

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

6:30 p.m.

**September 4, 2013
to be reconvened on September 11, 2013**

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

MEMBERS EXCUSED:

ALSO PRESENT: Nicholas Cracknell, Principal Planner

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I. PUBLIC HEARINGS

1. Petition of **LBJ Properties, LLC, owner, and RiRa Portsmouth, LLC, applicant**, for property located at **22 Market Square**, wherein permission was requested to allow new construction to an existing structure (install sign lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 30 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. David Nyhan, General Manager of RiRa, told the Commission he wanted to add a few gooseneck-style lights to the existing sign to externally light it and also change out two panels.

Mr. Wyckoff asked why the plan showed fluorescent bulbs. Mr. Nyhan said the bulbs were on the inside, and the reason they could not light it was because the internal lights would create burning on the logo. Chairman Almeida verified that the sign would not be internally illuminated, and Mr. Nyhan said 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

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

Vice-Chair Kozak said it was a modest scope and request to change the graphics in an existing sign and add external light, which was in keeping with similar signs in the District. It related to the building's historic era and was compatible with innovative technologies and surrounding properties per the Commission's criteria. Mr. Gladhill said it was good that they were removing a non-conforming sign and replacing it with one that conformed to the zoning law.

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

2. Petition of **Daniel and Annette Davies, owners**, for property located at **903 Middle Street**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 149 as Lot 63 and lies within the General Residence A and Historic Districts.

Mr. Wyckoff and Mr. Gladhill recused themselves.

SPEAKING TO THE PETITION

The owner Mr. Dan Davies told the Commission he wanted to erect a fence for their dog because she barked at people walking by. The fence would go up along the front sidewalk and the side. The Davies were close to their abutters, so the fence would go out to the side's property line. The design was exactly like his neighbor's fence across the street.

Chairman Almeida asked if the fence was wood. Mr. Davies said it was vinyl and easy to maintain. Mr. Rawling believed that vinyl was against their usual approval procedure, especially facing Middle Street. The fence design was fine but the material was inappropriate. Mr. Davies said his neighbor had the same vinyl fence. Mr. Rawling said that things often existed that they have not approved.

Mr. Davies asked if any type of wood construction would be alright and if could go with pressure-treated lumber and paint it white. Mr. Katz asked why the vinyl fence had not been tagged in the application review before it came to the public hearing. He thought a red flag like a vinyl fence on Middle Street would have had the Planning Department immediately contact the applicant to tell him it could be a problem. Mr. Melchior agreed that the application should have not come before the HDC and there seemed to be a breakdown in the procedure. Vice-Chair Kozak thought that particular portion of Middle Street was a fairly new edition to the district. Mr. Katz disagreed and said it was the house next to it. Mr. Davies said he did not know any better and thought it would be approved because the neighbors had the same fence.

Mr. Cracknell said from a Planning Department perspective, the applicant had been informed that it was likely to be an issue with the HDC. The applicant had a right to apply with any material desired. Until the Planning Department had design standards that prohibited vinyl fences, they did not have the ability to block an application, so it was up to the Commission to make a decision.

Mr. Davies said he had been told that the vinyl might be a problem, but he was not told that the HDC never approved vinyl. If he had known, he would have submitted an application for a wood fence. Vice-Chair Kozak asked Mr. Davies if he would consider amending the application with the stipulation that it be the same design but in wood. Mr. Davis 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 **grant** the Certificate of Approval for the application as presented with the following stipulation:*

- 1) *That the fence material shall be wood instead of vinyl.*

Vice-Chair Kozak seconded.

Mr. Katz said the application was appropriate as far as aesthetics and the Commission only had a problem with the material.

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

3. Petition of **Peirce Block Condominium Association, owner**, for property located at **3 Market Square**, wherein permission was requested to allow exterior renovations to an existing structure (replace existing trim and clapboards on fourth floor dormers with composite material) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 17 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Ted Alex, property manager of True North Property Management, told the Commission that there were seven dormers that were in bad shape located on the 4th floor. He wanted to replace the wood with a composite of Trex on the trim and hardy board as the clapboards.

Chairman Almeida asked if he was replacing 100% of the woodwork on the dormer and matching the profiles exactly with the composite material. Mr. Alex said all the woodwork would be replaced and matched exactly with the hardy board. They would put the smooth side out and caulk the holes. Chairman Almeida asked if it would be painted after it was fastened and was told yes. Mr. Alex said the dormers were very high up and not seen from Market Square, but they had become an issue because some of the crown was missing and they wanted to make it secure and low maintenance. Ms. Ruedig asked if the dentils and small moldings would be replaced, and Mr. Alex said they would.

Ms. Ruedig asked the Commission if they had experience on how well the hardy board and Trex would hold up compared to older wood. Vice-Chair Kozak said the finish on the cement fiber

products generally lasted between 15 and 25 years depending on the product, and the composite material would be more durable than wood if installed properly. Ms. Ruedig said she was uncomfortable with using composite materials but the dormers were so high up that it would probably be alright. Mr. Alex said they were also doing a large capital improvement and would replace the roof at some point, so they would use it as a cutting area with a lift and security. He said the dormers were so high that they were almost above the parking garage.

