

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

6:30 p.m.

**October 2, 2013
to be reconvened on October 9, 2013**

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

MEMBERS EXCUSED: Richard Katz

ALSO PRESENT: Nicholas Cracknell, Principal Planner

The meeting was delayed because Chairman Almeida wanted to make sure that everyone read the minutes from the August 7, 2013 meeting. He called the meeting to order at 6:40 p.m.

I. NEW BUSINESS

A. Approval of draft excerpt of minutes – August 7, 2013

*Mr. Wyckoff moved to **approve** the draft excerpt of minutes as **amended**. Mr. Melchior seconded.*

Vice-Chair Kozak said that the minutes somewhat paraphrased the intent of the discussion and were not a verbatim repetition of the meeting, and if people wanted a verbatim version, they could watch the Utube video. In reviewing the minutes for accuracy and intent, she found an error on page 6 in the second-to-last paragraph which read: “However, changing building codes prevented the building of those same kinds of buildings” (a description of building type followed which made it seem like they could not be built anymore). Vice-Chair Kozak proposed changing it to read as follows: “Changing building codes make it difficult to replicate the same floor-to-floor heights of the same kinds of buildings”. Vice-Chair Kozak said she was talking about floor-to-floor heights and not building use.

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

B. Request for rehearing of HDC Certificate of Approval granted to 173-175 Market Street on August 7, 2013.

Chairman Almeida said that the Commissioners had read a significant amount of paperwork and had received a memo from the Planning Department, so he asked for discussion or a motion.

Vice-Chair Kozak said she would make a motion to postpone the request for the hearing until the 30-day appeal period ended, since it had started that day upon the approval of the minutes and they had just been handed more documentation regarding the request for a rehearing. They were big packets of information and the Commission needed time to read the material. The applicants and petitioners had 30 days from that day and could continue to submit information, so she suggested postponing the request to the next month's meeting when the 30-day period would be complete. Mr. Gladhill said he would second the motion.

Mr. Melchior said he would not support the motion as presented because he felt there should be more discussion before the motion was made. After reading the material for five minutes, he realized that the gravity of it should pull them into a rehearing. He did not think there was any harm in a rehearing versus the delay of a couple months when the Commission would most likely come to the same conclusion. The proper motion was to approve the rehearing of both applications, and then they would have the opportunity to review the additional information. The burden of proof was on the petitioners, not on the HDC. They had already rendered opinion on both applications. He felt they should rehear both of these highly social and politically charged applications, and it would give them additional information that would reinforce the right decision that they made back in August.

Mr. Wyckoff said they should postpone it for 30 days on the recommendation of the material they received from the Planning Department. Mr. Melchior said that, in fairness to the applicant, the public, and the Commission, in 30 days they would come to the same conclusion. They now had the same information before them. Furthermore, they had sat in all the work sessions and knew the applications inside and out, so it made sense to make the decision that day.

Chairman Almeida said the point was that further requests could come in the next 30 days and the Commission would find themselves doing it again, which is why some people felt that the 30-day period should go by, after which time they would hear them all at once. Mr. Melchior said the only the thing that further requests would do was lead them to a rehearing on the same applications. Councilor Kennedy agreed with Mr. Melchior and said the Commission owed it to the public to have a rehearing. It was not fair to the public or the applicant to postpone it. They had time before the next agenda in November to have people look at everything and bring things forward.

Ms. Ruedig said they would receive the same supplemental information from everyone on both projects that they would in 30 days if they granted the rehearing. Chairman Almeida said they could always receive information from any party over the next 30 days, so he suggested that they vote on it.

Vice-Chair Kozak wanted to make a few more points. Any application for a public hearing required that the information be submitted by the second Friday of the month, so the Commission had enough time to read and consider it. She was not sure if the same restriction applied to an application for a rehearing but hoped that it would. She was fearful that the Commission would receive more information on the night they sat down and they would not have the time to fully understand it. Chairman Almeida said it had happened that night due to the significant amount of paperwork that had been placed before them, so he would postpone it.

Mr. Melchior said the incoming information only reinforced a rehearing. The Commission had sat through all the work sessions and no information could be presented that could dissuade them from a rehearing. It was a rehearing, not a change of opinion. He could not see the benefit to the public, applicant, or the Commission to wait another 30 days to have the same discussion they could have right then.

Chairman Almeida said they had to continue the vote unless someone wanted to withdraw the motion. Councilor Kennedy said they had 30 days. They would meet on the first Wednesday of November and have same discussion that would put them into December and the holidays. She asked why they could not have the discussion in November when people could add information and have a discussion on what would happen. The public had come forward and the developers worked hard, and the Commission owed it to them to stop putting it off.

*After due deliberation and consideration of the written recommendation from the Planning Department (dated 10-7-13) to **suspend** the review of the application for 30 days due to the acceptance of the meeting minutes, the Commission voted to **postpone** the Request for Rehearing to the November 6, 2013 meeting so that additional information may be submitted and reviewed.*

*The motion **passed**, with 5 in favor and 2 opposed.*

(Mr. Melchior and Councilor Kennedy opposed).

C. Request for rehearing of HDC Certificate of Approval granted to 111 Maplewood Avenue on August 7, 2013.

Vice-Chair Kozak said she would make the same motion for the same reasons as the previous item, which was to postpone the request for rehearing to the following month so they could complete the 30-day appeal period before making a decision. Mr. Gladhill seconded.

Mr. Melchior said he would make his same point that nothing coming to light in the next 30 days would dissuade the Commission from anything they presently had in front of them. He did not understand why the Commission did not do their responsibility to the public by making the decision tonight. Councilor Kennedy said she stood by her previous comments about Application B being under the revised agenda.

*After due deliberation and consideration of the written recommendation from the Planning Department (dated 10-7-13) to **suspend** the review of the application for 30 days due to the acceptance of the meeting minutes, the Commission voted to **postpone** the Request for Rehearing to the November 6, 2013 meeting so that additional information may be submitted and reviewed.*

*The motion **passed**, with 5 in favor and 2 opposed.*

(Mr. Melchior and Councilor Kennedy opposed).

II. PUBLIC HEARINGS (NEW BUSINESS)

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

1. Petition of **233 Vaughan Street, LLC, owner**, for property located at **233 Vaughan Street**, wherein permission was requested to allow a second extension to an existing approval, first extension granted on October 3, 2012) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 14 and lies within Central Business A, Historic, and Downtown Overlay Districts.

