

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**July 10, 2013  
to be reconvened on July 17, 2013**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Vice Chairman Tracy Kozak; Members Richard Katz, John Wyckoff, George Melchior; Planning Board Representative William Gladhill; Alternate Dan Rawling

**MEMBERS EXCUSED:** Alternate Reagan Ruedig; City Council Representative Esther Kennedy;

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

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**I. OLD BUSINESS (PUBLIC HEARINGS)**

**A. (Work Session/Public Hearing) Petition of Maplewood and Vaughan Holding Company, LLC, owner,** for property located at **111 Maplewood Avenue**, wherein permission was requested to allow a new free standing structure (construct multi-story mixed use building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 8 and lies within Central Business A, Historic, and Downtown Overlay Districts. *(This item was continued at the June 12, 2013 meeting.)*

**WORK SESSION**

Lisa DeStefano and Rob Harbeson of DeStefano Architects and Jamie Pennington of RJ Finlay and Co. were present to speak to the application.

Ms. DeStefano said she was before the Commission to address the eight items that were outlined in the cover letter as the result of discussions and comments from the last meeting. She also had larger drawings that made it easier to understand the full detail of the project. She mentioned that the final presentation would be a Power Point presentation, which would be easier to follow.

The first comment she addressed was simplifying the window systems and types. Originally they had 23 different window types due to windows that had mullions and some that did not. They now had 13 different window types and sizes with different bays and volumes that they felt were appropriate for the size of the project.

Ms. DeStefano addressed the elevation issue first and showed the Maplewood Avenue elevation at the front of the building. Some of the simplicity layered on had to do with the infill piece of the tower. It currently had the same window pattern between the two anchors and the centerpiece, but previously there was variation in the window system. The background building

(warehouse) now had a continuous rhythm-shaped style. Windows were still unique on the bays because the bays had different-sized windows scaled to the main building and consisted of curved form, 2-story form, entry form, corner form and 1-story jewel boxes. A major change on the elevation was layering in the continuous glazing system on the penthouse on both the Maplewood Avenue and Raynes Avenue elevations. Everything was integral, such as the flashing and glazing. It was all one plane that tied into the roof flashing as one infill piece and went between the tower forms on the Maplewood Avenue and Raynes Avenue elevations.

Chairman Almeida asked if it was reflective glass. Ms. DeStefano said it was low E glass and was not tinted or reflective.

Ms. DeStefano showed examples of sloped glazing in the downtown area. The glazing over Rudi's Restaurant was simple, going wall to wall. The one across the street went from parapet wall to parapet wall and was clean and solid. The glazing on Commercial Alley was discolored, and the one on Market Street was a curved glazing.

Chairman Almeida said he was glad that it took away the look of individual skylights because at one point, they were uncomfortable with what seemed to be hundreds of individual skylights. Ms. DeStefano said it was now one complete system and the wall systems would go into the mullions in between.

On the corner of Raynes Avenue and Vaughan Street, they were reinforcing the commercial segment by adding storefront exhibit space, knowing there was not a lot of physical parking beyond. They continued it around on the Vaughan Street side even more, eliminating the grills to the parking structure. They wanted to reinforce the corner of Raynes Avenue and Vaughan Street as a gathering space. They also eliminated cars and bright lights from being seen behind the screen because they wanted the aesthetics at the pedestrian level. On Vaughan Street, the screen was more like a fence instead of simply a screen to hide vehicles. They layered in landscaping and benches, which spoke to the pedestrian-friendly aspect they were trying to achieve. Chairman Almeida asked if the top floor window system had changed. Ms. DeStefano said it had not, and mentioned that the penthouse was recessed on the upper floor and would be in a darker color.

Ms. DeStefano presented the Maplewood Avenue elevation and said they added on details such as the precast base carrying around the main part of the building, which the Commission would see more of in the 3D perspectives. They added detail drawings to give connections from the gables to the canopies throughout. Setback requirements were also included in the exhibit drawings. They met with the Planning Board to ensure that their heights were amended correctly after the recent zoning height changes.

Mr. Wyckoff observed that the windows were separated on the front façade and said the June proposal had shown them together and separated by bricks. Ms. DeStefano said they had a difference between the punched opening in the wall and the framed opening, and they wanted something that was not as static as constant windows running across the building. They also wanted the windows to relate to the storefront below.

Mr. Wyckoff said he expected more significant changes after some of their comments concerning the back of the building. He was not sure what Ms. DeStefano said about the grade and the justification because the back seemed the same, with the exception of the windows. In the previous proposal, the three windows that were now glazed were not part of the garage. Looking at the back of the building on Vaughan Street, he asked why they were using siding that was going to be painted with Hardy panel. It seemed that they were treating the back of the building poorly, even though the location fronted two major streets, one of which was Raynes Avenue that was very visible. They were acting like the back was tucked away somewhere. Ms. DeStefano said the two arms that came out and fronted the street were brick, so the piece that was set back was the Hardy panel as well the upper 4<sup>th</sup> floor penthouses.

Mr. Katz was surprised that the upper Hardy panel was painted and asked whether it was a factory finish on the lower part or painted on site. Ms. DeStefano said they wanted to paint it to match the brick color, and they had more of a solid brick rather than flash, so it would be easier to match that color than do a factory-selected color. It also gave them the ability to paint the edges and do what was necessary for expansion and contraction. Mr. Wyckoff asked what prompted the use of Hardy panel in those areas. Ms. DeStefano said their budget had something to do with it, and people would not be able to literally touch and feel the panel. Mr. Pennington added that it was because that part of the building was suspended over the parking, so there was a lot of structural misalignment that would make it more challenging to do masonry on the façade. It was not just the cost but the complexity of supporting it.

Ms. DeStefano said they were limited on structural grids to get the parking access in and around. The parking grid they accounted for would need more structural grid and more beams, so they were coordinating the difference between carrying the structure and getting the spaces they needed. Chairman Almeida asked about the pieces on either side and whether the brick was returning all the way back to the plane or if it was the composite material. Ms. DeStefano said they had the composite material for the same reason, the structural grid. Mr. Pennington said if they looked at the elevation of the interior legs, the location it returned to was given on Page 9. Chairman Almeida said it turned a corner. Ms. DeStefano referred him to the image on Page 15 where the building was shown in perspective and showed the outside of the legs and the pilaster returning to the right of the balcony doors.

Mr. Wyckoff asked if the parking came out to the fence on the back. Ms. DeStefano said it did not. Sheet 1 showed the edge of the deck below and how it aligned with the two major bays that came out, so there was a bit of lighter gray beyond where there were a few parking spaces near the transformer. Mr. Pennington said the face of the deck where the two legs returned with the brick was about 28' set back from where the screen fence was located. Chairman Almeida concluded that it would be possible to return that brick around the corner all the way back to that point without affecting the structure. Mr. Pennington said it went back. Ms. DeStefano said it connected to the covered parking area where the transition would be.

Chairman Almeida asked if there was concern about color because it looked like they were trying to use faux brick with the Hardy painted brick. It was not in the HDC purview, but if they were looking for approval of alternate materials, faking the brick with color never worked. Mr. Wyckoff thought it was a real concern because there would be a lot of rose-colored plastic fabric.

Ms. DeStefano said the Hardy panel was not plastic. Mr. Pennington said it had its own distinct pattern because of the expansion joints and did not replicate brick. Chairman Almeida insisted it was a mistake to copy the brick color because it should contrast. Ms. DeStefano said they could make it part of the mock-up brick and mortar presentation and asked whether the Commission members wanted to visit the site to see it in the daylight before making a decision. Chairman Almeida asked if it was an issue for the Commission. Mr. Katz said he did not think they should deny it or hold it up. They could discuss alternatives.

Vice-Chair Kozak asked if Ms. DeStefano had the detail of the batten. Ms. DeStefano said it was called out generically as far as the size and they did not have a projection, and she asked Vice-Chair Kozak if she hoped to see it more as a shadow line. Vice-Chair Kozak said there were several ways to do it and she would be concerned if they were putting 1x2 batten over everything. Ms. DeStefano asked whether she was concerned about the 1x2 batten because of the lack of detail or shadow line. Vice-Chair Kozak said it was typically 1x6 batten on other projects in order to make a real recessed panel, and she did not see it. Some of the reveals were stainless and shiny; some appeared black, and so on. Ms. DeStefano said the 1x2 batten would get lost due to the scale of their building. She was concerned that if they went with something as wide as 1x6 batten, they would get the same dimensional proportion that was around the window frames, and she wanted something sleeker than that.