Chairman Almeida said he would not base his decision on visibility. He enjoyed seeing the dormers from High Street and Market Street, and he did not oppose the composite material. However, he felt that the Commission should not base their decision on the dormers being invisible from the street because they were highly visible, especially looking from the upper level of the garage and across the rooftops. He felt it was appropriate to substitute the composite, though, because the dormers had plain profiles and did not have special moldings. It was not a true historic building and the top floor had been added in the 1980s. It was also appropriate that they would be painted because the HDC insisted that artificial materials be painted to add authenticity.

Mr. Rawling agreed. It was a contemporary addition, so composite materials were suitable and he did not think it would be a perceptible difference. Mr. Gladhill said it would be different if the dormers were 200 years old and made out of the original wood.

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** the Certificate of Approval for the application as presented. Vice-Chair Kozak seconded.*

Mr. Wyckoff cited the 3rd HDC criteria of compatibility of exterior design, detailing of materials, and encouragement of the use of innovative technologies like composite materials. He said that people would not be able to tell the difference in design or materials once the dormers were painted because they were so high.

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

4. Petition of **Jolanda Fannin, owner**, for property located at **7 Brackett Lane**, wherein permission was requested to allow exterior renovations to an existing structure (replace all windows/doors, replace existing siding with cedar clapboards, replace garage door and add granite steps) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 111 as Lot 13 and lies within Single Residence B and Historic District.

SPEAKING TO THE PETITION

The owner Ms. Jolanda Fannin told the Commission that she wanted to replace all the cedar shingle siding on the house and the windows, most of which were not original except for two. The ones that were not original were vinyl and had water between them. She would replace the front steel door with a wooden one and would replace the steel garage door. The concrete steps would be replaced with granite.

Mr. Wyckoff asked how Ms. Fannin's contractor decided on 4.5" clapboard spacing. Ms. Fannin said it was the figure given to her. The clapboards were 6", so it was probably the 4.5" overlap reveal. Mr. Wyckoff said 4" was usually the norm and prevented the clapboards from curling. Chairman Almeida asked Ms. Fannin if 4" was acceptable to her, and she said yes.

Ms. Ruedig asked her if she had considered re-siding with the large shingles that were currently on the house. Ms. Fannin said they were hard to find and the clapboards were easier to maintain. The shingles were falling apart, and she thought clapboards were the appropriate design for the 1957 era ranch.

Vice-Chair Kozak asked her if she had a picture of the garage door style, and Ms. Fannin said a simulation of it was in the packet. Vice-Chair Kozak confirmed that it had a raised panel instead of a flat panel but had the same design. She asked if the upper gable section with the vertical paneling would be clapboard as well. Ms. Fannin said they were keeping the paneling and would repaint it, and they would also replace the damaged panels. Vice-Chair Kozak asked if the trims and corner boards were a flat profile. Ms. Fannin said they would match the new ones with the existing. She said the only original windows were the front picture window and two windows on the back of the house. The rest had been replaced.

Mr. Melchior said he thought the contractor probably recommended the 4-1/2" exposure versus the 4" due to weather exposure and was trying to split the shingle in half or come up with an even number of clapboards. He said there were existing clean lines and she should maintain those clean lines.

Mr. Wyckoff said the window sizes were changing from 3'9" to 4'7/8", which divided by 4. He also noted a specification of a steel 6-panel door for the garage and told Ms. Fannin she had mentioned that it was a wood door. He asked if the steel entry door was correct. Ms. Fannin explained that the front door was steel and would be replaced with a wood door. The garage door would also be a steel door. Mr. Wyckoff said he thought she had said that the front door would be a wooden door. Ms. Fannin said there were two doors in front of the house, one that went into the garage and one that went into the house. They would replace the main front door with a wooden door, and the door that went into the garage would be replaced with a nicer steel door than the one that presently existed.

Ms. Ruedig asked if the replacement windows would be 2/2 with horizontal muntins because they were a 1950s style and the original windows did not have the horizontal line in the middle of each sash. Ms. Fannin said there was only one set of windows in the back of the house that had it. She said she could look for that type of window, but she wanted nice clean lines and also wanted the windows to match. Chairman Almeida said he knew that Brosco made the window but it was not an insulated glass. Ms. Fannin said she used all Andersen 400 Series windows.

Chairman Almeida asked Ms. Fannin if her goal was to match the 1950s ranch as it existed and embellish it. If so, there were other window and door options. Ms. Fannin said she just wanted to keep it a simple ranch with clean lines. She would not add anything to it but was trying to fit things in the spaces it already had. Chairman Almeida thought it was one of the few ranches in the Historic District and that her presentation was appropriate.

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** the Certificate of Approval for the application as presented with the following stipulation:*

- 1) That the reveal for the clapboards shall be four inches.*

Mr. Wyckoff seconded.

Vice-Chair Kozak said she was happy to see some care and maintenance bestowed on the house because it was an iconic 1950s simple ranch in pure form. She preferred to see horizontal mullions in the windows to replicate the original window, but the 1/1 windows were not unheard of and were already there. She felt that the other materials were in keeping with the nature of the house per the HDC's criteria. The materials were not particularly compatible with the other surrounding properties in the District, but they were compatible with homes in the same era. The important thing was that the building stayed true to what it was.