*At the applicant's request, the application was **withdrawn** from consideration.*

2. Petition of **Douglas F. Fabbriatore, owner**, for property located at **536 Marcy Street**, wherein permission was requested to allow new construction to an existing structure (lift main roof and add shed dormers, construct second story to rear addition, replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 56 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Fabbriatore told the Commission that he had taken many of their suggestions from the previous work session and updated his plan. The project's goal was to enhance the living area, which was the top floor of 536 Marcy Street, and to put an addition above the kitchen. He felt that it complied with the objectives of the HDC, particularly because it was in the south end and they were incorporating all the historical characteristic features into their design. He then introduced the architect for the project, Rick Jones.

Mr. Jones said he would briefly go through the packet and show how they addressed the points that were raised at the last work session. The drawings showed existing and proposed images of the house, site plan and building elevations. He had also taken photos from the rear street and the backyard, and those views were overlaid with the proposed solution. The last sheets showed product information for existing and proposed windows, roofing, and so on.

Mr. Jones said they had great comments from the last meeting. The first comment he addressed was the applicability of dormers in the south end in general. As part of their application, they showed examples of dormers on gables within walking distance of Marcy Street, not simply as justification for allowing dormers on the house, but also for more living space in the attic.

The second comment he addressed was the overall size of the dormers and how prominent they were. He had reduced the dormer size to make the face of the dormer wall set back from the face of the main house by 18", and to disengage the spring point of the dormer and lower it from the main roof ridge. The cheek wall of the dormers was held back 5' from the front and back of the house. As a result of the changes, the dormer occupied less than 50% of the main roof.

The Commission had commented about the simplification of the addition over the existing kitchen. At the time, the applicant had a hip roof and a dormer. Mr. Jones said they had gone to a simplified gable roof over the kitchen by slightly raising the eave in the ridge and eliminating the dormer. The Commission had also wanted more information on the windows. The existing windows were Brosco double hung with insulated glazing units, painted, wood interiors and exteriors, no muntin bars, no storm windows and no screens. They were proposing a Marvin Ultimate window that would match those windows. Mr. Jones said they were not replacing windows but simply putting new windows in the dormer and the 2nd story structure at the back. Their intention about the trim and detailing was to build upon the existing house to create a uniform look. They would not strip the house clean and do new trim boards, rakes, and corner boards.

Councilor Kennedy asked what material the roof currently was and if it would be redone. Mr. Jones said it was asphalt shingles and would be replaced with a new asphalt roof. Mr. Gladhill asked if the chimney would be removed, and Mr. Jones said it would remain.

Chairman Almeida noticed that the dormers were set back 1.8' from the eave and that they fell 5' from either side with 1'3" away from the ridge where they adjoined the roof. He wanted to make sure it was documented. He said the Commission was initially sensitive to shed dormers because they could make the property seem top heavy or overwhelm it, but he felt the dormers would not be an overwhelming feature. Mr. Rawling said the changes would fit in suitably as an addition to that type of house. He felt that the dormers were inappropriate because the cityscape and streetscape were characterized from that view, and it was a very prominent location, so he would not support them.

Chairman Almeida looked at more drawings and found that the 1.8' dimension of the dormer from the edge of the roof was not accurate and asked for the correct dimension. Mr. Jones said it was 1'5" from the face of the house, not the roof edge. The eave extended another 9" proud of the face of the existing house, so it was 1'5" plus 9". Chairman Almeida asked for the diagonal distance for the roof surface in front of the dormer and then confirmed that it was scaled to 3'2" from the drip edge to the face of the dormer.

Vice-Chair Kozak said that the chimney illustration showed it as coming up through the roof, right in front of the window where the toilet was in the attic. She asked Mr. Jones if he would eliminate a window, or if it was inside or outside of the dormer. Mr. Jones said it was an error and should have been shown on the drawing. The chimney would remain and would extend above the dormer height. Chairman Almeida said the sheet that illustrated where the new features went over the existing features showed where the chimney fell. It came up within inches of the face of the dormer in front on the window and looked awkward and would need to be corrected.

Ms. Ruedig asked if Mr. Jones would be able to get appropriate space with a dormer on just one side. She thought a shed dormer was more awkward on both sides because it was usually just on one side. Chairman Almeida said it would solve his concern if the dormer was on just one side.

Councilor Kennedy said she looked at a radius and noticed that there were homes in the immediate area with shed dormers. Mr. Jones asked her to define immediate. Councilor Kennedy told him New Castle Avenue. Mr. Jones said they were on Marcy Street and showed her a house within six houses of his. Mr. Melchior said that out of the 35 properties in the immediate area, there might be one house with a shed dormer. Mr. Fabbriatore said the house at 77 South Street had a shed dormer, but Mr. Melchior said it was not anywhere near the water.

Chairman Almeida asked where that left them. Mr. Jones said the owner was amenable to eliminating the chimney side dormer and keeping the addition on the opposite side and the back portion of the house as shown. Chairman Almeida said it would be an amendment to their application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. Bob Gunning, 43 Humphreys Court, referred to the letter that he had submitted to the Commission on August 9 and said that his opinion had not changed but had only been reinforced by further review of the application. Shed dormers on gabled New Englanders were not historic and existed only as later additions to satisfy modern needs of more space. There were four homes presented in the previous analysis, none of which qualified as comps. A single full shed appearing at the rear of the 2-story home was not a gable-entry. Of the two double-story gable entries presented, one was a single small shed and the other a single full. There was not one case of a double shed dormer in the area and no real precedent shown for the applicant's plan. Did the Commission want to set the precedent of double shed dormers with top gable ends and open the door to like development and also perpetuate the myth that shed dormer additions were somehow historic? It would run absolutely counter to its mission of historic preservation. At the previous work session, the applicant pled that his immediate neighbor added a full shed dormer to his house. That neighbor's house was a 1-story Cape with a dormer in the rear. The applicant wanted two shed dormers. When people moved to a historic area of Portsmouth, they were well aware of the HDC and the restrictions. By granting permission to an application like the one before them, the Commission would be responsible for arrogance and lack of foresight. Mr. Gunning asked them not to do it. He realized that working on the Commission was not easy and there could be regret in some past decisions. If the application was approved, it would be cause for one of those regrets. When the Commissioners drove by the house on occasion, they would perhaps think about it, but Mr. Gunning would have to see their regrettable decision every day. He also sensed that there was a compromise over one dormer or two. Mr. Melchior had said there was one house with a dormer, and there was actually another house with the full shed dormer on the right. There should not be any ground given for dormers on those old houses.

DECISION OF THE COMMISSION

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

- A) That the two shed dormers are eliminated from the proposal.*

Mr. Rawling seconded.

Mr. Rawling said it did not preserve the integrity of the District, it was not of historical significance to the house, it would not be consistent with the special and defining character of the surrounding properties, and it did not show compatibility of design to the surrounding properties. It did not maintain the special character of the District nor did it complement or enhance the architectural or the historical character of other districts or the existing residence. It had no relation to the historic or architectural value of the existing structure. He felt it was an overwhelming majority of negatives on the criteria list because of the shed dormers on a New Englander.