Chairman Almeida asked how they would address it and whether it was something that would be part of the mock-up or site approval. Ms. DeStefano said there could be lots of options. The clean one of the recess was beautiful and crisp and would reinforce the recess. She could show it to the Commission as well as the scaled version with some battens applied, and it would be part of the mock-up decision-making. Chairman Almeida said they were looking at the 2" battens so they would be approving those. Ms. DeStefano said it would be a different look than what was shown on the drawing. Vice-Chair Kozak told her that if she was going to do a batten or a reveal, she had to draw it. Ms. DeStefano said she would make the application with a reveal but would make it part of the mock-up to see if they needed to look at other options. Mr. Pennington said the reveal looked nice, so they had no objection to trying that first. Mr. Wyckoff asked if it would look like the rain screen siding. Ms. DeStefano said it was appropriate to the scale because it was not a residential building. Chairman Almeida wanted to make sure it was a reveal detail and would appear exactly as shown on the drawing so they did not have to imagine what it would look like. He said Ms. DeStefano would have to stipulate that it was not a batten.

Mr. Wyckoff was still troubled about the back of the building and thought it would require about 24' of the back being shaved off to equal the back of the Portsmouth Herald Building. He was concerned and it could affect his vote. He was not trying to put the weight of the whole HDC on it, but they did discuss the berm and the sidewalk on the back and how the continuation of that made a lot of sense. It opened up his eyes to the depth of the building. Consequently, he had hoped something would happen with it, especially with the storefront located back there, that maybe some parking spaces would be lost and the number of units would be adjusted. He was disappointed that the back of the building was unchanged and that a few of the random thoughts the Commission had were not being addressed. Ms. DeStefano said the existing grade along the existing 111 building had a berm but she did not know if it was a built-up berm. She did know that the existing grades did not have the slope. Mr. Wyckoff asked if it could be accomplished by

building retaining walls going into the parking garage, thus allowing the berm sidewalk. Ms. DeStefano said they would have to retain the soil so they could get the exposure to the commercial section in the corner, and they would be falsely building up a solid retaining wall to hold the berm. It would expose the storefront area. Mr. Pennington said he agreed. It was a tradeoff between building up and having a berm in the wall versus having more commercial space, and he felt that commercial space activated the street more.

Mr. Wyckoff asked if they could address the situation by having the stairs go down into the commercial space. It was complicated but it would not be falsely building it up. Ms. DeStefano said their pedestrian access to the garage had to come off the existing grade and the existing street. Mr. Pennington said they did not have the same depth of landscaping at that location as they did at the existing 111 building, which limited the amount. Chairman Almeida thought the sidewalk behind the existing building was very pleasant to walk on and was a nice pedestrian experience. If they could not continue that across the back and do something with an awkward berm that did not give a similar experience, it would not be successful. Ms. DeStefano said they would have the handicap access and the access for pedestrians and vehicles not far away.

Mr. Pennington said that, early on, they pulled that leg of the building back to continue the relationship with the 111 building. Since the previous work session, they had put more detail into the landscaping plan on the Raynes Avenue and Vaughan Street corner to make it more in line with the plaza in the front of the building. Chairman Almeida thought there was still an opportunity to do something with the berm going all the way back to the retaining wall and minimizing what seemed to be an 18' wall. Ms. DeStefano said they were still working with TAC on options. In their previous design, their screen wall went in front and they were working with the City and the DPW on fixing it. They did not have a complete design yet, but they pulled it back. Maybe as an amendment, they could return the fence area to connect and screen. Chairman Almeida asked what was around the pedestrian access across one building to another. Ms. DeStefano said it was a mechanical support pad for the existing 111 building near the electrical and mechanical access door. She wanted to tuck all that stuff back there and hide it with landscaping and also have protection around the dumpster enclosure. She still had to meet with TAC before it was ready.

Chairman Almeida said the Juliet balcony on Raynes Avenue was a great reason to have a pocket garden as well as to hide the utilities. Ms. DeStefano said she had been fighting for something like that. Chairman Almeida said they did not want to see a transformer or the mechanicals. Mr. Pennington said they had not known until recently that a trash truck could go in and retrieve bins. DPW preferred that the truck enter the site off the road right-of-way. They were working through more detailed drawings that would cause them to move the transformer further back. As for a pocket park, they underplayed the upper level on the Maplewood Avenue side but were excited about the pocket park between the commercial space and the existing building. Chairman Almeida said that was exactly what he meant – replicate that at the lower level on the Raynes Avenue side. There was no way they could put garbage under the Juliet balconies.

Mr. Katz thought the biggest difficulty that Ms. DeStefano was experiencing was the proposal's timing. In years back, the Westin proposal was a reality and they had an impressive building proposed across the tracks. If the Westin reappeared under a new name, this would not look like

such a critical and overly dramatic change from how the area was viewed. He said there were no deal breakers for him and nothing in the criteria that he would cause him to deny the proposal.

Mr. Gladhill said he always felt uncomfortable with the sloped glazed windows and called it the 'flat roof syndrome'. If the windows were gone, it would mean more roof line. The Hardy panels on the back of the building were appealing and further back, and Vaughan Street was not lively now but that would change. He was glad to see more commercial moved around the corner but there were still some things he was hesitant about.

Vice-Chair Kozak was happy to see the window simplification and fenestration changes because it tied everything in together. The sloped form on the top was important to relate to the sloped roofs across the street. She was glad it had become a simpler clean surface. She had hoped to see a shorter 3<sup>rd</sup> floor, particularly the windows and the space above, but that had not changed. On paper the formula would work. The 2-story building on the corner facing the residential area and the 3-story building on Maplewood Avenue with 1-story additions helped bring the scale down across Maplewood Avenue, and the bays and recessed outways helped break up the mass, but it still seemed overpowering to the buildings across the street. She thought the 3<sup>rd</sup> floor was too tall and that the 4<sup>th</sup> floor should relate to the 3<sup>rd</sup> floor. The graduation of heights was very important to bring it to a human scale. The other three sides of the building were surrounded by newer commercial structures and were in context and blended in more easily, but trying to mix a large commercial structure with small single-family historic houses was a tough call.

Vice-Chair Kozak said the brick itself would help to bring a more human scale and relate to the smaller and finer details in the District. They were seeing a façade with a veneer of brick, but they never saw a running bond of brick. Most people did not count the bricks when passing by, but it was a huge difference. Walking by a brick wall on Bow and Market Streets versus the new brick buildings was very different, not only in the coursing but also the size and thickness of the bricks. It was less monolithic. If they varied the brick course in their patterns, it could help break down the building into smaller pieces and feel more intimate. She felt that the brick between the top of the 3<sup>rd</sup> floor windows and the underside of the cornice was terrible and needed more job detail and a different brick pattern to bring some relief and texture. It looked too flat and it resembled a wallpaper brick. She thought brick was a wonderful medium without much extra cost, and they should play with that material to get some life back into the wall.

Vice-Chair Kozak had hoped the rounded 2-story form would not be taller than those across the street. In the section drawings, it appeared a lot taller. She asked if it could be a few feet shorter on the rounded part because the proportions of it seemed tall and narrow, and that was probably the reason people referred to it as a civic structure instead of a residential or storefront. Some of the windows already had the feature, and if they could bring it back with the rounded form, it would tie it in and connect it better. She thought the jewel boxes were a great idea, with their wonderful scale and detailing, and she asked if they could tie those in more with the rounded structure. Her last concern was the main entrance. The skinny band of precast holding the awning up seemed thin compared to the banding belt of detail in the rounded form. If the band could be strengthened a little, it would bring it down to the residential scale and give some texture and visible weight to that zone.

Vice-Chair Kozak said she would like them to introduce a panel material or masonry band and some brick as well. It needed texture, detail and a change of scale going across the 2<sup>nd</sup> level. Ms. DeStefano showed a detail on Page 17 that outlined a recessed and brick pattern tying in the headers on the 1<sup>st</sup> floor. Vice-Chair Kozak agreed that Ms. DeStefano had stated it previously, but it should be explored further to help strengthen it and play it up more.

Mr. Rawling asked how thick the canopy was over the door. Ms. DeStefano said it was a tiny 1' canopy. Mr. Rawling said he supported everything that Vice-Chair Kozak said and felt the focus should be on the Maplewood Avenue elevation. He was concerned that the scaling elements detailing did not do the proper job of scaling and faded away rather than projecting. In viewing the elevations, he found that they did not seem to stand out but rather blend in with the large amount of brick. It was the scaling elements that gave the large brick building in the back some relief. The texture and detailing could tie in with the residential areas. He was also concerned about the color blocking that they saw and did not think the composition worked in harmony with the street. The middle pieces seemed to get lost, and he did not see the projection at all. He did not understand the reasoning for the different types of styling used on them. They had the 'warehouse' building but then they had the curved piece on the end, which was a more formal building. Everything seemed to be just different.