Mr. Wyckoff said it had a lot to do with the character of the properties and the proximity of the site. There would come a day when someone would want to restore a ranch house to its original features and design. Someone would replicate the door and it would cost \$2k. He supported the application because Ms. Fannon was not altering the house in any major way except for siding and windows, and it would be compatible with its neighbors because there would not be an addition.

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

(Councilor Kennedy arrived at this point in the meeting.)

5. Petition of **F.A. Gray, Inc., owner**, for property located at **30-38 Daniel 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 106 as Lot 16 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

The owner Mr. John Gray told the Commission that he wanted to replace all the windows in the building due to fire damage. His submittal included pictures of windows that he said were the best in kind that they could afford with the insurance payment and were in keeping with those of the surrounding neighbors.

Mr. Gladhill asked him if he chose the fine light grills because he had seen examples of them. Mr. Gray said all his neighbors had the same inside grills and vinyl windows. Mr. Gladhill asked if it was only an interior grill between the two glasses, and Mr. Gray said it was the same as all his neighbors' grills. Mr. Wyckoff asked if he was willing to amend his proposal to simulated divided light grills with an exterior that was permanently attached. Mr. Gray said he wasn't because he was at his limit with the insurance company money.

Mr. Gray showed the Commission a sample of the window with the screen that would be on the building's two floors. Ms. Ruedig asked if the pictures were of the actual windows that his neighbors had. Mr. Gray said they were and that every building on Daniel Street had the same type of window. Ms. Ruedig asked what the destroyed windows had been. Mr. Gray said they were original single panes. Chairman Almeida asked if it was just the tan building in the picture that needed windows or the blue building also. Mr. Gray told him that the blue building had two windows that were lost in the fire, so they were replacing those as well.

Mr. Wyckoff said he had serious problems with the application. The blue building showed true divided light windows versus the grills between the glass windows, and he asked if it was correct. Mr. Gray agreed that they were true divided light windows. Mr. Wyckoff said the Commission had approved a building for 6/6 single pane windows, and then the owners put in vinyl windows with grills between the glass without a permit. He said it happened a lot because people thought it was harmless. The Commission approved buildings on a case-by-case basis, and he hoped Mr. Gray could amend his application because it might be a waste of time.

Vice-Chair Kozak said in the six years she had been on the Commission, she had not seen a between-the-glass muntin bar window approved in the Historic District. It was standard criteria that they bestowed on everyone that windows be installed that typified the District's character. Mr. Katz thought that perhaps a single light window would be preferable to a between-the-glass simulated muntin window that had no profile at all. Mr. Gladhill said the Commission normally approved full divided light with space on the permanent exterior and interior, especially in the District, and he could not veer from it.

Chairman Almeida said they could table it to the next meeting and give Mr. Gray an opportunity to research other options, or they could vote on it, but it clearly had to be a different window. Mr. Katz noted that they had approved simulated divided light windows in the past. Mr. Gladhill said the manufacturer called it full divided light and others called it simulated divided light.

Mr. Gray's brother-in-law Mike Wolfe introduced himself to the Commission and said he was overseeing the project. He thought the Commission believed that the pictured buildings did not exist. The windows existed on every building on Daniel Street, and their building would be the

only one to stand out. He suggested that if the Commission was not familiar with the non-divided windows that the neighbors had, they could go to Daniel Street and not find one true divided light window. He came before the Commission to be in compliance with the City and did not do the non-compliant changes that other people had done, yet the Commission wanted his building to conform to the rest of the block.

Mr. Wyckoff said that a lot of the windows could have been put in without their knowledge, but that mistakes happened and they tried to remedy them. They had been approving full divided lights throughout the area and trying to be consistent. The other buildings' windows might fail and the owners would come back to the Commission and be required to have the full divided light windows. Mr. Wolfe invited the Commission again to go see the brand new rebuilt buildings that did not have true divided light windows because the entire block did not reflect what they were saying. All the bank windows had been replaced across the street, and if the bank had not come before the Commission and an entire brick building was rebuilt, it was not his fault.

Mr. Katz said he was leaning toward a postponement with a work session/public hearing and wanted to walk up and down the street to assess the situation. He felt that existing non-conforming windows should not be an excuse for putting in another non-conforming window. A single light 1/1 window could be possible, and if Mr. Wolfe had information that substantiated it, it would be welcome, but it could not be decided that night. Mr. Gray asked if he meant the 1/1 with the single grill. Mr. Katz said that would be a 2/2. A 1/1 was a single light on top and a single light on the bottom. Given the history of the building, it was appropriate.

Ms. Ruedig told him the whole point was that he wanted to replace a window because the original window was lost, and he had to replicate it the best he could to what was there. If it had been a single pane, they could not recommend that he put back a single pane, but if it had divided lights and wooden muntins, he needed to replicate it as best as possible.

Councilor Kennedy said she would be willing to do a site walk with the applicant to visualize it and get a historical perspective. Chairman Almeida agreed. Mr. Wyckoff thought a site walk was inappropriate for the building. The Commission had their criteria, and for the last five years, they had been insisting on half screens instead of full screens. There were buildings with full screens from the 1990s and 2000, but it did not mean they would continue it. He felt the 6/6 windows were appropriate for the building and did not agree with 1/1. He said Mr. Gray could make a case for 2/2 windows if he could prove that the building was built in 1860, but he thought that particular building was circa 1815. Mr. Wolfe asked the Commission to put in their requirements in writing, especially the one for the simulated divided light 6/6 window.