The motion passed with 6 in favor and 1 opposed.

(Chairman Almeida opposed).

3. Petition of **B&M Wharf, LLC, owner**, for property located at **70&80 State Street and 5 Atkinson Street**, wherein permission was requested to allow amendments to a previously approved design (changes to exterior doors, changes to rooftop planter and screen) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 14, 14, and 16 and lies within Central Business B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Steve McHenry from McHenry Architecture said he was presenting minor changes to an approved plan for the Rosa Restaurant building. He told the Commission that he had added glazing to six panels of the 12-panel door on State Street and was providing additional details for the construction of the panel doors. Page 2 showed the previously-approved elevations along State and Atkinson Streets. The two doors in question were shown as a 12-panel door on the far left and a 12-panel door in the center right on the streetscape. Page 3 showed a 6-panel door. The descriptions and levels of details that Mr. McHenry had previously presented were insufficient to convey the design intent, and what was now in use was not considered appropriate by the owner, so he created new doors with a more traditional raised panel detailing. Adding glazing to the upper six panels on State Street would also provide a safer situation because the door swung out.

Pages 4 through 7 showed the 12-panel door with the upper six panels in glazing, the 6-panel door as approved, and more details of the door construction and grill work on an adjacent property with planter and lattice detail. They had replaced three round planters that had been previously approved with a rectangular planter. Mr. Gladhill asked if the planter's material was wood or metal. Mr. McHenry said it was custom wood. Chairman Almeida asked if the door leaf was being replaced, and Mr. McHenry said yes.

Mr. Wyckoff asked why the door had three square lights at the top instead of raised panels like the rest of it. Mr. McHenry said it was an aesthetic decision. He had felt it was odd to have solid panels on the top of the door and he wanted to stick with the 12-panel configuration that had been approved instead of redesigning the whole doorway. He thought the door was appropriate for getting more light in and would not be conspicuous. Mr. Wyckoff said he still didn't understand the reasoning.

Ms. Ruedig felt that adding the glass was awkward and wasn't sure how much safer it would be because if someone were going out the door, the person coming in would be ready for the door to open. If trying to avoid a situation where someone swung the door out, even if the door had a window, someone walking by would appear out of nowhere and could be hit by the door. She said she appreciated the additional panel details and thought they greatly improved what was currently there.

Mr. McHenry said he felt it was an issue of light into the space, especially for the smaller door with the glazing because it was an access for the residential apartments above. The restaurant door was very busy, so it was a way to get light and visual access to the outside, which he felt was a big improvement over a solid door. Councilor Kennedy asked if the previous door had been oval or full glass. Mr. McHenry could not remember and said it had been in a different location. Councilor Kennedy asked if he could replace it in kind. Mr. McHenry said the use of the doors had changed because one was the restaurant's active doorway.

Chairman Almeida said he applauded the applicant for knowing that the previous doors had not been appropriate and thought the proposed restaurant door was substantial, custom-made and beautiful. He liked the idea of the glass on the door and agreed with Mr. McHenry that it would provide visual access.

SPEAKING TO, FOR, OR AGAINST THE PETITION

There was no one to speak to the application, 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. Rawling seconded.*

Vice-Chair Kozak said the doors as presented preserved the integrity of the District and maintained the special character of the District. It was in keeping with the historic significance of the existing building. It complemented and enhanced the architecture and historic character. It conserved and enhanced property values, and promoted the education, pleasure and welfare of the District to the city residents and visitors. It was compatible to surrounding properties and it used innovative technology in terms of glass in replacing the upper panels.

Vice-Chair Kozak said it was a historic and sympathetic way to acknowledge the original raised panel door while still providing visual safety so that people would not get hurt. Mr. Wyckoff said the original 12-panel door had value and he did not agree that changing the panels to glass was appropriate, but he felt that it did not cause problems with the surrounding commercial properties and he would support the application because the doors were new. Councilor Kennedy believed that the glass was needed in that particular situation so people could see the outside, and since they were replacing a door that had glass in it previously, they were not really changing the architecture.

Chairman Almeida hoped that the Commissioners had seen the building up close because he thought the renovation was fantastic and looked great on State Street.

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

4. Petition of **Stephen M. Carter and Kathleen M. Stone, owners**, for property located at **765 Middle Street**, wherein permission was requested to allow demolition of an existing structure (remove existing fence) and allow a new free standing structure (install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 148 as Lot 37 and lies within General Residence A and Historic Districts.

SPEAKING TO THE PETITION

The owner Ms. Kathy Stone showed the Commission an image of the plot where the old fence had been and said she had already moved it onto the property line. She showed a picture of the existing fence on the property abutting the neighbor on Lincoln Avenue. Fence Style #5 was the new fence for the neighbor abutting Middle Street. The other pictures were of fences with different heights and sizes in the area that met in the middle of the block. She chose to continue the existing style of the Style #5 fence to the other side of the property line.

Chairman Almeida said the site plan showed that the old fence had been placed well shy of the property line and verified that Ms. Stone had removed that fence and put a new wooden fence on the property line. Ms. Stone told him yes. Mr. Wyckoff commented that the previous fence had been a stockade fence and Ms. Stone had replaced it in kind, but it was the type of fence that the HDC had turned down in the past because it was a more of a suburban type of fence than one found in the District. Councilor Kennedy told Ms. Stone that the fence was originally a stockade fence that Ms. Stone was replacing in kind, but the HDC was concerned that Ms. Stone was moving the fence out to a new location on her property line. Mr. Rawling said he would support the application because of the compatibility of its design with surrounding properties and because Ms. Stone had placed it in a background in which it was difficult to notice.

SPEAKING TO, FOR, OR AGAINST THE PETITION

There was no one to speak to the application, 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. Gladhill seconded.

Councilor Kennedy said the applicant had not come forward for the purpose of replacing the fence in kind but because Ms. Stone was moving the fence to the property line and it was compatible with surrounding properties.

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

5. Petition of **Roland and Mary A. Routhier, owners**, and **Ryan Reed, applicant**, for property located at **50 New Castle Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (remove porch windows, construct open porch with composite columns, decking, and rails) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 33 and lies within Single Residence B and Historic Districts.

SPEAKING TO THE PETITION

The contractor Mr. Ryan Reed representing the owners told the Commission that he wanted to move the old Jalousie porch windows and open up the 3-season porch back to its historic look.

Councilor Kennedy said she was confused and asked what the porch material was. Mr. Reed said the inside of the porch was pressure-treated decking and had indoor/outdoor carpeting and pine paneling. The paneling would be removed and the interior walls would match the existing vinyl siding on the rest of the house.