Mr. Rawling also struggled with the detailing on the different pieces and felt they had to make some gesture to address what was across the street. He didn't expect it to be old-fashioned or to simulate some other part of history, but one of the things that differentiated the older architecture was the texture and the small details, and they did not have this at all. He realized that they were working with a different language, but they were at the point where they had to do something with it instead of going back and forth. Mr. Melchior agreed with Mr. Rawling and said they were good comments. He agreed with Mr. Katz in that he did not see any showstoppers.

Chairman Almeida referred to the sloped glazing on the roof and said at the previous meeting he had brought up pushing it all back because he did not think it would be successful at that time. It looked like hundreds of skylights scattered across the roof. When the architect went to the large skylight panel, it looked like something was added to the roof plane rather than the glass itself being on the roof plane. Consequently, his suggestion was made out of a fear that they could not do the glazed roof successfully. However, he no longer had that concern and thought they found the right product. He felt that his concerns now were minor and were not deal breakers for him. If they spent another year on the application, they could tweak the design constantly. He felt that the project was appropriate for its site. He had voiced his concerns on the back and was convinced that the building did not provide the same experience with the berm and was very different from the existing 111 building. His biggest concern remained that the leftover mechanical space would combine a no-man's land of units humming and garbage swirling around, and anything they could do to alleviate that would be great. He asked if there were any stipulations or minor changes.

Ms. DeStefano said she would like to move on to the public hearing but wanted to request that she be allowed to regroup with her client during the next work session that evening, and then present to the public hearing. Chairman Almeida said the public was ready to speak to it right

away. Ms. DeStefano said she really needed about five minutes to meet with her client to look at stipulations and bring it forward. Chairman Almeida asked if they should do a 5-minute break.

Mr. Gladhill said he was a Planning Board representative and that the project had gone before the Planning Board the previous month for a Design Review. New Hampshire State Law required that they do a design review, which was like a formal work session. Under Site Review regulations, there was a list of reasons explaining the purpose of a site review, and he said he would read Mr. Taintor's words. He read the following: "Pre-Application Phase Design Review does not encompass design review elements such as roof line and proportion and façade treatments. Rather, it refers to site planning and design issues such as size, location, parking areas and open lot spaces, the interrelations and functionality of these components and the impact of the development on adjoining streets and surrounding properties. The Planning Board should consider the following questions as outlined". Mr. Gladhill skipped to Regulation # 8 that stated the project should preserve and enhance the City's historic and cultural character. He said the Planning Board was concerned about the building and wanted to have a joint work session to discuss some of the issues. He wanted the applicant to know that ahead of time and proceed. He did not want to influence anyone's decision, but the Planning Board wanted the joint work session on July 25, and if they wanted to vote that evening, they could, and it would go to the Planning Board as what the HDC requested.

Chairman Almeida clarified that it was not a requirement by law that they stop the process, it was just a request, and if they approved the proposal that evening, they could still have the work session. He asked Mr. Gladhill if that meant it would still require Planning Board approval. Mr. Gladhill said it would. Chairman Almeida said that approval would have to come back before them with minor changes to the design based on that meeting. It seemed to him that they did not have a decision to make, and they should have the meeting with the Planning Board but he did not feel it should hold up their decision that evening. Mr. Wyckoff asked how the applicant could have the scheduled meeting with the Planning Board if the Commission voted on it that evening and it did not go through.

Vice-Chair Kozak said she would like to encourage the applicant to consider having another meeting with them and not have the public hearing that night. She was surprised that they would, given all the comments that night that could not truly be described in text stipulation. Given the Planning Board's concerns, she thought it would be a great benefit to have another go. She did not like having lots of work sessions but thought there had been great progress every work session and it was worth the effort. Chairman Almeida said they had several people who wanted to speak to the project, and if they did what Vice-Chair Kozak was saying, they would be sending everyone home in the rain. Mr. Gladhill said they could still go to public hearing and allow people to speak, but they did not have to make their decision that night. Mr. Katz said the public comments came after all the discussion was completed, so they had to take it through and allow the public to speak.

Chairman Almeida said that technically, the applicant could request to speak before he closed the public hearing. Anyone in the public who wanted to speak to the project could, and he was not going to close the hearing until everyone spoke. The applicant had the option to say they wanted to table it to next meeting. By doing so, they would get the benefit of hearing what they want to



hear. There would be no motion made because they were hearing the public and he would not declare a public hearing closed until the public spoke. He did not feel that they should prolong it any further. They should have the meeting with the Planning Board, and if the Board had issues with the design, they had the authority over the HDC to request changes.

Mr. Wyckoff mentioned Portwalk, Phase 3, and the fact that the Planning Board changed it so dramatically that the long garden section in the middle on Maplewood Avenue was lost because they wanted more retail space, and they gained another building. After the Planning Board got done with Portwalk Phase 3, the building was larger. Also, there was a 2-story section on Maplewood Avenue that had a garage look to it, which he thought was a charming feature, and the Planning Board got rid of it to make it part of the hotel. Those were major changes that they could decide, and suddenly all the work sessions and decisions that the HDC had made went down the tubes. He did not understand it. Mr. Katz asked whether or not it was ultimately the applicant's purview to determine how it would go that night and that maybe she wanted a public hearing for a vote. Chairman Almeida said they had every right to move forward with the public hearing that evening. He needed to know if the Commission wanted to wait for the Planning Board meeting. Mr. Rawling could not believe that they could actually tell the applicant that they could not have a public hearing.

Mr. Cracknell said they were already in a public hearing. The notice was read at the previous meeting and the applicant requested to go into a work session, so it was a work session/public hearing. Because the public hearing was opened at the last meeting, they were taking in evidence through the work session. If they opted to open to public comment that evening, it did not mean the Commission had to vote on the project that night. It was their decision. Mr. Katz asked what would prevail if the applicant wanted a vote and the Commission did not want a vote. Mr. Cracknell said it was their meeting and their decision, and they had the right to do what they wanted. Chairman Almeida said they could vote to deny, approve, or table it, and asked if they should go into public hearing. Mr. Cracknell thought there would be a lot of good public comments that may give the applicant the opportunity to confer with the client at that time or just get into it and get it over with. Ms. DeStefano said she would prefer to just get into it. She would do the full PowerPoint presentation and open it up to public comment, and then she would talk to the Commission about the next step.

At this point in the presentation, the application moved into a public hearing.

A. **(Work Session/Public Hearing) Petition of Maplewood and Vaughan Holding Company, LLC, owner**, for property located at **111 Maplewood Avenue**, wherein permission is requested to allow a new free standing structure (construct multi-story mixed use building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 8 and lies within Central Business A, Historic, and Downtown Overlay Districts. *(This item was continued at the June 12, 2013 meeting.)*

## **SPEAKING TO THE PETITION**

Lisa DeStefano of DeStefano Architects and Jamie Pennington of RJ Finlay and Co. presented.

Mr. Pennington said he appreciated the work the Commission did. They had over 20 meetings with various City officials and several with the Commission, and they appreciated all the feedback so far. As a New Hampshire firm, they found it fitting to hire a Portsmouth-based team. They had listened to their local team from the beginning as the project evolved, and their passion was inspiring. They had also listened to the myriad of comments from various people, most of which were fantastic, and had tried to accomplish as many of those as possible.

Ms. DeStefano had a few comments before getting into the building specifics. They had just completed their 6<sup>th</sup> work session for the project and had met with many City boards since late 2012. They stepped back to meet the new zoning height requirements. The property was in the Northern Tier, which was pegged for redevelopment in the late 1990s. At that time, there was clear direction for the opportunity and desire to connect to an underutilized area that would assist an already vibrant downtown and provide new energy and vitality. The goal of the design guidelines was to allow a modern interpretation of Portsmouth architecture. As recent as the 2003 study circles and Planning Board efforts that got reflected into the Portsmouth Master Plan, there was a desire for mixed-used development that would engage the public on commercial lower floors and residential upper floors, promoting energy and activity for the community day and night. Some specifics of the Master Plan were used for their project, namely, the extension of mixed-used pedestrian and family streets, human scale architecture, a walk able pattern to downtown, improving city quarters, maintaining an adequate supply of parking, and introducing pocket parks and landscaping where appropriate. It was the beginning of many new things that would come into that area. The Zoning Ordinance had a broader vision that small incremental changes could contribute to positive changes in the near term and build support for long term changes as desired. There had been a lot of projects in the Northern Tier, but their project was the gateway to the City. It was important to note for her project that the commercial space was set back from the street allowing for pedestrian activity. Also important was that the seven units on the upper floors were apartment spaces, not high-end condominiums, and would support a lot of workers in the City.

