

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**August 7, 2013  
to be reconvened on August 14 & 21, 2013**

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

**MEMBERS EXCUSED:**

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

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**I. APPROVAL OF MINUTES**

*Mr. John Wyckoff moved to approve the January 2, 2013 Minutes as presented. Mr. William Gladhill seconded, and all were in favor, 7-0.*

*Vice-Chair Tracy Kozak moved to approve the January 23, 2013 Minutes as presented. Mr. Gladhill seconded, and all were in favor, 7-0.*

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

A. **(Work Session/Public Hearing) Petition of 508 Islington Street Condominium Association, owner, and Robert Maynard, applicant,** located at **508 Islington Street**, wherein permission is requested to allow for renovations to an existing structure (replace storefront window with hung windows) as per plans on file in the Planning Department. Said property shown on Assessor Plan 156 as Lot 2 and lies with the Mixed Residential Business and Historic Districts. *(This item was postponed at the July 17, 2013 meeting to a work session/public hearing at the August 7, 2013 meeting.)*

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to postpone the application to a work session/public hearing at the August 14, 2013 meeting at the applicant's request. Mr. George Melchior seconded, and all were in favor, 7-0.*

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**B. (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 July 10, 2013 meeting.)*

## **WORK SESSION**

Ms. Lisa DeStefano of DeStefano Architects referred to their summary letter that addressed five specific areas from comments received from the Board and the public during the previous month's session. Ms. DeStefano reviewed and explained all the changes.

Chairman, Joe Almeida asked about the pedestrian experience on the Vaughan Street side, and wondered if there was some opportunity for landscaping between the two building sections. Ms. DeStefano said there were still some areas that were yet to be determined with other city boards.

Mr. Dan Rawling compared the scale of the parapet cap overhang to what was across the street, saying it looked as if the top of the building had been removed, revealing a brick box look to the building. Ms. DeStefano said page 9 showed there was a variety of four different parapet sizes from the tower to the sloped glazing area making it relevant to that building rather than the two-story building across the street. Mr. Rawling said a building that size needed a larger overhang, and asked if they could keep it in proportion. Ms. DeStefano said they looked at some of the larger brick buildings in the City, and some of the projections were from the corbelling, not just the parapet cap. Chairman Almeida said a ¼ inch to 1-½ inch projection 45 feet up was insignificant. Mr. Rawling suggested a 3-½" projection would be better. Ms. DeStefano said the caps were only on the four-story towers, and the majority of parapets were on three-stories. Mr. Wyckoff said he felt the architect's attempt to reduce the height and add more detail to the bricks was successful. Mr. Richard Katz said it was Orlando revival which exercises restraint, brought the down height visually, and was an elegant solution. Mr. Almeida agreed.

Councilor Esther Kennedy asked if they talked to any of the neighbors about the project, and Ms. DeStefano said they submitted letters from supportive abutters some months ago. Councilor Kennedy said she received an email from someone who had not been spoken to.

Mr. Rawling said there had been discussions of the unrelated elements at the front of the building elevations on Maplewood Avenue, but they still looked the same as the first presentation. He said he thought the removal of the cornices turned it into a brick box with metal flashing that resembled a toll booth or a court house when viewed from Maplewood Avenue, and there were too many stylistic differences that didn't relate to the other buildings on the street. He said there were historic buildings near the waterfront, but there was nothing in this building that would be a reference to Portsmouth - nothing welcoming and friendly, and it would just be a relief to get past it. He said a significant project of this size would be a gateway building defining the entrance of the city, and it was not ready to be approved.

*Chairman Almeida closed the work session and opened the public hearing.*

## **PUBLIC HEARING**

### **SPEAKING TO THE PETITION**

Ms. DeStefano said she gave a history of the project during the last hearing. Since then, they had a joint work session with the Planning Board and HDC. She said a number of years ago they did a renovation to the old Portsmouth Herald building and this would be an addition to the northwest area of the site. She said it was a gateway building for mixed commercial use with retail on the first floor, and 71 residential units. She said they listened to studies that were done in the city, and participated in the form-based zoning charette, and the design was intended to be in keeping with the Master Plan for economic development and tax revenues for the area it was in. They were granted a variance, and met all of the zoning requirements. She said the building would not go to the allowable property line, so it would have setbacks that would encourage "people space".

She said and they wanted the building to look like a renovated brick warehouse with a curved form instead of a hard edge for the gateway. They designed the building holistically, to go from one to three stories to relate to the two story buildings in the area. She said they also attempted to disguise the parking area from the pedestrian space, and brought retail and commercial around the corner to relate to 3S Art Space, and future development.

Chairman Almeida asked her to speak to the historic context of the building in the neighborhood. Ms. DeStefano said they saw it as a different district during the March meeting to compliment, not duplicate. She said they were respecting the context of the Westin site, and the Port Walk area by looking at the northern side. She said Maplewood Avenue was a thoroughfare with an average of 14,000 cars a day. The residential buildings across the street were unique, but on the north side there were boxed warehouse buildings. Their design was in keeping with the renovated warehouse style, and by purposely stepping it back, it becomes a transitional building. The tallest building around them was in a simple form, and this building would be in the right scale in proportion and mass.

Chairman Almeida said the cemetery was the second most common theme in the letters received. Ms. DeStefano said what was there years ago had no consideration to the cemetery, but their design included a courtyard on that side, and there was a setback from the property line that it was respectful. Mr. Katz said he had been considering the cemetery question for quite a while, and that it was there and it had gone through the ages regardless of what surrounded it. He said the only appropriate view would be a small wooden church with a modest steeple and a parsonage along side, and no one was proposing that. Mr. Wyckoff said his great grandparents were buried there, and the cemetery had been abused, and he thought re-development with active residents across the street would help. Chairman Almeida said the cemetery was in very sad shape, and there had been many efforts to care for it. He said he thought rather than using it as an argument against the development, the best way to help the cemetery would be to get involved directly in restoring it.

Mr. Rawling said other things add scale to the buildings, and it didn't necessarily mean wood clad Colonial building, and they could still do a contemporary building with a nice pedestrian scale. Chairman Almeida said some would say they had that in this design. The mass had been broken down many times, and it had a pedestrian experience with generous setbacks.