Vice-Chair Kozak asked if there was one door that would be exposed. Mr. Reed said the existing door in the far corner of the house coming onto the deck would be exposed. Vice-Chair Kozak asked Mr. Reed to describe the door and trim further. Mr. Reed said it currently had the pine wood trim on the inside and the exterior trim had been removed. The door was an exterior one and had six lights on its upper half. There was a window on the opposite wall with existing trim that would remain. Ms. Ruedig asked if it the window was one of the original exterior windows, and Mr. Reed said that it was and it also had a replacement window inside the sash.

Chairman Almeida asked Mr. Reed why he chose the composite material for the deck and railing. Mr. Reed said it was mainly because of low maintenance. The back deck had a reddish brand of composite material that the owners had had success with and they wanted to stay with something similar in the front. Chairman Almeida said composite material was okay on the back side, but the porch was in a prominent spot and should not have a composite material.

Ms. Ruedig asked if the fence was wood. Mr. Reed said it was a white wooden fence that the City had installed and was at the entrance of an asphalt-paved road that led to a school. The City had installed it as a deterrent to prevent people from driving down the road. Chairman Almeida thought the details that Mr. Reed provided were wonderful, like the 1" square lattice, the capping of the bases and the crown moldings, but he still had an issue with the composite material because he felt the porch could be more elegant. Mr. Reed asked him if he preferred a Meranti wood and something with a mix of color instead of a flat, bold color. Councilor Kennedy said she did, and if Mr. Reed agreed, they could move forward. Vice-Chair Kozak said she was less concerned with the horizontal deck board than she was with the more visible vertical surfaces and preferred that the posts, railing, and lattice be traditional wood. In the Historic District, vinyl siding was normally removed and restored with traditional materials, and she felt that Mr. Reed had the opportunity to do that.

Ms. Ruedig said she assumed that there was old clapboarding underneath the pine paneling. Mr. Reed said the siding was aluminum and had been put on in an earlier era. He mentioned that

every project he had worked on that had aluminum siding always had the original clapboards or cedar shingles underneath. Ms. Ruedig recommended that if he was going to remove the pine paneling and if there was wood clapboarding underneath that was in good condition, he should just expose the wood and paint it. Chairman Almeida said it would be easy to maintain and would be protected from the elements. Mr. Reed agreed.

Mr. Wyckoff saw a problem with it but thought it could be solved because the corner posts were made to accept the vinyl siding and might still be on the front side. Considerable discussion ensued about this construction situation.

Councilor Kennedy suggested that the Commission postpone the application to the following week to give Mr. Reed time to work on revised plans. Mr. Gladhill agreed.

Vice-Chair Kozak thought the only stipulation was using wood instead of composite material. Mr. Melchior said the stipulation also concerned retaining the existing wood siding of the porch and using the connectors to transition between the wood and aluminum siding.

Chairman Almeida told Mr. Reed the AZEK product that he submitted had traditional profiles that the wood could follow. Mr. Reed asked if he could substitute vinyl if there was not wood siding on the inside and make it match with the aluminum siding, or if the Commission preferred that he replace all of it with clapboard and paint it white. Chairman Almeida said they would prefer replacing it with clapboard, but he hoped that Mr. Reed would find existing clapboard when he opened it up.

Councilor Kennedy reiterated that she wanted Mr. Reed to come back the following week with a clear presentation and all the Commission's stipulations met because it was still a confusing application. Mr. Wyckoff said it wouldn't do any harm and they could do it at the beginning of the next session. Vice-Chair Kozak said they could do it right then. They had a full agenda the following week and she did not see any benefit in postponing it because they had all the information they needed.

Chairman Almeida asked if it was clear enough to vote on or if they should wait another week. Mr. Melchior said it was clear enough to vote on, but they would demand more changes in window applications, so he thought they should postpone it to the following week to make sure they got it right. Councilor Kennedy said they would need to have a public hearing as well. Chairman Almeida asked Mr. Reed if he would mind delaying it to the next week so that the stipulations could be addressed. Mr. Reed said he would not mind because it would give him the opportunity to discuss the stipulations and options with the owners.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

*Councilor Kennedy moved to **postpone** the Certificate of Approval for the application as presented to the October 9, 2013, meeting. Mr. Gladhill seconded.*

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

6. Petition of **Thirty Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow an amendment to a previously approved design (changes to windows and doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 2 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Ms. Jennifer Ramsey with Somma Studies presented on behalf of the applicant. She told the Commission that she had minor window and door changes to the penthouse portion of the building. The changes were the result of the buyers customizing the interior. There were no changes on the 2nd floor of the condominiums because they had maintained the existing window openings. The penthouse was new construction, so the developer was amenable to the buyers customizing the interior, making the window and door changes necessary.

On the Maplewood Avenue elevation, a set of doors was omitted and replaced with a window. They tried to maintain some of the consistency and rhythm of the building below by adding some doors to the right-hand elevation. Ms. Ramsey said she would go through the application page by page and answer questions.

Page 1: Mr. Wyckoff noticed that there was a 9'6" extension toward Deer Street that went beyond the parapet railing and asked how much the railing was affected. Ms. Ramsey said the railing would extend to match the end wall of the penthouse and was not shown correctly on the application. The building grew by 9'6" by encapsulating the existing elevator override, and the railing would go just to the end of it and not beyond it, and then would return to the building itself.

Page 2: Ms. Ramsey said the Hanover Street changes had been to omit a door and add a pair of windows. Chairman Almeida asked if the railing would look different than what was proposed. Ms. Ramsey said it was shown correctly. He asked if they were removing the door above and putting just windows across, and Ms. Ramsey said yes. Councilor Kennedy asked how tall the building was and how many stories it had. Ms. Ramsey said it was a 3-story building, with two existing floors on the penthouse. The highest point was 40' feet to the ridge and 34' to the flat portion of roof.

Page 3: The Bridge Street elevation showed the extension on the left side beyond with no windows at that portion. The railing was shown correctly. They omitted a window on the left-hand side, and the major change on the right-hand involved going from a door and a set of three windows to two top sashes and a single double hung window. Chairman Almeida asked about the privacy partition between the two windows. Ms. Ramsey said the partition had moved to the recessed side to encompass the unit inside, and there was no design change.

Page 4: The Deer Street elevation plan showed where the railing would return to the extension of the building. They omitted windows in the scheme. Knowing that Phase B would eventually come, the buyer decided to design the interior and install closets along the wall. They replaced a window with a door on the right side elevation. Chairman Almeida asked if the railing would be seen in front of the extension. Ms. Ramsey said it would stop at the corner of the building and would not be between the fourth and fifth mill posts. Mr. Gladhill said the symmetry was lost by replacing the approved shutter detail with more window and asked if the shutter could be in the open position. Ms. Ramsey said they could do it. Chairman Almeida said it was a great idea because it reinforced the authenticity of the shutters.

