thought they could just look at the website because some of it could be helpful and they didn't have to subscribe to everything.

D. Special Projects

Chairman Almeida said there was a list of ongoing projects throughout the City where they had limited input, but they did have input on some, so he thought it important that the public know they had an interest and they would do what they could to influence projects. Chairman Almeida said all Capital Improvement Projects are listed on the City website. Mr. Wyckoff said people would take issue if the Commission didn't agree with everything, and Chairman Almeida said they had a mission to follow and people would say whatever they wanted to say.

G.4.2. Mr. Melchior reviewed the progress of the Sarah Long Bridge project. He said there had been seven meetings on the Federal project and the design team narrowed down eight options to a single option. He said the lift height would be 30 ' higher, using a hybrid, double lift span, which would require fewer lifts to allow traffic to travel over with fewer interruptions. Mr. Melchior said the HDC was not on the State register, but it was eligible, and they were being assessed for the impact of the bridge to be considered for mitigation. He said there were 25 properties on the New Hampshire side and a dozen properties on the Maine side that were impacted in various ways. He said the alignment would be altered toward the State Pier and the Albacore Park property.

Mr. Rawling asked about the design of the bridge, and Mr. Melchior said now that they were getting closer to award contracts, they were trying to rush through the impact determination and Maine DOT neglected to provide any drawings. He said the viewpoints go from Prescott Park to the old cemetery on Maplewood Avenue and the corner of Maplewood Avenue and Islington Street to abutting properties. He said without the drawings it was not possible to address the mitigating effects, but they knew they were leaning toward concrete, and a steel lift span. Vice-Chair Kozak asked if the Commission had any say in the project and asked how a concrete bridge fit into a historic bridge area. Mr. Melchior said replacing the bridge was considered an adverse effect for mitigation. He said a change of material was allowed if they showed due diligence that it was necessary and there was some mitigation provided, even if it was just a memorial plaque in honor of the old bridge. Chairman Almeida said Mr. Melchior was the most qualified person for the project, and he felt comfortable with him speaking for the Commission. Mr. Melchior said there were many other consulting and interested parties participating, including representatives for the City of Portsmouth.

F. Advocacy for Historic Preservation

G.6.1. In regards to playing a role in recruiting new members and assisting with the appointment process by City Council, Chairman Almeida said the City Councilors agreed that Mr. Rawling and Mr. Wyckoff were more than qualified to serve on the Commission; however, they recently delayed their reappointments. Chairman Almeida said the Council wanted more time to understand what the Commission's role was, and he immediately wrote a letter to the Mayor to express his confusion as to why anyone on the Council would request more time to understand the Commission's role when the question before them was simply the reinstatement of the commissioners. Councilor Kennedy said she didn't think the qualifications of anyone sitting on the Commission were the issue, but she thought the Council needed to lay out what the expectations were. She said they received a lot of calls and emails with questions regarding the role of the Commission and they needed clarification. Chairman Almeida said he thought they knew what they needed to do and were doing a great job. He said it was in black and white, they had been doing it for years and so he felt there was no confusion as to what their role was, and her statement confused him. Councilor Kennedy said there was a disconnect between the Commission's work and the constituents, and perhaps they might need a work session for improved communication. Councilor Kennedy said there was a councilor who said the HDC approved a project and "sold the shop". Mr. Katz said no example was given.

Mr. Melchior said he felt the same frustration as Mr. Katz expressed. He said setting aside differing opinions and qualifications, he had been a member or in charge of various, effective teams for most of his life. He said people's passion was what bonded teams together and it should not be taken away because that was where the whole was greater than the sum of its parts. He said he didn't know how Mr. Rawling or Mr. Wyckoff felt, but he knew his motivation to read packets for hours, prepare comments, attend and participate in meetings would be pretty low. He said beyond passion was trust, and he said that trust was the foundation for respect that the other commissioners also put in their time and passion in reviewing and preparing for meetings regardless of differing opinions. He said to individualize anyone on the team would be a mistake. He said the commission and staff just went through a period of change and they were just getting to a point where they worked well together, whether members of the public agreed with all of their opinions or not, and they still needed to work effectively as a team. He said the Council dealt them a huge blow, and they should never have undermined the passion of their volunteers.

Mr. Katz said Council Kennedy was suggesting they put Mr. Rawling and Mr. Wyckoff through a litmus test to justify their decisions. He said he had been involved in public affairs since 1996, through many meetings and reappointments and no one ever subjected a sitting commissioner through interrogation on how they would handle various applications. He said he watched the discussion and public comment and it seemed a vociferous group who said they had 40-50 members, which was 3% of the average votes for a City Councilor was driving a demeaning action of holding these commissioners hostage either by conviction or fear.