Ms. DeStefano gave a synopsis of their presentations to the City to date. They had 21 formal meetings with the City. By meeting with several Boards, they were able to bring forward a more comprehensive design. They still had to go through TAC and the Planning Board but then would come back to the Commission with any minor changes. They received a variance from the BOA for parking requirements, which they met, because they were in a unique location. They went through building height changes in February and came back with a revised design. In March, they got the straw poll from the HDC for height, scale, massing and style, which allowed them to get into the details. During the last few months, they had developed the exterior details and received beneficial comments at their last presentation to the Commission.

They had analyzed the context of their building, noting they had several parking areas, a railroad separating them from the City, the warehouse buildings in the rear, urban renewal remains of demolished buildings, and eroded sidewalks. Their pedestrian link to the City was cut up by parking lots, entrances to parking lots, and access behind their building.

Ms. DeStefano showed wood-framed residential buildings fronting Maplewood Avenue, a 1960 building on Raynes Avenue, the fitness center that had a ridge of the maximum height allowed, and the 3S Artspace building. She showed a diagram of the solid void and said they thought about pedestrian connection by emphasizing the sunny side of the street bringing them along to the City. It was a beautiful walk showing the old cemetery and jewel museum-type buildings, and they wanted to reinforce the hard edge along the street to have activity right on the sidewalk. They were setting their building back to create plaza space as resting space.

Ms. DeStefano showed the roof plan and the footprint beyond. Other exhibits showed the difference between the building masses and the various stories, and also showed how the property line was out much further than the building's placement. The 111 building was an anomaly like the other buildings, so their context was a little unusual in that location. The building carried the alignment of the covered parking, the 4-story mass and the 3-story bays. The graceful corner piece related to the approach into the City. The sidewalk permitted people to come into a recessed arcade and there was a resting spot relating to the commercial space across from the 3S Artspace building. There were several view avenues coming down the street. The buildings step back and cascade as they wrap around the corner. The ground level plan showed the commercial activity that was designed for retail, restaurants and office space and would meet all the Zoning Ordinance requirements. They had wider sidewalks, gardens and benches to reinforce the wider sidewalks. They had a sunny southern exposure that took in the views of the cemetery and wood-framed buildings across the street.

On the Maplewood Avenue façade, the premise of the building design was a 3-story brick warehouse building, with vertical anchors as bookends and one at the center that reinforced a formal symmetrical left and right entry. There was a 2-story form with a storefront and covered canopy and then a 2-story form relating to a different scaling. There was sloped glazing for the penthouse with a strong 3<sup>rd</sup> floor horizontal band. One piece would anchor at a 45-degree angle to welcome people from the downtown area instead of the hard corner that might be a square edge, and another piece was a curve and covered arcade.

They decided to have brick under the arcade that would cascade down and seem to wrap the solid brick building beyond. There were jewel boxes. The façades on the 1<sup>st</sup> and 2<sup>nd</sup> floors were changed. The benefit of the building stepping back from the face and not being built out to the property line meant that they could ebb and flow with the façade and would help with shadow lines, nooks, plantings, and gathering places.

There were examples of sloped glazing that they found in Portsmouth, and theirs was similar to High Street where the glazing was sandwiched between two parapet walls. The concern in previous meetings about sloped glazing was that they were applying Velux windows on top to get a change of plane between the roof structure and the face of the slope glazing. They found a system that would sandwich between vertical forms as one continuous plane with flashing connections at the top and bottom.

Wrapping around the building on Raynes Avenue was the continuous curve and the pedestrian arcade. The Vaughan Street side would have the penthouse and the pieces stepping back to help with the scale of turning around the building and showing the differences between the front and

the back. They developed additional commercial space and storefront exhibit space on that corner, eliminating the parking garage grills to hide the storage of cars. They were working with their landscaping architect on more green space and plaza space, and they would work with the Planning Board and TAC to iron out more details.

On the Vaughan Street elevations, the changes around the corner got carried back to reinforce the commercial at the base of the building wing. One wing fronted Vaughan Street and the line of the covered parking deck beyond. Ms. DeStefano showed a screen wall hiding a transformer, grade changes tucking up, vegetation, and benches that would give the same feel from the front and the same material. There was gathering space on the green and access to the parking structure as well as pedestrian access to the interior residential and anchoring with side buildings. She showed other elevations of the façades and perimeters, the penthouse units, the wings, pocket park, bike racks, and two inside wings of the ell on Raynes Avenue. The parking areas that were previously open to the sky would have a roof deck to screen them, and they were looking at ways to hide the mechanicals. Parapet details were carried around the buildings. One of the parapets on the main building projected out 3' but they reduced it to 2'. All of the dimensions were shown.

They had three perspectives of the building, but the Commission wanted to see what was outside the context, so they took a photo of their building superimposed on the 2-story curve form on the approach. She showed the perspective of the width of the street compared to the building height. It was 80' across the face of the buildings to the face of the masonry building, which created a view avenue for the pedestrians of bringing them into and around the City.

They had a transition from brick to green on the face of their building. The sloped glazing wrapped around the corner perspective and they reinforced the sloped glazing to the sloped roofs across the way. The towers were anchors on the building. The view of the 3S Artspace building in the background was important. They were working with the Planning Board and TAC to straighten out the intersection a bit, and their building setback would help a lot. A perspective of the pedestrian sidewalk experience was shown; trees would be closer to the building, and the typical Portsmouth lanterns would go along the tree-lined street. They wanted to continue the sidewalk further to reinforce the connection to the City. Ms. DeStefano showed a soldier course that tied into a 1-story band and tied into an anchor on the left and right, and there was a large granite base for anchoring the building. On the Vaughan Street perspective, they would work with the City for walkway approvals to get some connection.

The next series of drawings were all details about the brick veneer building, accents of sloped glazing in metal, precast accents, cornices, canopies, a metal-clad rotunda, decorative screens, balcony rails, Juliet canopies, and elevations with window and door tags.

Landscape plans and civic plans were important because the pedestrian experience was important to them. They spent a lot of time with the landscaping architect. The Civic Plan was noted because it had dimensions for everything and made it easier for the inspector to grant permits.

Ms. DeStefano talked about the defining character and uniqueness of the buildings. She had provided a building that stepped down to the street and had design compatibility with

surrounding properties, had material that evoked historic warehouse buildings like the brick buildings on Vaughan Street, was residential in scale with the jewel boxes and 1-story and 2-story forms, and had a relationship to historic and architectural value. As to purpose, intent, and objectives of preserving the integrity of the District, their building stepped down in scale to relate to existing structures and the pedestrian feeling. It stepped back from the property line to provide breathing space and viewing, and it evoked feelings of a renovated warehouse with modern bays and large setbacks. It had some contemporary elements because it would not benefit the community if they recreated a historic building. Their building responded appropriately with materials, location, and massing. It contributed to a sense of place and would provide an urban anchor. The landscaped plaza fostered Portsmouth's heritage. It would provide market rate one-bedroom and two-bedroom apartments and would increase property values and encourage more development. Utilities such as electrical and sewer would be upgraded at the expense of the applicant, and every building around the property would also be upgraded. The project would be a catalyst to other new developers and the visitor and pedestrian experience on entering the City over the bridge would be enhanced.

Ms. DeStefano had reached out to 13 of 18 abutters. Of those abutters, she said some would speak for the project that evening, and of the 18, no one opposed the development as presented.

She told the Commission that she would amend the application with suggestions from their work session. She would do a mock-up showing the brick and the reveals and would provide a mock-up of the grid system of the Hardy panels and give them options to look at in the reveal and color. She would offer a brick coursing option as part of the mock-up. A horizontal band between the 1<sup>st</sup> and 2<sup>nd</sup> floors could be mocked up and additional shadow lines added. She could make part of that brick mock-up the transition between the brick and the parapet cap.