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

*Councilor Kennedy moved to **postpone** the application to a work session/public hearing at the September 11, 2013 meeting so that additional window proposals can be reviewed. Mr. Melchior seconded.*

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

6. Petition of **Rockingham House Condominium Association, owner**, for property located at **401 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (install exhaust pipes from basement window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as lot 3 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Gene Fisk from Fisk and Associates Property Management told the Commission that he had a photo of the basement window's location where the renovation would take place. He showed it to the left of the building behind a tall hedge line under a swimming pool. He introduced his plumber Mr. Ron Bohunski. Mr. Bohunski said the system was not truly an exhaust system as stated in the application but would actually draw fresh air into a heating system. The only windows available were the two windows next to the pool, and they were hidden by vegetation and a floral garden. There were two 4" round tubes, 20" off the ground.

Mr. Wyckoff said he was familiar with the system and asked how high off the ground it would be and if it had an elbow. Mr. Bohunski said Mr. Wyckoff was thinking of the candy cane type that they were trying to stay away from because it looked gaudy. They proposed the 4" tubing style that would have a small top hat on it. The vegetation and flower along the building were quite tall and would cover it.

Mr. Wyckoff asked Mr. Bohunski if he had considered opening louvers. Mr. Bohunski said he was working with an existing louver that was sealed shut, and there was a damper system behind it that had failed. The building had only those two locations where fresh air came into it, so the system was a newer design that would pull fresh air from the outside and would operate in conjunction with the heating equipment. When the boiler was called for, the fan would come on and put fresh air in the room and open up another mechanical damper to feed air in the room to provide sufficient air for the gas equipment to operate.

Mr. Wyckoff asked if he was willing to paint the plastic in a brick color. Mr. Bohunski said he definitely would. The duct work was a fabricated box that the two tubes could come out of and could be painted with a material that would protect the pipe from deterioration and make it look invisible.

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

*Councilor Kennedy moved to **grant** the Certificate of Approval for the application as presented with the following stipulation:*

1) That the tubing and cap are sanded and painted to match the surrounding building.

Mr. Melchior seconded.

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

7. Petition of **DiLorenzo Real Estate, LLC, owner**, for property located at **47 Bow Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove/replace existing windows and cedar shingle siding on rear of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 50 and lies within the Central Business A. Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. John Greenlaw, representing the applicant, told the Commission they wanted to remove the existing cedar shingles and replace with them with new cedar shingles. They also wanted to remove the existing wood windows that were deteriorated and replace them with vinyl windows. Photo 1 showed a condensing unit and an abandoned fire escape ladder that would be removed as well.

Chairman Almeida said the fire escape removal would require HDC's approval. Mr. Greenlaw said the ladder to the left of the condensing unit was abandoned and was replaced by the spiral staircase, but the ladder was never removed. Chairman Almeida said that was different, but they should also discuss it because technically it had to be decided by them.

Mr. Gladhill asked Mr. Greenlaw to elaborate more on Option A and Option B, which was a vinyl alternative. Mr. Greenlaw said he knew that the Commission did not like vinyl windows, but vinyl was his preferred option, Option A. It was difficult to get up the building to paint, so for durability and energy efficiency reasons, his client preferred an Andersen 400 Series window. Vice-Chair Kozak asked if the window was Fibrex clad, which was something different than vinyl. Mr. Wyckoff said it was. Chairman Almeida asked if it was a better option considering that it was different. Vice-Chair Kozak said they used Fibrex in some locations in the District because it had finer detailing and cladding connections as opposed to some of the vinyl windows that were constructed a lot differently. She preferred Option B but they had used Andersen 400 windows in the District. Even though it was for the back of the building, it was still a front façade for Bow Street.

Mr. Wyckoff asked Mr. Greenlaw if he was changing the window size. Mr. Greenlaw said he was not because he wanted to use the same rough opening. Mr. Wyckoff asked if the top three windows were fixed, and Mr. Greenlaw said they would be replaced but fixed in kind.

Chairman Almeida asked if he was using a 2" brick mold on a wood-sided building and not a flat casing. Mr. Greenlaw said it was currently on there and was an old Andersen wood window, but they preferred a flat casing.

Chairman Almeida said the windows that fell within the wall could make a difference as well. In Photo 2, the windows in the masonry below were recessed and created some depth to the opening. It was a different wall type as it went higher, but the further back the windows could be placed, the better. He didn't know where the new window might fall, but the worst thing would be to see the glazing on the same plane as the shingles. New replacement windows sometimes were simply placed on the sheeting and the glass stuck out, and that was a fight that the HDC could not seem to win. They approved appropriate windows, but once they were placed in the openings, they were not appropriate. He asked Mr. Greenlaw to give the Commission an idea of how the window would set within the existing wall, and if the glass plane sat exactly where it currently sat, it would be sufficient. Mr. Greenlaw said he understood that the new Andersen window had a glass plane similar to the existing window and would be installed in the same location.