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

Mr. Joe Caldarola of Dennett Street said he had no objection to modern architecture in Portsmouth, and thought it could mix well and be an attraction, but it had to be good. He said the Master Plan calls for maintaining historic character, and historic Portsmouth's buildings relate to human scale. Mr. Caldarola presented a short Power Point showing the length of buildings on Bow Street, the Athenaeum, and the Eagle Photo building that were long, but were broken up in distinct styles. He also showed examples of other large historic buildings such as the Old Fellows Hall, the old City Hall, and the Federal Savings Bank that was at human scale by design. Then he showed the Residence Inn with no parapet that made it feel suburban, and the design for 111 Maplewood that did the same thing, including metal cladding common on auto dealerships. He pointed out the lack of variety as a result of the repeating dormers and towers, and said the 32-foot, three-story high rounded section was too large and high. He suggested they develop a much smaller building to transition to the residential neighborhoods better.

Mr. Neil Depaoli of 76 Northwest Street, who submitted a letter in June said he lives 600 yards away and agreed with Mr. Caldarola that the building was out of scale, and thought the design should be more in keeping with the neighborhood. He said he walks around the cemetery frequently, and although it needs care, it was not rundown, the mowing was kept up, and there was a historic plaque to make people aware of its significance.

Dr. Barbara Bowles of 170 Dennett Street said she had been a supporter of Portsmouth being a year round vacation destination, and had also supported the north end becoming a location for hotels, and conference centers. But she said public comment should play a crucial role in the way Portsmouth was developed and the 111 Maplewood project concerned her because the invitation for public comment came so late in the process. She said the urban development that came into that area in the 60's and 70's was ugly and never looked right in what was otherwise a beautiful neighborhood. She imagined back then citizens were probably told they didn't understand economic development and progress, but people now know the citizens were right when they objected to that kind of development in the area. She said the developers had money in the game, but the public had the long view that was unique and vital to the process, and needs to be heard. She asked that they not repeat the same mistakes of the past.

Mr. Lee Rubin of 1 Kane Street said he also agreed with Mr. Caldarola, saying he objected to the mass of the building that would overshadow human scale that had always been an attractive and welcoming feature of Portsmouth. He said he walked down Maplewood Avenue to Town several times a week and the new building would block out everything beyond it so the church steeple could no longer be seen when walking into town as did Port Walk and the Hilton Garden.

Ms. Zelita Morgan of Richards Avenue agreed that modern buildings could compliment historical buildings in the City, but the scale of this project would block the sky. She said it appeared as if they were driving along Memorial Drive in Boston when looking at the drawings of the square brick buildings and roofs. She said the Port Walk was a mistake and should not be repeated.

Ms. Christine Davidson of 1125 Maplewood Avenue said she owns properties in Portsmouth and said she didn't see any grace and uniformity in the 111 Maplewood building proposal, which had a mixed of eclectic quality with different configurations of windows, protrusions and an unnecessary bulging rotunda that was not attractive.

Keith Eveland said he lived in Rye, but owns property within the Historic District in Portsmouth. He said he looked at the project online, but it was hard to get an idea of how big these buildings would be, and a 3D rendering in relation to the rest of the city would be helpful. He said the Portsmouth Herald building would be torn down one day, and thought they should look at what would happen there and on the other side of the block as a unit, adding that this building wouldn't be considered if Port Walk was in place. He compared Portsmouth to Santa Fe, New Mexico, which was also considered a walking city, but had a larger population of 70,000 people. He said he talked with the planners there, and learned the city was set up to protect its historic area, they had height and size limits and required buildings to harmonize with their existing buildings. He said he thought they should postpone the vote until form based zoning was in effect.

Mr. David Nord of 90 Fleet Street said he was reminded of the failed architecture that went into 51 Islington Street where only a fraction of the building was occupied. He asked if people were clamoring to be tenants, and asked if they really wanted another example of failed architecture in the gateway of the City. He said their obligation draws upon the history of Portsmouth, not to approve the building, and he hoped they met that obligation.

Mr. Gerald Zelin of 70 Kensington Road said there was a swell of public concern for the direction the City, particularly the Northern Tier would take. He said there were three issues: 1) What height and mass standards the HDC would apply to the Northern tier; 2) How rigorously they would apply those standards; and 3) What information the HDC would require the developers to provide to show that height and mass would be compatible with the neighborhoods and the Master Plan vision for the City. Mr. Zelin said the HDC had jurisdiction, and the ordinance said their reference point should be surrounding structures, and the Historic District as a whole, encouraging designs that would compliment and enhance the City's architecture and historic character, contributing to its sense of place. He said the ordinance had no reference to predictions of what would be built in the future, and the argument that this proposal would be in keeping with future buildings would be a self-fulfilling prophecy when those proposals compare themselves to a building of this size, instead of the existing historic buildings. He also referenced an article in the April 1, 2013 "New York Times" that said "Portsmouth and its pleasures are small scale." Mr. Zelin said the HDC rules, not ordinances, require that pictures show the proposal in relation to surrounding buildings; but the pictures presented exaggerated the foreground, and deemphasized the proposed building in the background. He said the plans only provided height, width or depth in segments, not for the complete structure, but it appeared it would be a little lower, a little wider, and about as deep as the Marriott. He suggested such a large building at the edge of the Northern Tier make a better transition.

Ms. Barbara DeStefano of Hanover Street said she lived at Port Walk, and pointed out that she was not the mother of Lisa DeStefano, architect for the project. Ms. DeStefano said the Power Point presentation was of old sections of Portsmouth, and some of the photos misrepresented the actual plan. She said this was a different and newer section of the city and would be pedestrian friendly

where people could live, walk downtown, shop and dine. She said there were other people in the surrounding neighborhood who spoke in favor of the project. Ms. DeStefano said there was a railroad park and salt pile behind the cemetery, and the development would not affect the cemetery. She thought the residential development would assist with some of the problems of public drunkenness and vagrancy that she had seen in the cemetery. She said the condominiums had already been sold, and the only part that hadn't been sold was the part that was being built.

A member of the public read a letter for the record from Attorney Duncan MacCallum of 536 State Street who was not able to attend. The letter objected to the project on the grounds that it would be out of character with surrounding buildings, across from Old North Cemetery where several notable historical figures were buried including two signers of the Declaration of Independence, and the U.S. Constitution. It would also be across from several 200 year old homes that were the remaining remnants of the old North End. Mr. MacCallum's letter said it was a gateway where many visitors get their first glimpse of the City, and many people already said they were dismayed with the big hotels that went up in the area over the last ten years, and the placement and size of this development would only make it worse.