Mr. Rawling said the penthouse would be highly visible and should be the high-quality detailed structure that it was in the first presentation. Presently, it had the appearance of a random order roof structure with just the appendage stuck on the roof and an overall effect of accumulated changes. He felt that it needed to be refined. Ms. Ramsey said the materials and details would stay the same. Mr. Rawling said that the fenestration pattern and the closing off the walls took on a roof appendage appearance, and it needed to have the same level of detail as if it were on the ground floor.

Mr. Wyckoff asked Mr. Rawling what he meant because the sliding glass doors on the 3rd floor would be removed and there was a fine level of trim. It was the opinion of the person looking at it as to which one was the better option and he felt that the Commission should not cross that bridge. If the fenestration was traditional, then there would be a problem, but it wasn't. Councilor Kennedy thought that Mr. Rawling meant the two small windows at the top. There was the continuity of one window, then three windows, then the door, and it looked scattered. She thought it was missing some things and was also not comfortable with the extra nine feet. Mr. Rawling felt that the roughness of it evoked the back side of a motel unit and it was not a well-organized elevation. The randomness of the windows and doors fell into a pattern and needed to be a higher level of detailing.

Chairman Almeida pointed out that the 9 1/2" extension reached out and followed the previous extension on the existing building, so it wasn't like they had an uninterrupted form with a penthouse above it violating the symmetry below. He understood the comments about the penthouse and the changes and what appeared to be symmetry before, and he liked the previous symmetry, but he also liked what was proposed. The penthouse was set so far back that it was secondary to the building below. Mr. Wyckoff asked how far the penthouse was set back from the Deer Street main building elevation. Ms. Ramsey said 28 feet. Mr. Wyckoff said there was a parapet wall around the main building and asked where one would have to stand in order to look up at the building and see how far the penthouse was set back. Mr. Rawling said many of the surrounding buildings would be looking out at it. Ms. Ruedig said the penthouse was at the lower part of a rise and would be highly visible.

Vice-Chairman Kozak said it would be difficult to make the vertical alignments of penthouse windows to the windows below because of the distance of the penthouse's setback, and she felt there should be some order to it. Coming from Maplewood Avenue and vantage points on Deer Street, the Bridge Street elevation jumped out at her. Page 3 showed that bottom elevation to the

right of the tower had half windows that were not in keeping with the rest of the building's windows. Even though they were in the back of the building, they were the only half windows in the entire project and it seemed inconsistent. Chairman Almeida agreed and asked if she could put a window there and modify the base. Ms. Ramsey said there was a plumbing fixture behind it, so the panel option might be easier and people would not see a close-up view of it.

Chairman Almeida remembered Ms. Ramsey's remark that the owners might want to customize a few things, and he would not want the half window detail to continue further on. Ms. Ramsey did not foresee more changes. Not every 2nd floor unit had a penthouse, and the 2-floor units with roof decks were already taken and would have no more changes.

Mr. Melchior mentioned the recommendation to put in a faux panel and said he did not want anything artificial on the exterior. He reminded the Commission that they were not a design review board but were there to judge what was appropriate within the context of the already-approved design and the surrounding neighborhood. He thought the new proposed design was appropriate.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

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

- A) The shutters on the Deer Street elevation (second floor) shall be opened, not removed.*

Mr. Gladhill seconded.

Mr. Wyckoff said that the special and defining character of surrounding properties did not do any harm. It was already approved. The historical and architectural value of the existing structure was not affected. The scale and mass were appropriate, and there was minor exterior design change with no innovative technologies. Mr. Gladhill thought that extending the penthouse toward Deer Street added more symmetry to the project.

Councilor Kennedy said she could not approve it because of the symmetry of the backside and the extension, and she had not approved the penthouse the first time.

*The motion **passed** with 6 in favor and 1 opposed.*

(Councilor Kennedy opposed).

7. Petition of **Judith L. Hiller and John B. Wilkens, owners**, for property located at **18 Manning Street**, wherein permission was requested to allow exterior renovations to an existing

structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 67 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

The owner Ms. Judith Hiller told the Commission that the house was presently a two-family home. The building renovation would be a phased project because it was too much construction to do at once. She wanted to start by renovating the 1st floor unit and was there to get approval to replace eight windows on the 1st floor.

Chairman Almeida said the application stated that she was looking for blanket approval for the rest of the windows. Mr. Gladhill asked if all the windows were in the same condition. Ms. Hiller said they unfortunately were. The property dated back to 1930 and was owned by the same family for four generations until she bought it. It had been rental property for 35 years. The original windows had been altered and replaced over the years, and some did not function while others had sashes replaced or the finish had deteriorated. Ms. Ruedig said they looked like original windows and she hated to see original windows replaced, although they were in terrible condition. Ms. Hiller said they had water damage and were rotting.

Mr. Rawling asked Ms. Hiller how she planned to finish the exterior of the windows. Ms. Hiller said she would keep the current look of the structure and would probably do white exterior and sashes to match the trim. Chairman Almeida thought the most appropriate thing would be to restore the wood windows. Ms. Ruedig suggested that it might be worth finding a carpenter to do the restoration because it would be difficult to get the look of the old glass of the same size muntins, and perhaps the existing wood would be fine even though it looked bad. Mr. Melchior said the windows were historic, even if they were not the original ones, and they belonged to the timeline of the house. He thought it would be cheaper for Ms. Hiller to do a full restoration rather than replace them with Andersen windows.

Vice-Chair Kozak was in favor of restoring the windows in any historic house. However, the applicant's house was a contributing house and not a focal point or on a public way, so she could support window replacements in that location. Mr. Wyckoff agreed with Vice-Chair Kozak and said that removing triple-track aluminum storm windows was important because a 2/2 window was historically accurate and the muntin would be more visible than it would be behind the triple-track storm window.

Chairman Almeida asked where the new window would sit in the wall assembly and where the flange would rest on the historic sill. Mr. Wyckoff said Ms. Hiller was installing insert windows and the photograph showed a new construction window because it had a nailing fin around its perimeter, and that was confusing. He would have to insist on half screens before he would support it. Ms. Hiller said she had investigated other buildings on the adjoining streets and found that they all had similar windows, especially on Gates Street. There were two homes from 1900 and one was 1864 in particular, and she showed the photographs to the Commission. Councilor Kennedy asked if the windows Ms. Hiller was inserting were wood. Mr. Wyckoff said they were wood on the inside but Fibrex on the outside.

Chairman Almeida said an awkward and inappropriate look was created on the historic structure because of where the operative window sash currently was, and it would be a loss of window opening area. The proposal would be appropriate if it was for a particular window and not a piece with just a sash to be placed inside the existing window frame, but to insert a modern window into the wooden frame was not something he would support.