Chairman Almeida said the windows were set back above the stationary pieces and he would hate to lose the depth. He asked if it was possible to put the new windows in the same location. Mr. Wyckoff wondered if the purchased sashes were in a frame or were custom-made. Mr. Greenlaw said they were custom-made and were an Andersen manufactured unit. The upper windows had a regular Andersen frame with extension jambs. Mr. Wyckoff said the window in that same style would have the glass in the same location.

Vice-Chair Kozak asked whether he was replacing the windows on the ground floor. Mr. Greenlaw said all the windows on Bow Street would be replaced. Vice-Chair Kozak said the tripart casement window was historic on the building with that vintage, and replacing it exactly might not be historically appropriate. It was an opportunity to put something more in keeping with the building's era. The vertical triple windows were from a different time and she wondered if he would consider a double hung arrangement instead of the casements. Mr. Greenlaw said he would have to discuss it with his client because it would be a major change. The tenants would also be unhappy because their interior spaces were contemporary and their views would be changed.

Ms. Ruedig said that unless they delved into the history of the building, she felt it would be safer to keep what was already there and replace it in kind. If they designed something new, it could impose some other history on it that had no precedent.

Chairman Almeida asked about the color selection and the grill pattern. Mr. Greenlaw said he wasn't proposing any grills but would replace them in kind. The color selection was negotiable and he was leaning toward a sand color so he could repaint the building with the existing color. Chairman Almeida was supportive and said he did not want a bright vinyl that stood out.

Ms. Ruedig suggested a stipulation about having a casement around the window to make sure it was on the upper stories instead of the masonry. After a brief discussion, the Commission agreed

on more stipulations regarding the fire escape ladder removal, the glass plane remaining the same on all the windows, and choosing Option B as the main window.

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

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

- 1) That a 4" flat casing will be used for the windows.*
- 2) That the glass plane will remain the same for all windows except for those with masonry openings.*
- 3) That Option B is the approved window.*
- 4) That approval is given to remove the fire escape ladder.*

Mr. Melchior seconded.

Mr. Wyckoff was confused as to how the Commission decided on Option B. Chairman Almeida told him that a motion had been made for it. Mr. Wyckoff said he preferred Option A with the Andersen 400 Series. Chairman Almeida told him that there were currently vinyl and aluminum clad windows. Councilor Kennedy said she liked Option B.

Chairman Almeida called for a vote. Everyone voted for Option B with the exception of Vice-Chair Kozak and Chairman Almeida.

*The motion **passed** with a vote of 5-2 with Chairman Almeida and Vice-Chair Kozak voting in opposition..*

8. (Work Session/Public Hearing) Petition of **Lynn Fedorowich, owner**, for property located at **63 Humphreys Court**, wherein permission was requested to allow demolition of an existing structure (demolish existing garage and connector) and allow new construction to an existing structure (construct new garage and connector, rear deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 38 and lies within General Residence B and Historic Districts.

Vice-Chair Kozak recused herself.

SPEAKING TO THE PETITION

The project architect Bob Cook told the Commission that it was his second work session and he had made the suggested changes from the first work session. He also had changes in the window and door brands. Mr. Cook distributed the materials and pointed out the front elevation, saying that the only change was the reduction from four windows to three. They also eliminated a small

square window to the left of the door and aligned the trim above the garage to align with either a transom window or a flat piece of trim board.

Chairman Almeida noticed that the dormer where the three windows were together showed a 2" roof edge and asked if it was meant to be shingled. Mr. Cook said it was a piece of trim that overlapped and could be a piece of flashing underneath. Chairman Almeida verified that it was the gable roof edge going up. Mr. Cook agreed and said it had been modified. He got rid of the dormer look but wanted to leave the front piece across as a drip edge, and he pointed out the error in the drawing.

Mr. Wyckoff said he was not used to approving something depending on budget and asked exactly what they had over the garage door. He felt that putting a panel over a door was something the Commission had never seen and wasn't sure how to handle it but thought it should be a true transom window. Chairman Almeida reminded him that they were in work session mode, so he could address it. Mr. Wyckoff repeated that it should be a transom window because Mr. Cook was installing cottage-style windows with simulated divided lights and getting away from the blank type of window. He asked Mr. Cook if he would install glass if the garage door header was in the way. Mr. Cook said he could put a small transom in or just a panel piece, but it depended on the budget. Mr. Wyckoff said it could be a gray area for approval. Mr. Cook was asked by a Commissioner if he could put glass in it, and he said yes. Chairman Almeida asked him what the dimensions would be. Mr. Cook said if he put the header above the glass, he could get a very small transom. Mr. Wyckoff said it would be at least 12" high.

Chairman Almeida asked if the panels would be separated. Mr. Cook said a single piece would be inappropriate for a cottage look. Mr. Wyckoff asked about the garage door panels, and Mr. Cook said they were standard gray panels. Mr. Wyckoff thought maybe they were four panels pressed into the metal and said if Mr. Cook were to duplicate that detail on the panel above the door, he would feel better about it. Mr. Cook said he would do it.

Chairman Almeida asked Mr. Cook if he had specifications for the garage door. Mr. Cook said he didn't, but it was just a standard overhead garage door with no arch or anything fancy. Mr. Wyckoff said a basic metal garage door had a panel look to it. Mr. Cook said the raised panel one would be more traditional. Councilor Kennedy said she liked the glass along the top as well as a raised panel. Chairman Almeida said they had to stipulate it because they had to be very clear about the door's materials, panels, and so forth. After some discussion, the Commission decided that the door would be metal instead of wood.