## **DECISION OF THE COMMISSION**

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

Vice-Chair Kozak said she thought the project enhanced the district, and although recreating two-story wood houses in that location would make a lot of people happy, she didn't see that as appropriate to the District for the time and function of the project. She said she also loved the town and its human scale, but pointed out that there were a variety of heights around town, from single stories up to six stories, but most were three-story buildings, and most of the buildings were taller as they got closer to the water. This project had a three-story form, and while it wasn't a perfect solution, she saw a great deal of restraint, with the use of historic materials, and the basic forms alluding to the district. She said the Federal buildings in the Northern Tier that were once there were long gone, but there was a history of industrial use, warehouses, and wharf buildings in the area, some of which were also gone, but some which were still there, though changing building codes prevented the building of those same kinds of buildings.

Vice-Chair Kozak said one of the defining features of every successful historic building in Portsmouth was that they had distinctive entrances, and this building had a celebrated main entrance. She also pointed out the lower scaled elements on Maplewood Avenue - the one-story storefront boxes that stick out, the pedestrian arcade around the corner that enhanced the pedestrian experience and would mimic the storefront experience despite the long, monolithic warehouse in the background which many people were objecting to. She said there weren't any warehouses left in that area, but there were a number of them on Islington Street and it referenced the history of the area. She said each element was good by itself, but she regretted that the Commission's criteria didn't look at the cohesiveness of the building design as it did the cohesiveness of the building in its setting.

Mr. Katz agreed with Vice-Chair Kozak, and supported approval of the application. In addressing the public's displeasure with the application without their knowledge and participation, Mr. Katz

said every member of the Commission had been approved by the City Council, and suggested more people run for Council, more people attend their informative sessions, and more people get out and vote for representation for their concerns. He went on to say the project had been going on almost weekly for over a year, but he thought there should be more opportunity for public participation in the work sessions, however they should know it involved many hours of hard work.

Councilor Kennedy said they received numerous letters, and thanked everyone speaking. She said when she first looked at the rotunda it reminded her of her elementary school, but as the project developed she determined the building design did not fit in its surrounding, and she was still questioning the design. She also questioned how people could recommend approval when they still had problems with the design, the height, massing, and proximity to a historic area. She felt it needed more work and would not vote in favor for it at that point.

Mr. Wyckoff said he saw the whole area removed in the 70's, and then the Portsmouth Herald building and the Parade Mall were built, but nothing more, and he used to wonder why smaller lots weren't sold back to the people. He said he came to realize the lots were individually owned and there was no "Greater Portsmouth Development Association" controlling the area, so projects would be presented piecemeal and the boards could only work on getting the best design and quality of materials possible. He said there were seven HDC Commissioners and none of them agreed all the time, but to draw a line in the sand for or against without discussions would be counter productive. He said the older buildings across the street were left after the area was cleared out and they were very important, but the area would still be redeveloped. 233 Vaughan Street was approved and would be built. Littlefield Lumber was gone, and eventually Sanel Auto Parts would be gone, but the way people think Portsmouth should remain depended on when they moved to the area, and fell in love with the way it was, thinking it should always be that way. The height of the former JJ Newbury's building was 90' tall when it was a Masonic Temple, but two stories burned and were never replaced. Mr. Wyckoff said the 111 Maplewood lot was on 2-1/2 to three acres and building a couple of small wooden houses that sit by themselves would be out of context for the area. He said he thought the area should be built up with large buildings, and he was in support of the proposal.

Mr. Gladhill said the area had been grass, trees, and tar for the last 40 years, and anything built there would seem large and different with modern design elements and features. It would not be an easy decision to allow it in the Northern Tier, but it was a decision that had to be made. The height of the building was lower than some of the other buildings in the area, but he said the flat roofs were a problem for him and he thought it needed more variation.

(Mr. Rawling asked to speak, and Chairman Almeida apologized, but said he and Ms. Ruedig were alternates and the rules indicated that alternates could not speak after a motion had been made nor could they vote.)

Mr. Melchior said he was in full support, and had been for a while.

Chairman Almeida said he was an advocate for public comment, and thought the comments received were of high quality, and he welcomed them. He also showed the stack of letters in response to the project, and said they had been read many times, and comments had been shared in response to the application. Chairman Almeida went on to say the project had to pass many tests

before the public hearing, and it met all of the requirements enforced by the City. It met the zoning ordinance, a minor parking variance was granted, it met much of the language in the Master Plan, and this type of development was encouraged in the Northern Tier study which was put together by businesses, the Planning Department, and some residents. The Northern Tier had large lots. The Port Walk site had five acres. This 2.9 acre lot was also one of the largest buildable sites in the City. The current zoning would allow a much larger building with 95% coverage with setbacks right up to the property line to the sidewalk, but the coverage had been at 39.5% with many generous setbacks. The community had been asked to digest a large amount of development in a short amount of time, along with road and utility restoration. The pressure to the residents in Portsmouth had been intense, and a lot of unhappiness had been focused on this project, but he would support it.

*Chairman Almeida asked for a roll call vote with Mr. Wyckoff, Mr. Katz, Mr. Melchior, Vice-Chair Kozak, and Chair Almeida voting in favor, and Mr. Gladhill and Councilor Kennedy opposed. The motion passed, 5-2 in favor.*

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**III. NEW BUSINESS (PUBLIC HEARING)**

1. Petition of **Eport Properties 1, LLC, owner**, for property located at **173-175 Market Street**, wherein permission was requested to allow a Conditional Use Permit (for a four story building where three stories is the maximum allowed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lots 3&4 and lies within the Central Business A and Historic Districts.

Chairman Almeida explained that it was necessary to hear the application for Conditional Use prior to hearing the continuation of their construction application because the project was stuck in the current height restriction ordinance that was being considered by the City Council.

**SPEAKING TO THE PETITION**

Attorney Tim Phoenix appeared on behalf of the applicant, Eport Properties, members of the Erikson family, the principals, and CJ Architects who would present the actual building and restoration application. Attorney Phoenix agreed that they were caught in the height restriction under consideration, with the proposal coming before the Commission for the tenth time. In June the City Council approved the first reading of the amendment for height restriction to 45 feet or 3 stories, whichever was less in the CBA District. The new building would match the existing building height. It would meet the 45 foot height restriction, but the four stories in front would not meet the restriction as proposed. They believed they were vested, and he pointed out the following conditions to grant the permit:

1. The building height was not greater than any building on an abutting lot or lot across the street. Attorney Phoenix handed out a panoramic photo river view of the backs of the buildings.