Mr. Wyckoff said he was in a state of shock and felt as if he was being readied to be thrown under the bus as a scapegoat to calm everyone.

Mr. Rawling said he thought the discussion was twisted because there was no review of his civic involvement in the City over the last six years. He said the City Council members weren't doing their homework and were facilitating a mess and making a public display of it. He said he was one of the early directing members of some of the agencies that were criticizing them, but there used to be a process of sharing ideas and doing something constructive instead of vociferousness and a lack of procedure.

Vice-Chair Kozak said there was a lot of emotion, and she said it seemed there were two different subjects, one was reappointment of the commissioners and the other was the process of the HDC, and she understood the postponement was in regards to the process and not the reappointments, which were two non-related things. She said she thought she and Chairman Almeida were up for reappointment next, and Chairman Almeida said if six citizens didn't want them reappointed, then it appeared the Council could pause and wait for another three or four months.

Vice-Chair Kozak said some citizens expressed their opinions of recent projects, and it was the City Councilor's job to listen to them, but she said she didn't want to muddy the waters between individual opinions and the process of the Commission, and the two were mixed. Chairman Almeida said you can't throw rocks back when someone throws rocks, but you can ask them to stop throwing rocks. He said the Commissioners had been very patient listening to people who

had been criticizing their work. He said the recent "Portsmouth Herald" article written by Dennis Robinson reviewed all the recent criticisms of the Commission. He said it was a thoughtful article that discussed the Commission's work and he asked people to read it. Mr. Wyckoff reiterated Mr. Robinson's comment that architecture was subjective just like art, with some people liking it and others not liking it and that was part of the problem.

Councilor Kennedy said she hoped people would bring their information and needs forward to the work session with the City Council. She said the City Council was looking for advice and support in determining how to work with preservation or the HDC. She said they were concerned with criticism of the HDC, but the Council needed support in responding to them. She said if they needed assistance from the HDC or tools to respond then that was what they needed to do.

Chairman Almeida said he didn't believe there were many people from the community questioning the HDC, but he thought there were just a few people that were very vocal and the City Council had been convinced by a few that there were a lot of people that were questioning the Commission's ability. He said he had heard many positive comments on the street, but those comments weren't brought before the Council so it was easy to say there was a lot of concern. He said obviously, there were people concerned, but a few people writing online didn't create a crisis. Chairman Almeida said he didn't consider online chatter as direct communication of displeasure to the City Council or the HDC, and he found it distracting. He said he sent an email to all the commissioners not to allow it to distract them from their mission because it was silly and they didn't have time for it. Chairman Almeida asked Mr. Wyckoff and Mr. Rawling to continue with their energy and passion just as Mr. Melchior discussed.

G.6.2. Chairman Almeida said he was going to appear before the City Council to play a more active role in advocating for new policies, programs and zoning procedures.

G. 6.3. Chairman Almeida said he was going to appear before the City Council to secure funding for HD-related activities as well

G.6.4. Chairman Almeida said they had been working with the Planning Department on projects like the Form-Based Code project.

G.6.5. Ms. Ruedig said there was an application in the works to nominate the downtown district to the National Register of Historic Places in coordination with the Department of Public Works (DPW) and the National Conference of State Historic Preservation Officers (NCSHPO).

2. Discussion of Window Replacement Guidelines (Chairman Almeida)

Chairman Almeida said they were seeing much larger projects lately, but at one point, windows were 60% of their workload. He said he put together a one-page window replacement sheet so applicants would know what to expect when they came before the Commission.

Chairman Almeida included a list of website links for information as well. He said the purpose of the links was to assist anyone considering the replacement of historic windows with modern windows with a greater "R" value.

Councilor Kennedy asked where trim fit in. Chairman Almeida said he needed to add an identification and explanation of the various window pieces because many people didn't realize the historic significance of casing, muttons, railings, sills and stops. Mr. Melchior said it would be helpful to have a schematic to define the various parts.

Mr. Melchior said he thought they should discuss the comparison of window repairs on original 1890's windows to replacement of more disposable styles of original 1950's and 1980's windows that weren't as aesthetically appealing, and replacements weren't even available.

Chairman Almeida shared some photos from around town of true historic windows over 100 years old that would need to be replaced eventually. He also showed some windows they had approved and some of the problems with lack of authenticity, inconsistency, poor workmanship, and materials they have run into, including some windows that were put in illegally. Mr. Melchior pointed out that there were cases of different Commissions approving of different windows over a period of time on the same building. He said they have since worked on approving the same kinds of windows for an entire building. Councilor Kennedy said it was important to mention that some of the homes shown had been purchased with the windows that way.