Mr. Gladhill asked if there was lighting on the doors because he saw no details of lights on the sides of the doors. Mr. Cook said they had a recessed light on the front door but had not really discussed lighting. Mr. Rawling asked the Commission if they required exterior lightning specs on a residential house and was told yes. Councilor Kennedy said the applicant could return at a later date with lighting fixtures. Chairman Almeida agreed.

Mr. Rawling said he was troubled by the three windows on the garage and window #4 because they seemed completely unrelated to the house in style, size and proportion. He believed it was unprecedented to have two different casings butting up to each other because it doubled the trim

width. He noticed that every part of the house had a different trim width. Mr. Cook told him it would be a standard 3 ½ inch trim flat piece with a sill. Mr. Rawling asked what the reason was for Window #4. Mr. Cook said it was to accommodate the owner's wish to have a changeable bed wall, one against the front of the house and one on the inside of the house. Mr. Rawling said the Commission had reviewed the exterior and it was unrelated to the house. Mr. Cook said he looked at it as a post-modern twist of a traditional look to accommodate the interior feature, and it was a little quirky but didn't stand out to him. Chairman Almeida clarified that Window #4 would have a continuous sill all the way across instead of three separate sills and would share a piece of casing. Mr. Cook said he showed them as three singles but could get them together as a one-piece with smaller trim in between.

Mr. Rawling told Mr. Cook that changing the side elevation as illustrated on the front elevation turned it into something unrelated to a Cape-style house, and he felt the trim should be continued on the side. Mr. Cook said that it had been suggested at the last work session that it should be simplified and made to look like a different addition. He had wanted to make it a quiet elevation in keeping with the quiet elevations of the neighbors. Mr. Wyckoff agreed and said it almost referenced the 'back of the house' criteria and put it on the side. He thought Mr. Rawling made a good point but it wasn't something that would make or break the project. He did agree, however, that the three windows above the garage were awkward. Vice-Chair Kozak agreed with Mr. Wyckoff that the three windows could be improved.

Councilor Kennedy asked if the bulkhead would be replaced or repaired. Mr. Cook said he would replace the bulkhead with a standard metal one. Councilor Kennedy told him he had to add that detail to the application.

Mr. Gladhill asked what the deck materials would be and what color the roof shingles would be. Mr. Cook said the deck would be a composite wood 18" off the ground, and he would match the existing roof color. Mr. Wyckoff asked what kind of railing would be used on the deck. Mr. Cook said the railing would be similar to the one on the stairs, generic with 3-1/2" posts and 2x2 balusters. Mr. Wyckoff asked if it was a post railing. Mr. Cook told him it was in-filled with balusters and done to code with wood material and 4x4 posts. Mr. Wyckoff said the railings would be over the 4x4s so they would not be capped. Mr. Cook said they would not and said he would provide a drawing.

Mr. Wyckoff asked for more details on the placing of the windows over the garage doors. Mr. Cook said it was to bring some light in, and that a small row of windows above would give the house a contemporary twist. It was not designed to be part of any period architecture but simply to mix in with the house's eclectic nature.

Chairman Almeida told Mr. Cook that the stipulations and requested clarifications were adding up, such as windows without sills, transom windows, garage door panels, the deck railing, and so on. He did not feel that the application was ready for a public hearing that evening, and he asked Mr. Cook if he would mind returning the following week with clarifications and changes. Mr. Cook agreed. Mr. Rawling asked Mr. Cook to bring a few alternatives for the windows placed over the garage door.

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

*Councilor Kennedy moved to **postpone** the application to the work session/public hearing on September 11, 2013. Mr. Gladhill seconded.*

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

9. Petition of **Jo Ann R. Lamoreaux Revocable Trust and Thomas A. Lowcock Revocable Trust, owners**, for property located at **77 Wentworth Street**, wherein permission was requested to allow exterior renovations to an existing structure (on west addition, reconfigure and replace windows/door, replace existing siding with cedar clapboards) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 11 and lies within in General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Lowcock told the Commission that he was seeking permission to renovate the single-story closed porch on the property's west side. He said the application was exactly like the original one, except he was including window and skylight specifications.

Mr. Gladhill asked if the heating and air conditioning unit would be placed on the outside of the building. Mr. Lowcock said that the Planning Department had suggested that the compressor be placed under the porch. Mr. Gladhill verified that he was keeping the same footprint. Mr. Lowcock said that he was because he just wanted to bring the porch down to one level to match the level of the adjoining kitchen. Mr. Gladhill said the reason he asked was because New Hampshire State Regulations prohibited construction within 25' of a cemetery, so he wanted to ensure that the footprint would not be increased. Councilor Kennedy said it could not be increased anyway because it was too close to the water, and she thanked Mr. Lowcock for replacing the metal siding with cedar.

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

*Councilor Kennedy moved to **grant** the Certificate of Approval for the application as presented. Mr. Melchior seconded.*

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

10. Petition of **Ryan P. and Crystal L. Cronin, owners**, for property located at **180 Gates Street**, wherein permission was requested to allow new construction to an existing structure (construct rear addition) 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.