Mr. Gladhill said the Commission received so much information from applicants on new replacement windows that he would like to start seeing quotes from preservationists to get their opinion. Mr. Rawling said they would need to see sections showing the window installed in an existing opening instead of just a factory cut. To approve the details as a typical procedure, he could not approve windows that did not show how they were installed.

Councilor Kennedy said the photos showed that the windows were inset and had the original trim. Ms. Hiller said that was correct, but the vinyl siding had been in place for about 30 years and covered the original siding. Councilor Kennedy said they had photos of windows from surrounding properties and the trims were wooden. Ms. Hiller said her windows had wooden trims also, and she knew the Commission had approved that type of window in the past. She said they were expensive energy-efficient 60' x 34' windows. Mr. Melchior said that an energy-efficient window on an older home was a farce because they became the walls and did not save energy. He added that Ms. Hiller did not know the background of other window replacement approvals, and just seeing the list alone was not ground for precedence.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

Mr. Wyckoff said he would move to approve the application with a stipulation for half screens. Vice-Chair Kozak seconded.

Mr. Wyckoff said they had the same discussion many times about the small amount of material around the sides of insert windows being equal to the triple-track storm windows, so he felt it was not a tradeoff. The windows would preserve the integrity of the District, and the 2/2 windows were appropriate. As far as the historical significance of the building, getting rid of the triple-track windows would complement the architectural and historical character of the house. He thought the windows were very energy-efficient because he had the same brand installed in his home and it was the best thing he had done to the house in years. They were innovative technology in a way, and the Fibrex was a recycled material that was much better than vinyl because it used no hydrocarbons.

Vice-Chair Kozak emphasized that the ordinance required that they review the historic significance and value of the house. Not all historic buildings had the same value, and although it was a contributing historic structure, she did not think it was justified to hold it to the same standards as other historic structures in the District. It was a contributing structure, not a

significant, one, and it did not merit museum-quality restoration. The HDC had allowed them in the District and it would be a perfect location. She encouraged the applicant to explore restoring the windows because it might be cheaper and just as energy efficient.

Mr. Melchior said he would not support the application based on a few things. One was protocol, because in the past they had applications with more information on how the windows would sit in the frame. He had not said that the windows were not energy efficient but had said they would not contribute to the energy efficiency of the home if it were older unless other energy matters were taken. The use of artificial materials was becoming more prominent in the Historic District due to younger woods in previous restorations, and the windows would most likely fail in two decades. To preserve the Historic District's integrity, the Commission should at last demand due diligence from the applicant in restoring old windows.

Councilor Kennedy said that a few months before, they had applicants from Richards Avenue who wanted to replace the original windows in a 1930s house and they denied it. She could not deny one application and approve a similar one. Mr. Gladhill said he also voted against the application and would do so that night based on their criteria of relation to historic and architectural value of the existing structure. It had not been proven to him that putting replacement windows in was better than restoration windows.

Chairman Almeida said he did not want Ms. Hiller to feel that she was being singled out. They were in the midst of a city-wide crisis of window replacements, and she happened to be in it. He had to get firmer in his position about window replacements. In Ms. Hiller's application, the Commission did not know where the glass plane was nor whether the width of the proposed windows was custom-made for the opening or would need a fill-up piece for the outside. There was a proper window replacement for her window but he was not sure what it was. They didn't have enough information to make such an important decision.

*After due deliberation, the Commission voted to **deny** the application for the following reasons:*

- 1) The majority of the Commission felt the restoration of the existing windows had not been adequately explored, assessed or documented by the applicant and the proposed replacement windows were potentially inappropriate based on the limitation of the specifications submitted with the application and presented at the public hearing.*

*The motion **failed** with 2 in favor and 5 opposed.*

Vice-Chair Kozak, Mr. Wyckoff were in favor; Chairman Almeida, Mr. Melchior, Mr. Gladhill, Mr. Rawling, and Councilor Kennedy were opposed.

8. Petition of **Community Investment Properties, LLC, owner**, for property located at **86 South School Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove three windows, replace existing windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 63 and lies within General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Mr. Shane Carter, owner of the property said the house was an existing two-family home that he was reverting back to a single-family residence. His intent was to create an energy-efficient home with all the amenities. He had already gutted and reframed the home. He wanted to replace all the windows with Andersen 400 series simulated divided light half screens. He also wanted to remove three windows that were in the older part of the house facing the parking lot and in the single-story rear addition.

Mr. Gladhill asked if the three windows had already been removed and clapboarded, and if so, why. Mr. Carter said the windows had already been removed due to a miscommunication between him and his workers, but the windows could be put back. Mr. Gladhill asked him if he still had the windows, and Mr. Carter said he did.

Ms. Ruedig said that there were no photos of the condition of the existing windows and asked what quality they were. Mr. Carter said the windows were in poor quality and not operable, and he added that they had gutted the house because the interior had overall poor quality. Ms. Ruedig asked Mr. Carter if he knew how old the windows were. He said he did not know but thought they were at least 50 years old and did not believe they were the original windows.

Mr. Gladhill thought the windows looked like they still had ropes and weights. Mr. Carter said many of them did not, and it was a challenge to re-fabricate them. Mr. Gladhill asked Mr. Carter if he had considered window restoration, and Mr. Carter said that restoration was the first thing he always considers, but the windows had latching mechanisms, horrible glazing, and the pulley system on 75% of them was inoperable. Mr. Gladhill had seen the windows from the outside and told Mr. Carter he would like photos of what they looked like on the inside.

Ms. Ruedig said that the glazing, pulleys, and latches could be restored and made operable. Mr. Carter said the windows had a diminishing rate of return relating to practicality and a financial perspective. He understood the Commission's role was to maintain historic integrity, but he felt there was a point where the windows needed to be replaced with ones that were operable and sufficient for daily use. Ms. Ruedig said that restoration was often less expensive, but Mr. Carter told her that, from his experience, it wasn't always the case.

Councilor Kennedy said she had gone by the house and thought there were some original windows by looking at the glass. The pictures were a little fuzzy for the Commissioners who had not seen the windows in person. She was not comfortable with replacing those windows. Mr. Melchior echoed her sentiments and said the burden of proof was on the applicant. He wanted to see that the applicant had shown diligence in exploring restoration and the replacement of sash components, which were easy to come by and inexpensive. The Commission did not have information in front of them. He also thought the present value of a restored window was greater than a replacement window. It cost less to restore a window, and they lasted longer and had minimal maintenance, so he did not understand the diminishing returns issue. He had a bunch of photos of the building with a few windows already removed, but no diligent investigation nor discussion of how a replacement window would fit in and relate to the plane and trim.