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

Mr. Joe Caldarola of 170 Dennett Street said he was at a red light in front of the Rite Aid building on Woodbury Avenue, and the building bothered him. It dawned on him that what bothered him about the building was the same thing that bothered him about the proposed building. He could not name the style of the Rite Aid and could only think of 'grandiose modern suburban'. It was designed to accentuate the size of the scale and mass of the building. He felt that the proposed building reflected that type of approach. The repeat of the three towers and the main building along Maplewood Avenue was very flat. The main towers from an angle looked like a 260' long, massive, flat building, with nothing to reduce it except at the street level where the stores popped out. He thought the parapet was horrible and looked like the Styrofoam material seen on every shopping mall. It looked cheap and did not reflect the historic features of an old mill. The rotunda looked like something between a bank and a parking lot. It could have been designed to be a soft transition between the residential and the commercial, but it was not. Its purpose made it hard, flat and tall, accentuating the grandeur over the top scale and mass of the building.

Ms. Christine Davidson of 1275 Maplewood Avenue asked what the building material was for the rotunda and the retail area. Chairman Almeida said it was metal cladding. Ms. Davidson said that it was similar to the façade of the Portsmouth Herald building, which many people were

unhappy with. It was another big, ugly building that violated the integrity of the former building as well as the architectural and historical integrity of the City. She had talked to a lot of people who felt that one of the biggest problems was the rotunda was the use of metal. Even cement would not have been as bad as long as they didn't paint it. She did not understand why the material could not be brick. It took centuries to get what they have, and there was a concern with overdevelopment. They wanted careful development, preferably with brick, granite, and wood. She asked that the building also be scaled down.

Ms. Karen Bouffard of 114 Maplewood Avenue was one of the abutters who opposed it. She supported development in the City but wanted it to be sensitive and appropriate development that blended with the downtown area. This was the gateway to the City, but she did not think the design contributed aesthetically and it did not feel authentic. The design would last a very long time and she hated to see a missed opportunity. It could be a cornerstone for the North End redevelopment and could inspire great buildings, but she did not think it fit that category. Some of the Commission members had made good suggestions that she hoped would become stipulations.

Mr. Jerry Zelin of 70 Kensington Road thanked the Commission for their public service and all the time they put in on the project and so many others. He attended several work sessions and felt that particular evening was a goal line stand for the public. The Zoning Ordinance said 'the Commission shall seek comments and suggestions by its members and no vote shall be taken and a decision shall be binding only after the public hearing'. What he had heard in all the work sessions was that the Commission had come very close to making up their minds. He was sure they were approaching the public hearing with open minds, but hoped they were focusing on his concern, which was the height of the building, and he wanted to make three points. First, the Historic District Commission's Ordinance demanded that the Commission consider the building's proposed height, mass and context. He quoted the Ordinance, saying its purpose was 'to maintain the special character of the District as reflected in the scale, mass, location and style of buildings.' The review criteria said that when reviewing an application, the HDC would determine if it was consistent with and furthered the objectives that he had just recited. In making its decision, the Commission had to make findings of fact that referred to the following criteria: 1) the character of the surrounding buildings including their height, scale, mass and width of surrounding structures; 2) the general size of the construction, considering height and width; and 3) the extent to which the project's scale was compatible with surrounding properties.

A jewel box that reflected the size of the building across the street did not satisfy those criteria. The HDC was also required by the Ordinance to look at the overall size of the project as it related to the buildings across the street. The proposed building was big. The week before, Mr. Zelin walked around the Marriott with a surveyor's wheel measuring the Marriott and said it was about 214'x190'. All the plans he saw at City Hall showed the dimensions of segments of the proposed building, but none of them showed the dimension of the width, depth or height. He converted 1/8" to a foot and realized the proposed building would be 250' along Maplewood Avenue, compared to the 214' maximum width of the Marriot. The building was 185' deep compared to the Marriott's 190', and 48' high, which was usually 10 stories of building. He asked how that fit into the context of the neighborhood. This was the central question that the HDC should demand they answer. It would dwarf neighboring buildings in all directions. His

biggest concern was that the Commission had no hard evidence at that point. The superimposed photos that the developer took seemed distorted and taken with wide angle lenses, minimizing the size of the building in relation to the others. Plus, the Commission had no scale model of the building, no digital 3D model, and no basic line drawings. Without that hard evidence, the HDC could not accurately assess the impact of that building on the neighborhood. They were 'flying without instruments'. His proposal was that the HDC postpone the application until the developer produced line drawings or scale models showing the height, mass and width of the building relative to the other buildings on abutting properties, across the street and in the general vicinity.

Ms. Susan Dennenberg said she appreciated all the expertise. She was just a lay person but she had a perspective that a lot of people had, that this was a massive building, and tweaking it in small ways was not going to change it. It was devoid of character and had nothing to do with the buildings next to it. People she knew were upset with the large-scale buildings. She thought the HDC had not only the authority but the duty to say no. The presentation pointed out that the building was on a human scale, but she did not think so. She felt they were losing a historic piece of Portsmouth and that tourists would not come to see huge buildings. The developer said the apartments would be market rates, but what were the rates? Would people buy these apartments like condominiums or rent them? What about the penthouse rates? How many people would move there? She thought it made no sense. She asked the HDC to look at their obligation regarding the project.

Ms. Barbara DeStefano of 99 Hanover Street lived in Portwalk. She said the North End used to be a vibrant area with families, a school, and a store, and that all went away. Some of the houses were not torn down, so now they were historic. This was just a modern interpretation of putting a new building in a location to be an extension of Portwalk. The new building would have more apartments and more people shopping, eating, working and living in Portsmouth. She liked the look of the building and did not think it was too big. It was one of the first to come into that neighborhood, and the big parking lot near the Sheraton would go away. She liked the metal curve and said everything does not have to match. The area was not the old Historic District anymore because the old buildings were torn down. It was a chance to redevelop and start from scratch. Did they want it just as blank space? She would rather see a building where people live and work and thought it should be approved.

Ms. Natalie Roman Nelson asked permission to read a letter from a friend who could not be there. His name was Neil DePaoli, and he was conveying his concerns about the project. He had lived in Portsmouth for 13 years, the last eight of which were within four blocks of the building. He thought the developers were insensitive to the historic neighborhood that still existed along the portion of Maplewood Avenue and Dennett Street that had 18<sup>th</sup> century homes. He mentioned the historic cemetery with General Whipple and Governor Langdon, signers of the Constitution and Declaration of Independence. The proposed building's design did not blend in with those vestiges. The brick and concrete structure exhibited none of the details of the wooden and Federal homes. The scale of the sprawling 4-story building would overwhelm and detract from the makeup of the historic neighborhood. He urged the Commission to vote it down and require that Ms. DeStefano prepare a new plan that dramatically scaled back the size.

Ms. Nelson also asked the Commission to not approve it unless it was scaled back. She said the main objective of the HDC was to maintain the special character of the District, and approval of the project would be inconsistent with that objective. It would dissolve and erode the historic sense of place. The building's institutional style and size would take away more from the area than it would give back.

Ms. Jim Soames of 154 Maplewood Avenue said he owned the Gideon Walker house, an 1803 2-story colonial, and he lived in the carriage house behind it, so he was very impacted by the development. He was an architect who wrote the HDC guidelines for Bob Thorensen in the late 1970s, and he was sensitive to issues that everyone there was concerned with. He applauded the HDC for their level of concern for what was happening in the community. He felt that the site was appropriate for this kind of density and fell within the Zoning and Planning Guidelines established for that area. It enhanced the activity in the growing young city, not old city. He said Portsmouth was not an historic city but one that had an historic fabric and elements and incorporated all those things, like Boston and New York. It was a dynamic young changing community. The site was a major entrance off Maplewood Avenue into the City and was a significant site, one that was appropriate for a project of this scale and development.

He said Boston had these types of projects that enriched the city, and they provided detail and architectural embellishment. He felt that had not happened in Portsmouth, that the Portwalk and Marriott project had not enriched the City. He thought the new project might enhance it but probably not enrich it. However, with the additional activity, it would provide an urban environment that the area needed and would thrive on. He supported the project and did not think it was inappropriate to the site.

Chairman Almeida called for Second Time Speakers.

Ms. Dennenberg said she brought some photographs to present to the Commission. She kept thinking about the old State House in Boston and the monstrosities that were built next to it and did not want Portsmouth to look like that.

Mr. Caldarola said he agreed and felt the project could be done, but it had to be done right. The 18 Congress Street building was massive but approachable. The proposed building was not. It was more like a suburban building, and he felt the developers did a poor job.

No further discussion was added and Chairman Almeida closed the public hearing.