SPEAKING TO THE PETITION

The architect Mr. Dennis Maccarone of Somma Studios presented on behalf of the owners. He told the Commission that he had previously gone through two work sessions and that the packet was the same as the last work session except for a few added notes.

Sheet 1 was the site plan showing the location of the 2-story addition. Mr. Maccarone said that the proposed skylights had been removed. Sheet 2 showed photos of the house's three elevations to give a better idea of the facades. Sheet 3 showed the existing and proposed back elevations. Mr. Maccarone said he changed the addition to full clapboards and made the 1st floor window sizes, style and manufacturer match the windows on the 2nd floor. The eaves, gutters, rake and roof would match existing in trim and exposure. Sheet 4 showed the proposed and existing driveway elevation, the relocated meter, and the location of the gutter and downspout. Sheet 5 showed window types and grill patterns.

Chairman Almeida said the window types shown were inserts, not casements. Mr. Maccarone said the casements would match the existing ones and the replacement sash would also match. He showed the Andersen window specifications. Chairman Almeida clarified that Mr. Maccarone had said all of the trim, clapboard and rake details would match the existing ones. He said the eave and rake details determined whether the addition would be successful or not, and he wanted Mr. Maccarone's assurance that the rake and overhang would exactly match the historic building. Mr. Maccarone said that the gutter would hide the eave and it was only 4-5" deep. Chairman Almeida said he was comfortable that they would not have issues.

Chairman Almeida noted that the site plan showed a very small return as it turned the corner from the driveway, and he asked Mr. Maccarone if he had considered bringing it all the way out to the existing plane to eliminate the little strip that would cause problems. Mr. Wyckoff agreed that it would have been nice to plan it that way and asked if it was due to a variance approval. Mr. Maccarone said the BOA had approved it as shown, but he would have to go back to the BOA if it was moved because they would have an issue with the driveway if it was lined up with the driveway elevation because it would run into it.

Mr. Katz said Mr. Maccarone also had a scheduled corner board that looked troublesome. Vice-Chair Kozak said it was a 1' offset and a 4" corner board, so it would give 8" of clapboard and was not a big deal. Chairman Almeida agreed.

Vice-Chair Kozak clarified that the muntin bars were simulated divided light with spacer bars because she did not see it mentioned in the packet. Mr. Maccarone said they were.

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 **grant** the Certificate of Approval for the application as presented. Mr. Gladhill seconded.*

Mr. Katz said the application was a classic example of appropriateness, and he was happy with how it turned out. He said the addition could have been added 100 years before and would not have looked that much different.

Mr. Gladhill agreed and said the addition complemented the architecture and historic character of the neighborhood. He also thought the application was much improved.

Vice-Chair Kozak said that the form and detailing of the addition were consistent with the patterns on the historic back ells of 18th century homes. The Andersen Series 400 window was a fiberglass-clad window and she had been concerned about using it in a prominent location, but because the back of the building was only visible to the direct abutter, the product and window were appropriate.

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

11. Petition of **David A. and Catherine A. Anderson, owners**, for property located at **394 Pleasant Street**, wherein permission was requested to allow a new free standing structure (remove existing fence, install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 63 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

The owner Mr. David Anderson told the Commission he was seeking to replace a decaying fence with a more attractive fence. The new fence had a design change, but the old fence had no historic value. The rest of the fence would be in kind, a 44" closed baluster wooden fence.

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

*Councilor Kennedy moved to **grant** the Certificate of Approval for the application as presented. Mr. Melchior seconded.*

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

12. Petition of **Michael J. Vitale and Janine Contillo, owners**, for property located at **442 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace second floor windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 78 and lies within the General Residence A and Historic Districts.

SPEAKING TO THE PETITION

Ms. Janine Contillo, the property co-owner, wanted to replace the 2nd floor windows with the same Harvey windows that had been replaced on the 1st floor and approved in 2009. She said they were the exact Harvey windows.

Mr. Wyckoff said he didn't remember approving the windows and asked if they were approved with full or half screens. Mr. Gladhill asked Ms. Contillo what type of screens she had, and she said whole screen. Vice-Chair Kozak clarified that they were aluminum-clad windows. Ms. Ruedig asked if the existing windows were original and functional. Ms. Contillo thought they were the original windows because they were about 50 years old. She said the wood frame and sills were rotting and drafty. Ms. Ruedig asked if they were traditional construction with the putty on the exterior and Ms. Contillo said she was not sure.

Mr. Rawling said that no window specifications were included with the plans, so it was hard to tell how they would be installed or what the impact would be. The existing windows that were replaced seemed to be ones that the Commission would not ordinarily approve due to the jamb thickness and reduction of the glass area. Mr. Katz said the Commission had the original specifications from 2009. Councilor Kennedy said she would want the same windows on the house and was willing to accept the application. Mr. Katz said that Ms. Contillo wanted to replace the upper windows with the same windows that had been approved in 2009 and that it should be approved. Everyone 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

*Councilor Kennedy moved to **grant** the Certificate of Approval for the application as presented. Mr. Melchior seconded.*

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

II. OTHER BUSINESS

A. Discussion and Prioritization of HDC Tools Request to the City Council

Chairman Almeida passed out an agenda and suggested that the Commission discuss it at the next meeting. He read the Tools Request in full, in case any members of the public were watching from home. Basically, he said the HDC had come up with a list of tools to present to the City Council and were at the point where a formal budgetary request needed to be made by others for items in Subcategory B. As far as items in Category A, he said the Commission had seen examples that evening such as window issues that could be streamlined to improve the process.