Chairman Almeida said he saw issues with a change from wooden windows to aluminum and vinyl windows, and his preference would be for painted wood windows. Mr. Wyckoff agreed when the windows were right on the street, but he thought using vinyl clad on windows that were back from the street or on upper levels might not make a difference. He said modern materials like fiberglass would come up more often because it was not a petroleum based product, it was virtually indestructible and it was paintable. Chairman Almeida agreed, but said overall, his preference was for wooden windows and wooden storm windows as well, though he said he understood the necessity for screens to make homes livable. He showed examples of screens and storms on windows throughout the city that worked well. Mr. Wyckoff said he didn't recall ever approving full screens, however. Chairman Almeida said they might have approved full screens on rare occasions when the rest of the windows were well done.

Chairman Almeida showed photos of poorly fitting aluminum windows in wooden sills extending beyond the casing with caulked gaps. He said custom fit windows would add to the cost, but it was important to Historic District homes. Mr. Wyckoff said it was an example of poor measurement. Chairman Almeida said it was important to insist on proper measurements. Mr. Wyckoff said he replaced windows on his house and he had to cut a 3/8" strip all around the windows and push the replacement window into the opening so they were flush on the exterior. He said he then had to cut all his window frames on the interior though many people would not be able or willing to do that.

Mr. Rawling said he found it was also important to specify that sash and jams be separate colors if the sash and replacement window were a dark color because it over exaggerated the color and flattened out the trim details. Chair Almeida said this was another reason why he preferred wood windows because aluminum and vinyl clad were not paintable which added to the problem. Mr. Gladhill said the City Attorney said they had jurisdiction over the window colors that were manufactured, but no jurisdiction over paint. Mr. Wyckoff said he hated to bring up window

brands, but some architectural series had many colors available. There was a brief discussion on various window manufacturers.

Chairman Almeida said the window trim also looked heavy and bulky when too much framing was added and glass space was lost. He said reflective glass coating on windows was also an issue. He also said it was important to consider windows in relation to doorways, which were a significant characteristic of Portsmouth.

Lastly, he presented some photos of storefront windows, which he felt should be wood, and custom made. He said it was a shame to have lost a quality wood storefront on Daniel Street to all vinyl. He said it was beneficial to request wood as much as possible even in new construction. Mr. Rawling said wood is flexible and allows smaller details for a unique personality to street level storefronts that breaks up the monotony of large developments.

3. Discussion of planning and project review needs from City Council

There was a brief discussion regarding recent ordinance changes requiring applications and plans be posted on the City's website, and the importance of the posting decisions, conditions and stipulations as well.

Chairman Almeida said mapping, design guideline manuals and pattern books were examples of tools designed to help them do their work and assist applicants. He said they needed help lobbying the City Council for assistance with these tools.

Mr. Wyckoff said they used to receive packets on Capital Improvement Plans from the City to keep them informed. Chairman Almeida said they stopped doing that about a year ago, and he wished they would continue. Councilor Kennedy said she would bring it up to the City Council. She said a list of Capital Improvements went out to abutters, and the HDC could also be notified of any major changes to give citizens an opportunity to comment.

4. Open discussion of HDC issues, challenges and opportunities

Mr. Rawling said clarifying their standards and design issues was one of the only ways they could manage their huge workload. He said it simplified it for the Commission and for the applicants and reduced the number of visits.

Vice-Chair Kozak said it was important to enforce progress in consecutive work sessions and not repeat previous arguments. She said it was helpful to review the materials prior to meetings as well.

Mr. Wyckoff said they needed to hold off from stating their arguments and opinions when questioning an applicant or during public comment until there was a motion because it had to be stated all over again after the motion was made.

Mr. Melchior agreed that they needed to avoid redundancy and they could improve their efficiency in work sessions, but he thought they had come a long way in becoming familiar with one another and working together as a team.

Chairman Almeida said they might inform applicants that during work sessions they would be expected to present context, scale, and massing and then move on to windows and doors, details and other items and not revisit previous discussions.

Councilor Kennedy said it would be a big help to get material ahead of time for review, and it was frustrating to respond to something and see it again on the next application, for instance dormers where the Commission had made unanimous decisions. Mr. Wyckoff said it would be up to the chairperson to remind the applicant that an item had already been discussed and they needed to move on to the next topic. Mr. Gladhill agreed that an applicant was taking a chance that a project could be voted down at a public hearing when an item was not getting a favorable review through numerous work sessions. Mr. Rawling asked what they thought of approving a project with the condition that certain items be excluded. Chairman Almeida said that would be “cherry picking” and was frowned upon; however, it could be a possibility if a developer won’t let an item go after numerous work sessions. Mr. Gladhill said dormers would be one thing, but something like massing and scale would be different.

5. Adjournment

At 9:45 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Jane K. Kendall
Acting HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on Feb. 12, 2014.