2. The increased height would directly and significantly benefit the City and the Historic District and they listed items that would be benefits such as:

- The project would rehab a building and increase property values and increase tax revenue



- It would meet the 45 foot height restriction, considering few 45 foot high buildings were only three stories, and there was some discussion in the Planning Department to increase the limit to 3-1/2 stories
- It would compliment the other buildings, with most buildings in the area being three or more stories high
- It would provide downtown growth along Market Street, and would draw foot traffic to that part of the City.
- They would provide off street parking for residents and pedestrian sidewalks.
- They would remove utility lines in the back of the building, and allow better fire access.
- They would remedy surface water run off in the area that had been a problem.

Attorney Phoenix said they were only considering height in this Conditional Use application, and the questions asked when considering the HDC ordinance would be if the structure preserves the special character and integrity of the District, if the architectural value was preserved, if they could repurpose or reuse an existing building, and if a renovation would be the requirement to provide significant and direct benefits to the City as determined by HDC.

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

Ms. Barbara DeStefano of 99 Hanover Street said she was in favor of the Conditional Use Permit. She said she spoke out against the new ordinance proposal for story restrictions, and thought it should be limited to height.

Ms. Zelita Morgan of 39 Richards Avenue asked why they were filing for a Conditional Use Permit if the proposal didn't exceed the height limit.

Mr. Nick Cracknell said the Conditional Use Permit had two provisions - that building be less than 45 in height or three stories, whichever was less. The current proposal was 45 feet tall which met the first provision, but it was four stories which didn't meet the second provision.

Ms. Morgan proposed tabling the project until the City Council public hearing and the criteria on the benefits for the City were clarified, which goes beyond the realm of the HDC.

### **DECISION OF THE COMMISSION**

Chairman Almeida said they would be voting on the Conditional Use Permit.

*Councilor Kennedy moved to postpone to their August 21 meeting. Mr. Gladhill seconded.* Councilor Kennedy said they would have a meeting with City Council on August 19 so they would then have a clear vision as to what the premise was behind the proposed height ordinance change since there was some question about Provision #2.

Mr. Gladhill said there still was no clear concept on what the direct and significant benefits were even after the Joint Planning Board and HDC work session. Chairman Almeida said they were supposed to consider the direct benefits even if they weren't all in agreement. Mr. Gladhill said they had no standards to compare the benefits provided by the applicant. Chairman Almeida said

they knew the conditions would give them trouble even in the work session, but they had to consider them as they were presented. He said the task was clear, and he saw some direct benefits.

Vice-Chair Kozak said she didn't think there was any confusion between benefits and detriments. The benefits were listed in the historic ordinance as objectives. The proposal met the height requirements, and the building matched what was around it.

Attorney Phoenix asked if he could comment, and Chairman Almeida consented. Attorney Phoenix said he respected Councilor Kennedy's motion because of the status of the project, but he said no one knew what was going to happen on the 22<sup>nd</sup>, and they had already been working on the proposal for over a year and a half. The purpose and objectives of the HDC had been set forth and it could be met. They were only talking about height so they were applying for a Conditional Use Permit because they didn't meet the story requirement, even though they met the height requirement. He also noted that if they made the floors higher to reduce them from four floors to three, the height would still be the same. He said a postponement would involve a lot more time and work, and wouldn't be fair to his clients.

*Chairman moved the question, with Councilor Kennedy voting in favor, and all other members voting in opposition, 1-6.*

*Mr. Wyckoff moved to grant a Conditional Use Permit for the applicant as presented. Mr. Katz seconded.*

Mr. Wyckoff said the proposal was under the building height limit and agreed with Attorney Phoenix that it would bring direct benefits to the City as a result of rehabbing a failing building, move utility lines, provide off street parking, and help downtown growth.

Mr. Katz said that the building had been a victim of a previous attempt to modernize, and the applicant enthusiastically agreed to a remedial reconstruction of the building.

Councilor Kennedy said she would not vote for it because she believed the standards needed to be laid out, not only for the developers, the architects, but for the citizens. She said she attended the joint HDC and Planning Board work session, and the standards were not finalized because they discussed allowing others to offer their opinions. Further discussion was put on the August 19 agenda.

Mr. Gladhill said he also attended the joint work session, and had considered the significant and direct benefits as both architectural and historical. He said restoring the storefront to something similar to what was there a hundred years ago, with the new building façade complimenting the old building would be a benefit to the City.

Chairman Almeida said prior to the meeting he put a list together of what some of the benefits would be and one was a pedestrian sidewalk over private property so the public could pass through the lot which was a major benefit for a developer to offer, and another was removing the utility lines. But more significantly, he said seeing the photo of the old building and the developer's willingness to restore the site in keeping with that history was a very significant benefit to the City

in terms of what would remain there for another 100 years. He said that end of Market Street had been lacking energy for foot traffic, but there were wonderful views, and it would generate some positive energy down to the Moffat-Ladd House area.

*Chairman Almeida moved the question. Councilor Kennedy and Mr. Melchior opposed, and all others were in favor with the motion passing, 5-2.*

The Commission granted the Conditional Use Permit based on the following significant and direct benefits to the City that were included in the building design:

1. Aside from minor changes to the roof design, the façade of the existing historic building at 175 Market Street would be restored to its original period.
2. The overhead utility lines on and immediately adjacent to the properties would be buried which would provide less visual clutter and removal of an adverse visual impact on the neighborhood.
3. The proposed parking for the building would be relocated from the exterior surface spaces behind the building to the basement level which would provide less visual clutter and removal of an adverse visual impact on the neighborhood.
4. The applicant would provide a publically accessible sidewalk along the rear of the building.