## **DECISION OF THE COMMISSION**

Chairman Almeida asked Ms. DeStefano how she wanted to proceed, whether she wanted to continue with the public hearing and get a vote, or postpone it to the next meeting. Ms. DeStefano asked how the work session with the Planning Board would work. Chairman Almeida said Ms. DeStefano would meet with the Planning Board and have a work session, and if there were changes, they could be done afterwards and should not stop the Commission from proceeding that evening. He was in favor of the Planning Board work session and was not in



favor of another work session with the HDC. He asked the other Commission members how they felt.

Mr. Gladhill said he had to defer to the work session. Vice-Chair Kozak, Mr. Rawling, Mr. Katz, and Mr. Wyckoff were in favor of another work session with the HDC. Ms. DeStefano said they would have another HDC work session and asked for a date.

*Mr. Wyckoff moved to **postpone** the application to a work session/public hearing at the August 7, 2013 meeting. Mr. Gladhill seconded the motion. It passed unanimously with all in favor, 7-0.*

**B. Petition of 508 Islington Street Condominium Association, owner, and Robert Maynard, applicant,** for property located at **508 Islington Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace storefront windows with double hung windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 156 as Lot 2 and lies with the Mixed Residential Business and Historic Districts. *(This item was postponed at the June 5, 2013 meeting to the July 10, 2013 meeting.)*

#### **SPEAKING TO THE PETITION**

Mr. Gladhill recused himself.

Mr. Robert Maynard introduced himself as one of the owners and said he wanted to remove old commercial windows from the front of the building and replace them with residential windows to match the houses next to him. He had lived in the building for 13 years and knew it was a commercial building at one time, but now it was purely residential and he wanted to make it look nicer with new windows.

Mr. Wyckoff said he could not figure out the drawings at all and asked for help. Mr. Maynard told him to start with the photographs on Page 1. He pointed out that the three panes to the right of the door would be removed as well as another large window. The next page showed photographs of the houses to the left and to the right, and Mr. Maynard said he wanted to install similar windows. He was not sure of the 2<sup>nd</sup> floor windows and had thought of putting windows in and spacing them evenly. He would do a total of two windows on the front and one on the side. Chairman Almeida asked for the pattern on how he wanted to place the windows, then found it at end of the packet.

Mr. Wyckoff said the chosen window was pure vinyl with a J channel around the perimeter that was meant to accept vinyl siding. He felt that windows should be cased around the perimeter with 1'x5' style casing and have sills. If Mr. Maynard were going to put two windows together, they would require a wide piece of trim between them. The single window would be easier and would also require a trim around it. Mr. Wyckoff felt the American Craftsman style window was not the right window for the application and asked Mr. Maynard what type of window and installation procedure he would use.

Mr. Katz said it looked like the houses on either side had vinyl windows and asked if Mr. Maynard's other windows were vinyl. Mr. Maynard said yes. Mr. Katz asked if Mr. Wyckoff had meant that the applicant had to put wood windows in and he said no. Mr. Katz then clarified that Mr. Wyckoff's objection with the window was that the vinyl siding was inappropriate and Mr. Wyckoff agreed.

Vice-Chair Kozak asked if the house was wood or vinyl-sided, and Mr. Maynard said it was vinyl. Vice-Chair Kozak said Mr. Maynard would have to use a J channel with the trim in that case. Mr. Wyckoff said he could also get vinyl windows with a casing around them and then install a J channel to accept the vinyl. Mr. Katz said the existing windows already had J channels. Chairman Almeida said they already had real window sills as well but looked like replacement windows, not original ones. He felt that many things had been done to the house that were not quite right and pointed out that the window above the door was not correct.

Mr. Wyckoff wondered what Mr. Maynard would line the windows in the rest of the house with. Chairman Almeida asked if they were going to do the right thing with the three new windows and then hope the rest of the house would follow suit. Mr. Katz did not see why they should make it more difficult for the applicant.

Mr. Rawling said that putting in two pairs of windows as presented would be filling in most of the three panels, so they needed to imagine the design back to when it was an enclosed porch and the window fit. They should see some posts on the porch, maybe a sill line and windows infilling the space. He did not know how they could approve two paired windows as if they were punches in a wall. Chairman Almeida agreed and said it was the same issue they had had before on New Castle Avenue. Mr. Katz said the only difference was, they were still left with a semi-enclosed section which was not part of the process of turning a porch into a porch, and they were not doing that. Chairman Almeida said perhaps they should be doing that because the window replacement should be sensitive to the fact that it was a porch other than just two windows.

Mr. Maynard did not know what to say other than he didn't know much about windows, not even a J channel. He just wanted to make the front of the house look better and that he may not have the means to do what the Commission suggested. Mr. Wyckoff said if Mr. Maynard were to use the same sized windows that existed on the 1<sup>st</sup> floor and the tops of the windows were in the same location, the Commission was doing no harm by approving it. Someone could come back at a later time, remove the vinyl siding and inappropriate door and do what Mr. Rawling suggested, given the character of the enclosed porch. The Commission would just need the stipulations of appropriately sized windows.

Mr. Rawling was doubtful that someone would go to the extent of removing the vinyl from the house and replacing the original porch. Mr. Wyckoff realized it was hard to go backwards on that issue and that enclosed square footage was valuable on a small house. Mr. Katz did not want to belabor the point and get into more than it really was, so he opted out. Mr. Rawling said he could present a sketch of a beginning point if it would help. Chairman Almeida said it was inappropriate because they were not in a work session mode. Mr. Wyckoff said maybe that would be the appropriate thing to do, but not then because the other applicants had been waiting three hours.

Chairman Almeida asked Mr. Maynard if he would agree to a work session/public hearing the following week so they could review additional details. Mr. Maynard agreed.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Katz moved to **postpone** the application to a work session/public hearing at the July 17, 2013 meeting. The motion was seconded by Mr. Wyckoff.*

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

## **II. NEW BUSINESS (PUBLIC HEARINGS)**

1. Petition of **Robert and Laura Nute, owners**, for property located at **46 Mark Street**, wherein permission was requested to allow a new free standing structure (replace existing fencing, install new fencing and gate) 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**

Mr. Nute asked the Commission for approval to replace two fences that were removed during demolition, one on the property's east side and one on the west side. He also wanted to add a gate and a new piece of fence that would be located between the rear of 46 Mark Street and the middle school. A chain link fence was there now.

Chairman Almeida asked if the fence measured 7' at the top of the lattice piece and was told it did. Mr. Wyckoff asked if the gate and hardware would be similar to the photographs and was told yes.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to **grant** a Certificate of Approval for the application as presented. Vice-Chair Kozak seconded the motion.*

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

2. Petition of **Fifty-Five Congress Street Condominium Association, owner,** and **T-Mobile Northeast, LLC, applicant,** for property located at **55 Congress Street,** wherein permission was requested to allow exterior renovations to an existing structure (remove three antennas and replace with six new antennas) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 9 and lies within Central Business B, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Mr. Jerry Squires representing T-mobile told the Commission he wanted to remove three antennas on the rooftop penthouse and replace them with six panel antennas. The antennas would be painted two colors, brick red and gun metal gray, to match the background of the penthouse. The reason was to upgrade the network to the LTE 4G technology. His packet included authorization from the owner of the property, photo simulations showing some views of the existing and proposed antennas, and a full set of plans.

Chairman Almeida asked about the paint colors. Mr. Squires pointed to the photographs and said the ones in the corner would be red and the others would be gray.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to **grant** a Certificate of Approval for the application as presented. Mr. Katz seconded the motion.*

Mr. Katz said it was a clear, well-documented application with minimal changes. Chairman Almeida said that several panel antennas currently existed in Market Square and did not detract from the pedestrian experience.

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

3. Petition of **F.A. Gray, Inc., owners,** and **Debbie Oliver, applicant,** for property located at **30 Daniel Street,** wherein permission was requested to allow new construction to an existing structure (install retractable awning) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 16 and lies within Central Business B, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Jessie Aikman of Back Channel Canvas said she had a straightforward application that included a picture of the Clip Joint storefront and one of the awnings they had recently installed for the

Banks Gallery on the same building. The proposed awning was retractable, and she presented a fabric sample that she thought looked very 'barbershop', which would have a black valance with white lettering.

Mr. Gladhill asked if the awnings would go across both windows. Ms. Aikman said they would go to the left side of the entryway to the second barber pole, which was as far as the space went. The building owners had future plans and did not want the awning to go all the way across. On the other side, the awning did not go all the way across to where the gallery was, but it was almost the same size as the gallery's awning, so it would look balanced on the front of the entryway.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to **grant** a Certificate of Approval for the application as presented. Vice-Chair Kozak seconded the motion.*

Mr. Wyckoff said it was the type of awning the Commission liked to see in the Historic District and was very appropriate. Chairman Almeida said Ms. Aikman had been before them several times for awning approvals and knew what they typically looked for, and it showed in the application.