Chairman Almeida asked Mr. Carter if he had heard the previous application, and Mr. Carter said he had. Chairman Almeida said Mr. Carter then knew the Commission was struggling with the issue. Mr. Carter's details showed that he was removing the window and basically redoing the siding and the casing, so there was a loss of glass area and sash, and putting a new window would create a smaller opening. As he had stated before, there were standard sizes that people bought that did not quite fit the opening and left a gap in the window, so the Commission was insisting that applicants prove the window fit in the opening. However, their preference was to preserve the original windows.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

Mr. Melchior asked if the applicant could withdraw his petition for a later hearing. Chairman Almeida said he could postpone it until the following month. Mr. Melchior asked if the applicant had to come back if he restored the windows. Chairman Almeida said it was up to Mr. Carter. Mr. Carter asked if the windows could be a separate discussion to be voted on, and Chairman Almeida said he had already closed the hearing so they could not discuss it.

Councilor Kennedy moved to deny the application on the premise of historical integrity. The assessment of historical significance was lacking, and the Commission wanted to maintain the special character of the District. Mr. Gladhill seconded.

Councilor Kennedy asked how the Commission should proceed with the replacement of the windows that had been removed. Mr. Cracknell said they could re-open the hearing immediately so they could hear the applicant's intention for the three windows he had already removed and what the replacement would be. It had not been clear if the applicant had boarded up all three of the window openings, but the Commission would be doing the applicant a favor by considering that the three windows would not be replaced and continuing it to the next month so that the applicant could return and present it. Otherwise, they would have to start over.

Mr. Gladhill said he would have a difficult time approving the removal of historic windows. Mr. Melchior thought perhaps the motion was premature and asked if they could withdraw it and open it back up.

*Councilor Kennedy moved to **withdraw** her motion to deny the application and to reopen the hearing. Mr. Gladhill seconded.*

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

Chairman Almeida reopened the public hearing.

SPEAKING TO THE PETITION

Mr. Melchior asked Mr. Carter to clarify his intention regarding the three windows he had already removed.

Mr. Carter said the intention was to remove the windows because they were not historic windows, especially the ones in the back of the house facing the parking lot. The one on the left behind the entry porch was also not historic. There was limited space in the interior and he wanted to create a proper kitchen, but the two windows were in the way.

Mr. Melchior confirmed that the two windows were not historic, and Mr. Carter said they were not. Mr. Melchior asked if Mr. Carter would replace them. Mr. Carter said he would not replace them but would board them up with siding to match the existing siding.

Mr. Melchior asked if it would be a significant hardship for Mr. Carter to postpone the application for a month and put together a more complete package that described his assessment of the existing windows in more technical detail. He also would want to know how the replacement windows would fit in the frame and plane of the wall and see illustrations of what Mr. Carter would do with the three removed windows.

Mr. Carter said he was willing to forgo the discussion of the window replacement and would just seek approval of the removal of the three windows based on what he had described. He would be happy to donate the windows to the HDC. He wanted to separate the application because he needed a decision on the three removed windows and was receptive to the refurbishment of the existing windows.

Chairman Almeida said Mr. Carter had provided photos to show that the windows had been removed, so it was clear to see how the windows would look plugged back in. He verified that Mr. Carter would remove the windows, re-clap them in wood, and feather back the clapboards without a seam, with the same profile and plane. Mr. Carter said he would be willing to put the window back on the second floor of the rear of the house facing the parking lot because he could work around it.

Chairman Almeida said that window was the one he hoped Mr. Carter would reconsider. He verified that the top window would be put back the way it was and that the two windows on the 1st floor would be removed. He mentioned that he lived close to the building and had never seen the two windows that were removed, so they were not windows that the public would view clearly.

Councilor Kennedy asked if the confusion about the window removal had come from the City, and Mr. Carter said it was from the miscommunication between him and his workers.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

*Mr. Gladhill motioned that the Certificate of Approval for the request as presented be **approved** with the following stipulations:*

- 1) Due to the lack of information and documentation from the applicant pertaining to the condition and potential for restoration and repair of the existing windows, the approval only pertains to the removal of the two windows as shown on the first floor rear ell. The two windows shall be replaced with wood clapboards feathered in and on the same plane.*
- 2) All other exiting windows shall be restored/repaired.*

Vice-Chair Kozak seconded.

Mr. Gladhill said the change was consistent with the special and defining characteristics of the surrounding properties, that it was in relation to the historic and architectural value of the existing structure, and it complemented and enhanced the Historic District's architectural and historical culture.

Vice-Chair Kozak was happy with the intent to restore the original windows. The house was a contributing structure like the house in the previous application, but was 75 years older and a fine example of its period. More important, it was in a highly visible corner on a primary way through the City, so it was appropriate to restore it.

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

9. Petition of **Middle Street Baptist Church, owner**, for property located at **18 Court Street**, wherein permission is requested to allow exterior renovations to an existing structure (replace windows in cupola **Withdrawn**) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 127 as Lot 2 and lies within Mixed Residential Office and Historic Districts.

*At the applicant's request, the application was **withdrawn** from consideration.*

10. Petition of **Pamela and Robert B. Boley, owners**, for property located at **88 New Castle Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (remove and infill three windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 30 and lies within Single Residence B and Historic Districts.

Councilor Kennedy and Vice-Chair Kozak recused themselves from the vote.

SPEAKING TO THE PETITION

Mr. Bob Cook, the project architect, passed out additional information to the Commission. He said he was doing a small internal renovation to the structure by adding a powder room, a small office and a small lounging area on the 1st floor. He would remove two windows on the east

elevation and infill them to match the clapboards. He would also remove one window on the rear elevation. The windows would not be changed but would get new trim and shingles.

Mr. Melchior asked Mr. Cook how old the windows were. Mr. Cook said they Marvins and were ten years old.

SPEAKING TO, FOR, OR AGAINST THE PETITION

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

DECISION OF THE COMMISSION

*Mr. Rawling moved to **grant** the Certificate of Approval for the application as presented. Ms. Ruedig seconded.*

Mr. Rawling said they were relatively minor changes to an addition of an 1850's house and preserved the integrity of the District, and they were not historically significant so they were compatible with the existing house and enhanced it. They were consistent with surrounding properties and also compatible with the design of surrounding properties. They had no impact on the character of the District, and they were compatible with the architecture of the District.

Ms. Ruedig said that although the rear and side of the house were difficult to see, the changes added back to the character of the house where the triple-mulled windows were not key to the house's character.

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

11. Petition of **Middle Union Condominium Association, owner, and Paula A. Chalfin, applicant**, for property located at **496 Middle Street**, wherein permission was requested to allow new construction to an existing structure (construct a two story addition and a one story addition on rear of structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 21-1 and lies within Mixed Residential Office and Historic Districts.

SPEAKING TO THE PETITION

Vice-Chair Kozak recused herself from the vote.