Mr. Cracknell said the consent agenda would be able to pool together small projects that could be brought to the HDC at the beginning of the meetings and could be bundled together. Chairman Almeida said they could be voted on all at once and the HDC would have the power to pull them out if necessary.

Mr. Cracknell said administrative approvals were really for minor things that came up during construction and that it was silly to make an applicant wait 6-8 weeks to move a meter socket from one location to another. They were a waste of time, money and effort.

Mr. Gladhill agreed with the consent agenda but said he would first like to have the design and the neighborhood pattern book available so the residents knew ahead of time what to expect regarding issues like a vinyl fence or certain types of windows.

Chairman Almeida said those tools would not be out for months. Mr. Wyckoff thought the bundling would not be a major issue. Chairman Almeida said the consent agenda would be the first document to roll out, and he wanted to do it the following month. The reason that the Commission was asking for it was because their decisions could be challenged, and he wanted to ensure that their decisions were clean and not challenged. Mr. Wyckoff said in the past, it was more important to list criteria when voting again on a project. They often had a pile of paperwork, and trying to dig out the criteria could be difficult. Mr. Cracknell said it could be as simple as stating that the application met the five criteria and findings of fact, and the Letter of Decision would reflect that they acknowledged the criteria.

Item #2 about improving public input during work sessions addressed putting a limit to the number of work sessions and the time allotted. After 1 or 2 work sessions, there could be a public discussion but not a hearing. The applicant could then return for the 3rd work session. Mr. Cracknell thought it made sense. He cited the 18 Congress Street project in which the design team had done a good job in preparing it in four work sessions and one public hearing, and the HDC followed their lead by providing an outline for going through a major project and eliciting public comment.

Mr. Gladhill said the public wanted to comment on the massing and scale, and the 1st or 2nd work session should get them involved before moving on to the design details. Mr. Katz said in the past, public comment was elicited for big projects at work sessions. Chairman Almeida said they all agreed that public comment was encouraged by the HDC but needed to be consistent with it. They used to have the time to do it, but it was now a challenge to fit it in. They could do strict time limits and tell people to shorten their comments. Mr. Gladhill thought they rehashed a lot of topics at every meeting, and he used the example of tearing down a house. Mr. Wyckoff agreed

and said the HDC should tell the developers they could remove the house or they could not remove it. It should be voted on and done with.

Chairman Almeida said they would work harder for public comment and asked that they email Liz Good with ideas for more public comment. He wanted to be clear about it because he was misquoted in the Portsmouth Herald claiming that he thought public comment was silly. It was not true and some damage had been done that he should have caught.

He also encouraged using electronic plans and images during meetings and putting things on the screen. Mr. Cracknell said the Planning Board did that at their meetings. Councilor Kennedy asked when they could make it mandatory and thought it was appropriate because the cameras could relay the images to the people at home. Mr. Cracknell wanted to start the following Wednesday. Chairman Almeida felt that huge improvements had been made with the City website and he encouraged people to communicate with letters.

Chairman Almeida asked Mr. Cracknell to discuss Item #4 more. Mr. Cracknell said the Inspection and Planning Departments would have an architect on call to make sure things got built according to what was approved. People did not always follow directions, and if it was built wrong, it was not always easily remedied, so they would have a qualified person on retainer to work for the City and ensure that procedures were followed. They were currently working on a growing list of enforcements. Chairman Almeida said the community thought it was important that the HDC police non-conformances. Mr. Gladhill asked what the enforcements were and was told they were fines, lawsuits, and no-occupancy permits. Mr. Wyckoff thought it was a good idea because applicants should know they were responsible for paying for non-compliance issues, especially on large projects. He asked if it was an ordinance. Councilor Kennedy said there was a fee committee and that they should enforce fees for projects over \$25K. Some applicants liked returning over and over time in an effort to wear down the Commission.

Chairman Almeida asked the Commission to rate the Decision Making Tools by priority, #1 through #6. He was frustrated with window discussions, so he put the item 'Window Guidelines Produced by an Outside Firm' as #1. Mr. Rawling said he would choose Design Guidelines as #1. Chairman Almeida told Mr. Rawling that the design standards could take months to produce, whereas the window ones would take weeks. He said to consider them both #1, and everyone agreed. The Commission voted that the 3D Model should be #2 and the Neighborhood Pattern Book should be #3.

Mr. Wyckoff asked why they didn't use the Google Earth 3D Model. Vice-Chair Kozak said a proposed new building inserted into Google Earth could work but was not as concise, did not have the topography feature, and was flat. Councilor Kennedy said she read a New York Times article about how it could be manipulated. Vice-Chair Kozak said a vector-based 3D model was more useful because it had the topography and was precise within 4-6" of reality of building corners and features. There were different levels of model detail that could focus on primary areas if more detail was necessary. Mr. Wyckoff asked if the levels could be changed. Vice-Chair Kozak said vector models could evolve over time and stay current. She would bring a set of images the following week showing different options and a scope sample.

III. ADJOURNMENT

At 9:15 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Joann Breault
HDC Recording Secretary

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