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**II. OLD BUSINESS (PUBLIC HEARINGS continued)**

C. Petition of **Eport Properties 1, LLC, owner**, for property located at **173-175 Market Street**, wherein permission was requested to allow exterior renovations to an existing structure (renovations to existing building) and allow new construction to an existing structure (construct mixed use, multi-story addition to rear and sides of the building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lot 4 and lies within Central Business A and Historic Districts. *(This item was continued at the July 17, 2013 meeting.)*

**SPEAKING TO THE PETITION**

Ms. Carla Goodnight said they worked very hard on extensive restorations of the historic Frank Jones building which was severely altered in the 1970's. They had a presentation by Scott Whitaker, their brick restorationist at their previous session. Like the existing building, the addition would have four stories with a pitched roof, and a basement. The new basement would contain parking. Ceres Street Wine shop would remain in the existing space, and the first floor on Market Street would retain retail shops, and six residential units would occupy the upper floors.

Ms. Goodnight reviewed concerns and changes from the last meeting. For building materials they proposed water struck reproduction brick on the addition, brick lintels, granite sills, and solid wood storefront doors. They would also use copper gutters and roofing accents. They also offered to replace the planting bed with a pedestrian sidewalk at the request of the City, and changed the fence to wood.

Mr. Wyckoff expressed concern whether the window panes were true divided lights or thermal, and said he would like to see significant size on the muntins. Ms. Goodnight said they would use fixed units by the manufacturer. Mr. Wyckoff said he was concerned with inconsistency and artificiality.

Mr. Wyckoff said he also hoped the shutters would be hung properly so they louvered down toward the building when opened and closed to shed water from windows. He said it should not make any difference in the amount of water hitting the brick. Chairman Almeida agreed that the shutters be hung traditionally and be operational.

The Commission reviewed samples of the materials that were passed around. Chairman Almeida said he did not want to see the faux grain on the Azek trim.

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

Ms. Barbara DeStefano of Hanover Street said she liked to support good projects no matter who the architect was. She said she thought the rear addition would fit the rest of the building and area.

Ms. Zelita Morgan of Richards Avenue expressed concern with the large size of the development that would block views of the waterfront that attracts residents and visitors to the City. She said she did not think it was the best they could do to expand economic development and lower the tax base. Ms. Morgan encouraged the Commission to keep the vision of the Master Plan in mind.

Ms. Kerry Vaultrot of 96 Highland Street, Chair of the Portsmouth Advocates referenced Preservation Briefs 14, the National Park Service's technical guidance on putting additions on a historic building. She said she thought the addition on the building was inconsistent with the back of Bow and Ceres Streets, and the dormers on the front elevation didn't appear compatible either, trying to create a false sense of history. She said she would be more supportive of a modern interpretation.

Ms. Christine Davidson of Maplewood Avenue said she did not see how they could get around the wonderful architectural integration and uniformity on Ceres Street. She said she drove slowly past groups of people recently and it occurred to her that the proposed bulge coming out of the back on Ceres Street might be a real danger. She also expressed concern with the bricks needing to be repaired and re-pointed instead of putting another layer of bricks over them, noting that any insulation problems should be addressed on the interior, not the exterior. Lastly, she said they were all stewards of the city, and this was a historic commission, not a planning board, and they needed to respect and preserve the eighteenth and nineteenth century architecture of the City for future generations.

Mr. Gibson Kennedy of Marcy Street said he thought it would be a charming addition to the City in that location, and he was in favor of approving it.

### **DECISION OF THE COMMISSION**

Mr. Katz said it was a project they had been involved with for a long period of time, and appreciated that the applicant had been willing to work with them. He said considering the original structure, seeing it come back was satisfying.

Mr. Wyckoff said he would like to see a stipulation that the shutters be hung properly. Chairman Almeida said it had been discussed, and the person making the motion would have to state that as a stipulation.

*Mr. Katz moved to approve the request as presented with the stipulation that the shutters shall be hung traditionally in the open position. Vice-Chair Kozak seconded.*

Mr. Melchior said he felt the mass and height should be humble and subordinate in relation to the surrounding historic buildings, yet complimentary. He also said he did not think the dormers were appropriate to the original building so he opposed it.

Mr. Gladhill said he praised the façade as presented on the Conditional Use Permit, but he always felt uncomfortable with the massing of the large brick addition that would break the line in the row of buildings on the back that was so historically significant. He said he wouldn't have such a problem if it was a wooden warehouse style addition, and he wouldn't have as much of a problem with the addition on the side as long as it stayed in line with the row of buildings.

Councilor Kennedy said the side building was a different building and something could be done with that, and while she commended the architects for what they were trying to do to the front, she still thought they were doing too much to the old building, including the dormers. She said she looked at the building from the water, and it made the view. She said she did go into the Preservation Brief 14, and as a historical structure she said she thought it should be renovated, and could not support the motion.

Vice-Chair Kozak said they were all excited to see the restoration on the front of Market Street. She said she disagreed with a face value application of Preservation Brief 14 because the addition would be on the front of the building from Ceres Street. She said the rows of tall buildings were one of the most significant architectural details of Ceres Street, and thought it would be folly to put a one or two-story shed addition on the building. She said the proposed design would match the height and scale. She acknowledged she was against the bump out addition on Ceres Street at first, but it was not an historic view, there were different kinds of buildings there before, and it would provide a soft terminus to the curve at the end of the street. She said she would support the motion.

Chairman Almeida said he lived within feet of the site, and had many photographs of all the views. He agreed they would lose a few of the views from Market Street, but said they would be lost even with a single story building there. He said he thought the view from Ceres Street of the salt pile with the metal mobile office in front could be viewed as charming, but he didn't think it was a key view, and thought the view of the proposed building would also be wonderful.

Chairman Almeida said preservation briefs were informative, and spoke to traditionalists and modernists and how they feel architectural renovations and additions should take place, but they were not something the Commission took their cues from them in the past.

In response to comments about the brick overlay, Chairman Almeida said a subject matter expert was tasked with determining the condition of the brick that faces the Moffat-Ladd property, and because the materials and bonding agents that were placed there would not come off without pulling an inch off the face of the brick, new brick facing would have to be put over it.

Chairman Almeida said the face of tall buildings on Merchant’s Row on Ceres Street terminate when the road bends, and the property lines on this site go back much further than the other buildings. He said he thought the curved entrance was appropriate. Though he had several suggestions that were not used, the owners were willing to chop three or four feet off the side of building when asked to include windows instead of a blank brick wall. He said such a building hadn’t been seen in the City in the last 10-15 years, and it would look good when coming up Market Street.