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

4. Petition of **Lawrence P. McManus, Jr., owner**, and **Mary Beth Herbert, applicant**, for property located at **112 Gates Street**, wherein permission was requested to allow new free standing structures (install two condensing units) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 71 and lies within General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

Ms. Mary Beth Herbert of 112 Gates Street said her application was for two air conditioning units and reflected her efforts to maintain the look and integrity of the 18<sup>th</sup> century house. In the packet, there were maps, photos and scale drawings showing the proposed locations. The two condensing units would have no pipes running down the house exterior but instead would be run inside the house. The pipe from the condensing unit into the house would go through a panel in the basement window, preventing additional holes in the foundation. The units themselves were a taupe/gray/brown shade that matched the house's weathered clapboards. During winter, they would be covered and protected from the snow. Ms. Herbert included examples of covers her neighbors camouflaged their units with and said she preferred plants for camouflage.

Mr. Gladhill asked why she did not place the units in the back of the house. Ms. Herbert said she did not have a spot on the back of the house. There was a shed at the back and did not allow the 10' she needed for the units. The only places she had 10' were the parking pad and a courtyard, and her neighbor preferred that they not be located there because the units would be visible to them. Neighbors on the other side did not object to the proposed location.

Mr. Gladhill said the landscaping plan showed shrubbery in the front and back and asked about shrubbery on the side of the driveway because the units would be highly visible to someone coming down Gates Street. Ms. Herbert said she planned to do a window box type of thing with potted plants. Mr. Rawling said it was helpful to have all the letters of support from the abutters because it helped resolve his question about how the neighbors felt. Mr. Katz said it was the most complete and extensive application for condensing units that he had ever seen, and he liked the triangular covers for the condensers.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to **grant** a Certificate of Approval for the application as presented. Mr. Katz seconded the motion.*

Vice-Chair Kozak told Ms. Herbert that it was well-documented, proposed in a discreet location, and would not impact the District. Chairman Almeida commended Ms. Herbert for using plantings as screening instead of fences.

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

5. Petition of **Streetscapes Properties, LLC, owner**, for property located at **110 State Street**, wherein permission was requested to allow new free standing structures (install two condensing units) and allow exterior renovations to an existing structure (replace second and third floor windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 53 and lies within Central Business B and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Josh Cote of Insurrcomm Construction wanted to change out the windows on the 2<sup>nd</sup> and 3<sup>rd</sup> floors totaling 11 windows. The door to the deck on the back would not be affected. He also wanted to add two condensers to the building. Mr. Cote showed pictures of the building's façade on the State Street side. None of the windows were original and all needed replacing. He wanted replacement windows that were 6 over 6 with fixed grills on the interior and exterior. They were aluminum clad on the exterior and wood on the inside, and the center grill would be fixed inside the glass. He also needed approval for the small condenser units because of the commercial space on the 1<sup>st</sup> floor, even though they were for residential use. The physical and electrical data

page showed unit Model # 18, the smallest of all the units, which had a quiet drive system and a low operating noise. They would be placed at the back of the building where it would be the furthest away from the two buildings on either side.

Chairman Almeida asked if he was using condensing lines running along the face of the building. Mr. Cote said yes, that there was a photo of the deck overhang and they would be running them underneath it. Mr. Gladhill asked if the lines would be hidden under the wood. Mr. Cote did not think they could hide them underneath the wood but said it would be easy to bring something down to help cover them. Chairman Almeida asked if it would be possible to not have them connect to the historic brick in any way. Mr. Cote said it was possible. Mr. Cote said they could hang off the deck.

Mr. Wyckoff asked if the 3<sup>rd</sup> floor windows were vinyl, and Mr. Cote said they were wood, but were replacement windows. Mr. Wyckoff asked if they were 6 over 6. Mr. Cote said that was what they were proposing. Mr. Wyckoff said the storm windows would be removed and would not have the centered division. Other buildings with good replacement windows had 3 over 3 instead of 6 on the top. He said Mr. Cote's windows would look more horizontal than vertical. Mr. Cote said he could do 3 over 3.

Mr. Wyckoff asked about the three windows in the back. Mr. Cote said there were three small windows and the two 6 over 6 windows on the 2<sup>nd</sup> floor.

Mr. Rawling asked about color and jamb liners. Mr. Cote said, because they were replacement windows, the outside casing was wood and painted white. The windows would be white and jamb liners would be white vinyl.

Vice-Chair Kozak said that the details they normally discussed were about the setting of the window in relation to the existing glazing and glass. They did not want the window to come further out. She said there was often a gap between the outer aluminum frame and the edge of the wood casing, and they would want it filled in with trim piece to prevent getting dark shadow line surrounding.

Chairman Almeida thought the building was significant enough that he did not want to see the typical window issues that they normally see, and he thought the wooden storefront windows on the 1<sup>st</sup> floor should be replaced with wood windows. There was not a replacement insert into the wooden frame and they would lose a huge amount of glass area by putting a framed window with its own jamb within the existing window jamb, reducing the glass significantly.

Mr. Cote had a window sample with him that he showed to the Commission. He did not think it would reduce the glass much when it went in and thought the casing would come over the outside about an inch.

Mr. Wyckoff said about 10% of the window glazing was lost due to the existing triple track storm windows. It would be best to remove the triple track windows. He thought the Pella architectural windows were good windows with minimal frames.

Chairman Almeida asked Mr. Cote if he was putting screens on. Mr. Wyckoff said they should be half screens that slide up and down. Mr. Rawling said there appeared to be about 1” of frame and it should be required that the manufacturer’s cut be set such that it would be drawn into the existing opening. He said he had too many questions about how the windows would be installed to approve it right away.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

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

- 1) That condenser line shall be hung from the wooden deck and not penetrate the historic brick wall at any location.*
- 2) That 3/3 window patterns/grilles shall be used on the third floor.*
- 3) That the window plane shall be consistent with the existing window (sash shall be in the same location).*
- 4) That half screens shall be used.*

*Vice-Chair Kozak seconded the motion.*

Mr. Wyckoff felt that the windows were a good fit on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and the condensers were small, so it would be a big improvement. Mr. Gladhill thought they needed to decide in the near future where to enforce wood on that type of building.

Mr. Rawling supported Chairman Almeida’s comments about the wood windows and thought the window should be shown in the drawing in its proposed position and how it would work with the application. He asked Mr. Cote how he felt about wood windows. Mr. Cote said he thought they would be great but more expensive. In that instance, given they were not ground-level windows, spending the extra money was not warranted because the windows could not be touched or seen close up.

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

6. Petition of **Ryan P. and Crystal L. Cronin, owners**, for property located at **180 Gates 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 103 as Lot 18 and lies within General Residence B and Historic Districts.

### **DECISION OF THE COMMISSION**

Because no one was present to speak to the application, the Commission voted to postpone the application to the July 17, 2013 meeting.



7. Petition of **Warner House Association, owner**, for property located at **150 Daniel Street**, wherein permission was requested to allow demolition of an existing structure (remove existing fencing) and allow a new free standing structure (install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 58 and lies within Central Business B and Historic Districts.

### **SPEAKING TO THE PETITION**

Ms. Kerry Vautrot, Buildings and Grants Committee Chair for the Warner House Association, and Phil Kendrick, architect and Warner House board member presented.

Ms. Vautrot presented the Warner House Association's application for a project to demolish an existing non-historic fence that was constructed in the 1990s and was in poor condition. They wanted to replace it with something more historically accurate. They had a great deal of pride in their property, constructed in 1716, and they evaluated all the fences that had been around the house since then. They settled on the type of fence that was standing in the 1930s when the Warner House became a museum. It was a reconstructed wood fence designed by Mr. Kendrick. Ms. Vautrot said the new fence would have three different styles and two different varieties of board fence. It would be 7' tall along the Daniel Street elevation with a more decorative piece wrapping the corner up to Chapel Street. A shorter 4'4" fence would complete the Chapel Street elevation. The fence would be hardwood red cedar or similar and would be painted.

Chairman Almeida asked what color they were going to paint it. Ms. Vautrot replied that it would be painted gray to match the existing trim of the house. Chairman Almeida also asked how many types of fences she was proposing. Ms. Vautrot said three different types and that the current fence was a 1990s Home Depot fence.