*Chairman Almeida moved the question. Chair Almeida, Vice-Chair Kozak, Mr. Katz, and Mr. Wyckoff voted in favor with Mr. Melchior, Councilor Kennedy, and Mr. Gladhill opposed. The motion passed, 4-3.*

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**III. NEW BUSINESS (PUBLIC HEARINGS)**

2. Petition of **City of Portsmouth, owner**, for property located at **1 Junkins Avenue**, wherein permission is requested to allow an amendment to a previously approved design (install exhaust hoods in place of approved louvers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 1 and lies within the Municipal and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Rick Dolce, Engineering Project Manager for the Department of Public Works, and James Parkington, Mechanical Consultant with Peterson Engineering said they were requesting an amendment to use a 30” x 30” hood style vent termination because they were a better option due to a significant pressure difference between the exhaust pipe and the exterior atmosphere. The project was currently underway with an expected completion date of mid-September in time for the October 1 heating season at City Hall.

Councilor Kennedy asked if they would get rid of the louvers completely and Mr. Dolce said they would only replace the four louvers with hood vents on the south elevation, but the rest of the louvers on the building would remain.

Mr. Dolce said the hoods would be painted the same herringbone color that was approved for the louver vents. Mr. Rawling asked if it might be more appropriate to use a different color, like brick to blend into the building, rather than the light color. Mr. Dolce said Coronado red would be the closest color in their samples to the brick color. Vice-Chair Kozak said printers were always a bit off, and would suggest a dark color, rather than a light color Mr. Dolce asked about a black gloss. Mr. Gladhill asked if a flat black would blend better than a glossy black. The Commissioners agreed.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented with the stipulation that the color of the vents be flat black. Mr. Gladhill seconded, and all were in favor, 7-0.*

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3. Petition of **B & M Wharf, LLC, owner**, for property located at **70 & 80 State Street and 5 Atkinson Street**, wherein permission is requested to allow an amendment to a previously approved design (remove existing canopy, change decorative canopy, add lighting, add safety rail and privacy screen on back roof and wall adjacent to HVAC, replace and relocate skylights on Atkinson elevation, remove rear skylights) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lots 14, 15, & 16 and lies within the Central Business B and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Steven McHenry of McHenry Architecture said their request for amendments to the Rosa restaurant project was a result of going through the old building and finding things were not as they first appeared, requiring some minor changes. Mr. McHenry reviewed the following change requests:

- The removal of the existing canopy on the State Street elevation.
- The addition of three light fixtures on State Street, one over the rear kitchen door, and one over another back entry door in the alley to add lighting that wasn't considered before, and compliment existing lighting.
- Add a new safety rail on the back roof adjacent to the HVAC equipment to meet code requirements.
- Remove four skylights with two of similar size on the hip roof of the Atkinson Street side of the building, which were not in very good condition, and didn't align very well with the design proposed for the apartment.
- Change the design of the decorative canopy over the fanlight doorway

Councilor Kennedy asked about the placement of the skylights on Atkinson Street. Mr. McHenry showed their placement and said they wouldn't be seen unless one was flying overhead.

Mr. McHenry said the abutting property had a party wall with a rear deck, and they were concerned that they would see the mechanical equipment on top of the restaurant. The owner consulted the neighbor with a solution. Mr. McHenry handed out an updated plan for the addition of a privacy wall. The wall would be comprised of removable, metal grillwork to partially obstruct view, and there would three planters with a climbing shrub.

Mr. McHenry said they were also looking for approval for the window glazing on the top six panels of the two front doors. He said the doors had to swing out, and it could be a safety issue. Chairman Almeida asked Mr. Cracknell if it would be acceptable to discuss, and Mr. Cracknell said it was within the scope of the project.

Mr. Wyckoff asked if they were raised panels on the door. Mr. McHenry said the approval was for custom 12 panel doors, and the builder interpreted it as a flat panel door. Chairman Almeida asked if the entire door would be rebuilt, and Mr. McHenry said the plan was to modify the existing door. Mr. Gladhill said he would like to see what it would look like with all glass. Chairman Almeida said he would like to hear what Vice-Chair Kozak had to say about it since she had weighed in heavily on the doors initially. Vice-Chair Kozak said the doors that were approved were totally different than the doors that were built, and she would not have approved them with or without glass. Mr. Wyckoff asked if the flat panel doors would have molding around them. Mr. McHenry said they were flat recessed panels without moldings. Mr. Wyckoff said it was interesting how the craftsman built it when the drawing indicated raised panels or moldings. Chairman Almeida asked if the door was wood, and Mr. McHenry said it was solid wood, and was painted now. Mr. Rawling asked how the glass panels would be installed, and suggested molding be put in all the panels for consistency.

Chairman Almeida said the building had been done so well at that point, the door was of major importance and had to be a great door, and it was not right now. It was creating tension with the rest of the building, and everyone would be happier if it was replaced. Mr. Gladhill said he hadn't seen any photos of the new door and would like to see it for himself. He suggested removing the door from discussion. Councilor Kennedy asked if they were proposing to change the door on the Atkinson Street side elevation also. Mr. McHenry said they were not proposing to put glass in those panels because there was a granite step there that would alleviate the safety issue of the door swinging out and hitting people walking by. Vice-Chair Kozak said they still didn't comply with what was approved. Mr. McHenry said all three doors needed to be more appropriately detailed, and at a larger scale than what was built. Chairman Almeida said the proposal to put glass in the doors was not advertised so the motion would say as presented, and would not include the doors.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented. Mr. Wyckoff seconded, and all were in favor, 7-0.*

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- 4. Petition of **RNA, Inc., owner**, for property located at **1 Market Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace small section of roof with copper or slate) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 14 and lies within Central Business B, Historic, and Downtown Overlay Districts.



## **SPEAKING TO THE PETITION**

Mr. Jeff Bryan of Bryan Remodeling passed out additional information, and drawings. Mr. Bryan referred to satellite views and views of the site from the Civil War era showing firewalls coming through the roof, and a widow's watch. The building was built around 1800, and there were some major renovations in the early 1900's changing the four-story building to a three-story building. They added a roofline with a peak and a ridgeline, then added copper to the radius line. The copper wore away and slate remained. Later on the R.C. Roofing Company applied modified bitumen and painted it with modified trailer coating. Mr. Bryan said they would like to replace the slate roof with copper to match the 1900's renovations or bring the slate around the corner. He said they could put lead coated copper if a silver look was preferred, but all the existing gutters and downspouts were 20 ounce red copper.