Mr. Wyckoff asked if the current fence was hand-built, and Ms. Vautrot said no, it was a manufactured fence. Mr. Kendrick added that the current fence was not authentic and was a stop-gap installation. They began the process of looking for a new fence 16 years ago when they tore down the picket fence and were now finally completing the process.

Chairman Almeida said the photographs showed a carriage shed and asked if they were stopping the fence shy of it. Ms. Vautrot said they were, and there would be a gap. Chairman Almeida said he hoped it would be a temporary gap. She said they would potentially build a new carriage shed.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Gladhill moved to **grant** a Certificate of Approval for the application as presented. Mr. Melchior seconded the motion.*

Mr. Gladhill said the application was very historically appropriate, with clear evidence presented.

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

8. Petition of **Michael De la Cruz, owner**, for property located at **75 Congress Street**, wherein permission was requested to allow new construction to an existing structure (install poster boxes on side of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 5 and lies within Central Business B, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Mr. Michael De la Cruz, owner of 75 Congress Street, said the application was for replicas of the theater poster boxes that had been associated with the Franklin Block Building in different versions for about 200 years. There had been an opera hall in the original Franklin Block Building in 1813, then it had been a theater, and at the end it had been the Arcadia movie theater, so it had a long history of entertainment and theatrical events. The poster boxes were typically displayed on the Fleet Street side, and Mr. De la Cruz submitted photographs of what used to be on Fleet Street. In the past years, he had received many ideas from people on how to use the poster boxes.

He renovated one of the suites a few years back to do historical preservation and he decided to look at the poster boxes. Unfortunately, his tenant went bankrupt and the economy collapsed, so he put it on hold. Now he had a good solid tenant and wanted to put the poster boxes in. He found a carpenter to design the poster boxes to their historic past.

Chairman Almeida remembered that the application had been submitted before. Mr. Rawling asked if the poster boxes projected 9-1/2". Mr. De la Cruz said they projected about 5" and were set by snowplow distance. Mr. Rawling asked if they would be used for merchandise advertising, and Mr. De la Cruz said no, they would only be used for posters and would have an art theme. Mr. Rawling jokingly asked if they could make a condition that Mr. De la Cruz restore the parapet around the roof. Mr. de la Cruz said he would like to do that within a year or so.

Chairman Almeida thought it was a wonderful application and commended Mr. De la Cruz on the building upkeep over the years. He said it was a huge responsibility for a huge building and was just another example of a really nice touch. Mr. De la Cruz thanked him and said it was a lot of hard work and he appreciated the fact that Chairman Almeida noticed.

Mr. Wyckoff asked if there was anything left of the theater. Mr. De la Cruz said when he bought the building, there was nothing left of it, but he found some old panels and also air vents that used to hold the old gas chandeliers, and he was trying to figure out how to use those in the building.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

## **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to **grant** a Certificate of Approval for the application as presented. Mr. Gladhill seconded the motion.*

Mr. Wyckoff said the application was historically accurate, and it was replacing something that was missing and would be positive for the community.

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

9. Petition of **36 Market Street Condominium Association, owner, and John Brady, applicant**, for property located at 36 Market Street (also 9 Ladd Street), wherein permission was requested to allow new construction to an existing structure (add one window to the south façade and two windows to the west façade) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 29-3 and lies within Central Business B, Historic, and Downtown Overlay Districts.

## **SPEAKING TO THE PETITION**

Mr. John Brady said he recently purchased the condominium unit and had renovated about 90% of the inside. The unit was fairly dark, so he wanted to add two windows in the kitchen to bring light in and one window in the family room. The building used to be the old Peavey's Hardware building and the room was 20'x20' with exposed brick, and there were two brick walls that came 16' on each side into the center of the room. The windows they were requesting would look exactly the same as the current windows and would be set back with a brick header at the top to be consistent with all the other windows. Mr. Brady had photographs with renditions of what the unit currently looked like and what it would look like after the window installations.

Mr. Gladhill said that the Commission had previously approved Andersen windows for the 2<sup>nd</sup> and 3<sup>rd</sup> floors, but the previous owner replaced the windows with vinyl, so one window was approved, and he was not sure what the owner decided to do with the other windows.

Mr. Brady said after he took over the unit, he found out that it was approved for Andersen divided light wood windows, consistent with the windows on the unit in the front of the building. The windows on the front side of the building over the Paper Patch were not true divided light window but were vinyl clad. He had asked the prior owner how he had received approval for those windows, and the owner had told him that he just bought Andersen. The interior was not wood. From the inside of the unit on the front, the interior was a wood frame with a wooden sill. The new windows Mr. Brady wanted to install would have the same exterior as the Andersen vinyl-clad windows and would be consistent with the windows on the front of the building. In

the interior, however, they were vinyl, not wood. Consequently, they would appear to look the same from the outside but the interior would be different.

Mr. Wyckoff said it made sense to continue the same windows and thought Mr. Brady had done a good job of photo shopping. He thanked him for not trying to put in a balcony. Mr. Brady said he bought the unit because he fell in love with its history, and there was no sense in putting a Juliette balcony where one never existed. Chairman Almeida said he liked the addition of the two windows around the corner and on the back of the building. Mr. Rawling said he was normally cautious of changing the fenestration pattern, especially on Ladd Street, but since that section of the building had been extensively altered and rebuilt, the addition of the window on that side would fit in and be complimentary to the building.

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

Ms. Kerry Vautrot of 96 Highland Street said she used to live at 5 Commercial Alley and had walked by the building all the time. She thought the change of adding the window would disrupt the rhythm in the fenestration pattern. She did not know the architectural history in terms of the renovations, but the existing fenestration pattern was consistent, and adding something in that location on that elevation would lessen to integrity of the building.

No further discussion was added and Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff moved to **grant** a Certificate of Approval for the application as presented. Mr. Katz seconded the motion.*

Mr. Wyckoff looked at the photograph of the Ladd Street side and said the fenestration pattern was slightly irregular anyway. Because the change was on the back of the building and a lot of changes had already been made back there, he said it did no harm to the Historic District and would help out the building. Vice-Chair Kozak was uncomfortable with the Ladd Street elevation and said there was a definite pattern and rhythm to that side. She had no problem with the two windows around the back. Mr. Gladhill said the windows themselves were lined vertically up and down and Mr. Brady would break that pattern.

Chairman Almeida wondered why Mr. Brady was not adding another window on the 3<sup>rd</sup> level as well, because it would continue the rhythm of windows over and under each other. However, he appreciated that the window would be identical to the others, including the heavy historic sill and masonry opening, and it would be a handsome change to the building, so he was in favor of it.

*The motion **passed** with a vote of 5-2 with Mr. Gladhill and Vice-Chair Kozak voting opposed.*

Mr. Brady added another request for an oven and a vent. He said the regulations stated that he could put something on the side of the building where the two windows would go that would not protrude more than 6" and he was installing a new oven that would vent out about 4". Chairman Almeida said he thought there was an exemption for a piece of mechanical less than 12"x12".

Mr. Brady said his builder looked into everything and found they could install it, but he wanted to make sure the Commission agreed as to where they would put it in. It was a small vent that would go next to the windows on the back of the building.

Mr. Rawling asked if they could do something other than shiny silver metal. Mr. Brady said they could paint it or install copper. Chairman Almeida said it was an exemption only if it were a single or 2-family dwelling, so for that reason alone, it would require their approval. He suggested that the Commission members amend the motion they just made to include instructions on what to do with the vent and get it over with.

*The Commission moved to **withdraw** the motion. It was seconded and unanimously **passed**, 7-0.*

There was further discussion about the vent. Mr. Brady said he would like to install the vent and could make it copper or paint it whatever color the Commission wanted. The vent would go next to the two windows and would be down about 6' from the windows.

Chairman Almeida asked if he could document the location on the photograph, and Mr. Brady did so. Mr. Wyckoff asked about the size he intended on using. Mr. Brady said it was 4" bigger than the rendition and a little wider. Mr. Wyckoff asked if it would be horizontal. Mr. Brady said it would be square.

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

There was no one to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

*Mr. Wyckoff made the motion to **grant** the application as presented with the following amendment:*

- 1) That a wall-mounted vent is approved and shall be made of copper and mounted at the location shown on the submitted plan.*

*Vice-Chair Kozak seconded the motion. It **passed** with a vote of 5-2 with Mr. Gladhill and Vice-Chair Kozak voting opposed.*

### **III. ADJOURNMENT**

At 10:35 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Joann Breault, Acting HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on March 5, 2014.