Chairman Almeida asked if they anticipated a constructability issue with slate turning the corner without lifting and sitting flat against each other. Mr. Bryan said it was slate in the 1800's, but it was a problem as it gets smaller at the top so it was a good application for copper for a flat seam or a standing seam. He said he liked a standing seam best as it feathered up to a point.

Vice-Chair Kozak asked if the surrounding area was old or new slate. Mr. Bryan said it would be new slate, but they would try to salvage as much as they could and use it on the back side the following year.

Chairman Almeida asked if the sketch provided would mirror the area that was there now, or did he plan on expanding the copper beyond where it once was. Mr. Bryan said he would apply it to the area where existing modified bitumen was applied.

Mr. Bryan said it was currently silver colored, and he wanted to know if they wanted to maintain the silver stripping, or if they could make it red copper to match the red copper used elsewhere in the Downtown area. Chairman Almeida said the Commissioners would address the question in their comments, and motion.

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

No one from the public came forward to speak and the hearing was closed.

## **DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented with a stipulation that the roof shall be standing seam copper. Vice-Chair Kozak seconded.*

Councilor Kennedy said she was hesitant to use anything using lead, and said the copper would eventually turn green in a year or two which would be fine.

Chairman Almeida said this was one of the finest landmark buildings, and he commended the owner for consistently doing the right thing, and the applicant for continuing this quality of restoration and workmanship.

Vice-Chair Kozak said she was glad he showed them the old image. She said she didn't realize it was once 4-1/2 stories and had changed so drastically.

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

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5. Petition of **Temple of Israel, owner**, for property located at **170 & 200 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (install metal grid work on State Street doors, add opaque film to misc. windows, install fence and gate between two structures, install granite posts and chain) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 66 and lies within Central Business B, Historic, and Downtown Overlay Districts.

Chairman Almeida said they had an informative work session prior to the public hearing and asked the applicant to review the proposal briefly.

Mr. Robert Bradbard said there were four requests: the installation of metal grates on the State Street court yard doors to match the existing grates; film mounted on various windows; the installation of a fence and gate between 170 and 200 State Street; and the installation of granite posts and a chain at the parking level on State Street.

Chairman Almeida said the applicant presented three samples for the film. Vice-Chair Kozak asked that the samples be identified. Mr. Bradbard said they were #330 Reflective Silver-Gray, #DG35 Gray and #SB221 Bronze, but they had no preference themselves. Councilor Kennedy said she thought the reflective silver was a bit of a problem for her. Vice-Chair Kozak said she thought the bronze was the most reflective. Discussion ensued regarding which choice would be the least reflective.

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

No one from the public came forward to speak and the hearing was closed.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented with the stipulation that the film on the windows be gray. Vice-Chair Kozak seconded, and all were in favor, 7-0.*

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6. Petition of **98 Court Street, LLC, owner**, for property located at **98 Court Street**, wherein permission is requested to allow new free standing structures (install six condensing units under rear porch) and allow exterior renovations to an existing structure (remove third floor window) as per

plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 47 and lies within the Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Ken Cooperthwaite with Mainely Renovations said there was a request on the application to remove a door as well. Mr. Cooperthwaite passed out pictures of the project and referred to a photo at the rear of the building where the door to a former studio apartment would be removed since the apartment would be converted to a master bedroom and master bathroom suite for the adjoining apartment.

He also pointed out the removal of a prominent vinyl replacement window that had different trim than the other windows, noting that there was no symmetry of windows on the back.

Mr. Cooperthwaite also discussed the installation of six condensing units, mini splits, that would be located under the first floor area of the deck, and all the condensing and drain lines would be in chases in the building. Councilor Kennedy asked how far back the units would sit. Mr. Cooperthwaite said they would be two to three feet back from the deck.

Ms. Ruedig asked if they would still use wood clapboards on the top floor after the window was removed. Mr. Cooperthwaite said they would tie the clapboards in, and would do the same where they removed the door.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak made a motion to grant a Certificate of Approval for the request as presented, and the removal of the third floor door. Mr. Wyckoff seconded.*

Vice-Chair Kozak said it was a minor request for the back of the building. The condensing units would not be visible from any public way. The door was not a defining feature and was somewhat obscured, and the window was an erratic fenestration and was also in the back.

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

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7. Petition of **Sundance Holding, LLC, owner**, for property located at **77 Daniel Street**, wherein permission is requested to allow demolition of an existing structure (remove existing fire escape) and allow new construction to an existing structure (install new fire escape) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 10 and lies within Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. John (Jay) Gardner, owner of the Press Room said they submitted a change to the new fire escape, per the Building Inspection and the Fire Department to take the existing fire escape and flip it to the right-hand side so it wouldn't run against the exhaust fan. He said they obtained a quote for a new fire escape, but then discussed it further with Assistant Building Inspector, Roger Clum and it was determined that it was grandfathered and they could use their existing fire escape.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented. Vice-Chair Kozak seconded.*

Councilor Kennedy said the change would not affect anything.

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

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8. Petition of **242-250 State Street Condominium Association, owner**, for property located at **242-250 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace trim with composite material) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 70 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

**SPEAKING TO THE PETITION**

Mr. John Guy, President of the Condo Association said they would like to replace rotting wood with composite material to cut down on maintenance. They consulted contractors who said it would be indistinguishable from wood once painted.

Mr. Wyckoff asked if they would replace all of it. Mr. Guy said they would replace three columns on the facade and the base of five columns, and a panel on the salon side so it would all be the same when it was done.

Chairman Almeida asked if it would be painted so bare PVC wouldn't be seen, and the applicant said it would be painted. He said cut and routed edges usually did not perform like wood, but paint would seal the porous surface. Chairman Almeida added that the Commission usually did not recommend a faux wood grain.

Councilor Kennedy said this was a late Federal 1850’s building in a significant area, and was a contributing structure, and asked where the Commission stood with wood and Azek because it seemed unfair to say some applicants could use it and others could not. She said she thought they should clarify it for applicants. Chairman Almeida said they were trying to specify that applicants use paintable materials, but he was not 100% comfortable with the application because an all wood storefront seemed preferable. He said however, while some structures were landmark structures, others could be distinguished as contributing structures, so he thought it important to be able to consent to some and not consent to others. He could understand using PVC on skirt boards below grade that would be up against rain and snow and slush, but above that he questioned the need. Ms. Ruedig said she agreed, and would be more comfortable restoring the upper columns built with wood and the bases with Azek. Mr. Wyckoff asked why they wanted to replace the columns with Azek. Mr. Guy said they were right on the street, and it would change the look of the project to mix wood and Azek. Vice-Chair Kozak said she used Azek on projects all the time and once it was painted you couldn’t tell what it was so she had no problem with it. Councilor Kennedy agreed, but said they needed to make a decision about Azek. Mr. Wyckoff said they should put it on their agenda to address at another time.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

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

Mr. Wyckoff said as long as it was painted it would be impossible to tell the difference.

*The motion passed, 7-0 with the Chairman Almeida opposing.*

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9. Petition of **Portsmouth Historical Society, owner, and Jonathan Sandberg, applicant,** for property located at **43 Middle Street**, wherein permission is requested to allow exterior renovations to an existing structure (misc. repairs to the carriage house) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 2 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

Ms. Ruedig recused herself.

**SPEAKING TO THE PETITION**

Mr. Patrick Driscoll from Patrick Driscoll Residential Remodeling came before the Commission representing the applicant and the Portsmouth Historical Society. Mr. Driscoll said around 1995 some work was done on the back section of the carriage house to the John Paul Jones house which was built around 1850, and the single bottom plate was done with non-pressure treated 2”x4”s which were rotting. He said they wanted to take out the rotten section, and replace it with a double

pressure treated bottom plate. They also wanted the option of replacing the vertical cedar siding with horizontal cedar clapboards to match the rest of the property, and use Azek along the bottom because it was in a dark alleyway that didn't get much sun, and the cedar deteriorates quickly.

Mr. Rawling asked if it was possible that there were other doors in that area at one time. Mr. Driscoll said there was no evidence of doors because only wall studs remained, but he imagined there was at one time because it was renovated from a carriage house in the mid-1990's. Discussion ensued regarding the flat board door. Mr. Driscoll said the door was not used often, and the carriage house was used mostly for storage. Mr. Wyckoff said traditionally the door would be a hand-made shed door, not the same kind of door people use on the front of their houses.

Vice-Chair Kozak asked if there was a preference between clapboards and vertical tongue and groove. Mr. Driscoll said they preferred the traditional horizontal clapboards to prevent moisture, but they were putting sheathing on so they could do either, and would leave it to the Historical Society so they wanted approval for both. Mr. Wyckoff said he thought it should be clapboarded for water runoff instead of having vertical boards with very little roof overhang. Chairman Almeida said if the clapboards were approved, they would also need to discuss and approve the casing for the door, and that the door should match the details of the door above it, and the building should be clapboarded all the way down. Mr. Driscoll said they could use natural cedar clapboards for that. Vice-Chair Kozak said they should consider leaving the option open for the Historical Society to determine for themselves.

Councilor Kennedy said she did not like the idea of Azek on a historical house that public funds were contributed toward. Chairman Almeida asked about the lower siding, and Mr. Wyckoff said it was dark and wet back there. Chairman Almeida suggested they could use pressure treated wood in that area.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Councilor Kennedy moved to grant a Certificate of Approval for the request as presented with the following stipulations:*

- 1) That the shed door casings shall resemble the same casing style and details as the door above it.*
- 2) That clapboards or vertical ship lap siding shall be used.*
- 3) That only natural wood shall be used.*

*Mr. Melchior seconded, and all were in favor, 7-0.*

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10. Petition of **Galaro Properties, LLC, owner, and Alex McDonald, applicant**, for property located at 175 High Street, wherein permission is requested to allow new construction to an existing structure (relocate existing hood fan to side of structure) as per plans on file in the Planning

Department. Said property is shown on Assessor Plan 118 as Lot 16 and lies within Central Business B, Historic, and Downtown Overlay District.

**SPEAKING TO THE PETITION**

Mr. Alex McDonald said they needed to relocate the hood fan to the right side of the building because it was too close to the property line at the back and was in violation of the building code.

Chairman Almeida asked if they considered going straight up through the roof. Mr. McDonald said they had but because it was a wall mounted fan the condensation would drop back down the wall.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak moved to grant a Certificate of Approval for the request as presented. Mr. Melchior seconded.*

Vice-Chair Kozak said the location was low impact, and the relocation may not have been ideal but it was required by code.

*The Chairman moved the question, and all were in favor, 7-0.*

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11. **Petition of Peter J. and Nancy H. Loughlin, owners**, for property located at **58 Washington Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace two windows on rear elevation) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 9 and lies in the Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

Mr. Peter Loughlin said they wanted to replace two rear windows and they would be similar to the four clad windows that were approved in 2010.

Mr. Loughlin also asked for approval to extend toward any other windows in the structure that might require identical replacement in the future. Chairman Almeida said the Commission was trying to make a practice of that. Mr. Rawling said the practice of granting blanket approval on historic buildings had been for wood windows, not clad. Chairman Almeida said the Commission treats blanket approval of windows on the street façade of historic buildings differently, and while Mr. Loughlin’s house was a significant historic building, these windows were on the back side. Mr. Wyckoff asked if they would be removing the aluminum storm windows and putting in replacement windows. He also asked if they would be changing the trim. Mr. Loughlin said the windows in the

back were replaced in 1986 so he wasn't sure if the trim would need to be replaced, but they would be removing the aluminum storm windows.

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

No one from the public came forward to speak and the public hearing was closed.

**DECISION OF THE COMMISSION**

*Vice-Chair Kozak made a motion to grant a Certificate of Approval for the request as presented. Mr. Melchior seconded.*

Vice-Chair Kozak said the back of the building behind two L's was impossible to see and was a perfect location for an appropriate replacement window.

*Chairman Almeida moved the question and all were in favor, 7-0.*

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Chairman Almeida discussed guidelines to implementing a Consent Agenda for minor items falling into similar categories to be voted on at once. He said the public could still speak to the items, and the items could be pulled out of the Consent Agenda if warranted.

**III. ADJOURNMENT**

At 11:50 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Jane K. Kendall  
Acting Secretary

These minutes were approved at the Historic District Commission meeting on Nov. 13, 2013.