Mr. Bob Cook, the project architect, distributed window, door and light specifications to the Commission. He said he had previously submitted a series of existing and proposed elevations with photos and was proposing an addition on the back of the structure. The addition had been approved by the BOA because it stepped over the property line and was set in its location to preserve a beautiful oak tree and make a nice courtyard. The house was built in 1810, and the addition would match the existing house. It would match the existing stone foundation, and the clapboard and trim would match the existing and exposure. The only difference on the new addition would be Marvin Integrity windows with simulated divided lights. Mr. Cook also

wanted to build a stairway and a small one-story cover for the deteriorating bulkhead that would provide additional garden storage. He would replace existing windows on the front and north elevations with Marvin windows. The existing windows were not original to the house and were Brosco New Englanders installed in the 1970s. Their molds and jambs had been removed and replaced. There were original shutters on the inside that were not taken out and had been restored and painted.

Ms. Ruedig asked whether or not all the windows were not originals or just the ones on the north side. Mr. Cook said all the windows in the existing house were replacement windows. The ones on Middle Street and the north side were 1970 Brosco windows and the two small windows on the back were 1980 aluminum windows with no historic value at all, one of which was getting covered up by a new window.

Chairman Almeida asked if he had documentation. Mr. Cook said he just had the drawings showing the existing elevations and standard windows. Chairman Almeida said it was a significant change to the building and asked if the Commission felt that they needed a work session. Mr. Melchior felt that they did because it was a very historic house and he was surprised when he saw it in the package because it was a significant change to a unique building. Chairman Almeida agreed, as well as Councilor Kennedy and Mr. Gladhill.

Mr. Cook said he hadn't thought it was a big deal because they were replacing a 1980s deck with no existing openings to the left side of the house except for the two 1980s windows and a door that was not original. He felt that they were repairing the wrongs done from past restorations and giving it a character more in tune with the District by creating an L-shaped addition and covering up some of the poor additions.

Councilor Kennedy said they could withdraw the petition and move it to November, or they could do a work session that night. Mr. Gladhill suggested doing the work session at the end of the evening. Mr. Cook said he would be amenable to it.

DECISION OF THE COMMISSION

*Mr. Melchior moved to **postpone** the application to the end of the meeting. Mr. Gladhill seconded.*

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

12. Petition of **Michael De la Cruz, owner**, for property located at **75 Congress Street**, wherein permission was requested to allow exterior renovations to an existing design (restore upper floor windows on Fleet Street and Vaughan Mall facades, re-approval of roof plan that has since lapsed, install door and light fixture on Fleet Street façade) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 5 and lies within Central Business B, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

The owner Mr. Michael De la Cruz gave the Commission an additional handout and told them that he was requesting three things, the most important of which was to restore the large round 7' diameter window on the side of the building. He had a curator research the 300-year-old history of the building and they had found a photo of the Fleet Street view. They noticed that the windows on the side were 7' round and had a striking rose petal mulling pattern. He wanted to use that pattern instead of the cross pattern in the windows on Fleet Street and the Vaughan Street Mall sides. In the packet, Page 4 showed photos of what the windows looked like circa 1890, and one of the brick arches was bricked up but three arches were shown with the round window. Page 5 showed a close-up of the windows with a rose petal design. He wanted to put those in and had been working with a Canadian window company called LePage who could do it at a reasonable price. If something were to happen to the window glass, the replacement cost could be \$6,000, so he asked LePage to redesign the window into quarter sections to make it replaceable and more affordable and was told that they could do it. He thought it would be a stunning addition.

Chairman Almeida agreed that the photo was an amazing find. Councilor Kennedy asked if the company made colored glass or if the window would be kept white. Mr. De la Cruz did not know. Vice-Chair Kozak brought up the current arch that was bricked in and said the old photo showed it as originally bricked in. She asked Mr. De la Cruz if he intended to use the same clover leaf round window that was in the drawing. He told her that he did and said the arch had been put in a while back when it was part of a theater prop area in the 1880s.

Mr. Gladhill said the proposed window looked like it was at a 45-degree angle and asked why. Mr. De la Cruz said it would be upright and he would correct the drawing. Chairman Almeida said the arch was bricked in with a limestone sill and asked if it was matching. Mr. De la Cruz said they were trying to make them all look the same and had done the masonry work a few years before on the Fleet Street side.

Vice-Chair Kozak asked if the infill panel between the rectangular windows at floor level would be flat recessed brick. Mr. De la Cruz said the brick on the Vaughan Mall side had been filled in with bead board with a custom mold in the middle of it. He still had the originals and would put those on the Fleet Street side.

Councilor Kennedy asked Mr. De la Cruz if he preferred that the Commission split the application up and vote on one part of it and then move on to the other parts. Mr. De la Cruz said he was amenable to that. Chairman Almeida said a partial approval on an application could be tricky and asked if they should hear the entire application first.

Mr. De la Cruz discussed the second part of the application, Item 3, which was to put a second means of egress from the lower level up to Fleet Street to provide proper safety access. It was in a great location and looked like it belonged there, based on the other awnings and doorways. Chairman Almeida asked if there was a photo of it. Mr. De la Cruz said no, the closest shot he had of it was included in a photo of Fleet Street. Chairman Almeida thought the drawing was clearer than the photo. Mr. Gladhill said the entire storefront looked different. Mr. De la Cruz said it had been approved a while back and showed them a clearer drawing. He said it was an improvement and looked better aesthetically than the brick section that used to be there.

Chairman Almeida thought the storefront wrapping the corner activated more pedestrian interest in Fleet Street.

Mr. De la Cruz then spoke of the roof plan that had been approved in 2001. The roof decks were a different concept and were novel at the time they were approved because they fit into the roof structure and were hard to see from the street. The Bow Street roof and a bit of building section would be removed and replaced with small decks behind the parapet wall and would not be seen from street level. Chairman Almeida asked if the roof plane would be seen from street level and was told no. Councilor Kennedy asked why they were reviewing it if it had already been approved. Mr. De la Cruz told her he had realized that the permit would run out if a certain number of inspections were not done. Chairman Almeida looked at the roof feature and plan and said he could see nine decks and asked if the remaining roof plane covered up the little pockets where there were no decks. Mr. De la Cruz said it did. Chairman Almeida asked if the water on the decks penetrated the brick wall. Mr. De la Cruz said the decks would be drained in various ways for different levels of protection, and the water would go down into the internal roof pipes.

Mr. Cracknell asked if the purpose of the roof work had been for residential units when the application was approved in 2001. Mr. De la Cruz said that at the time it had been undecided whether the building would be for office or residential use. Mr. Cracknell thought it was important that Mr. De la Cruz know that the zoning had changed and the permit had lapsed, so he would be required to go to the BOA for off-street parking requirements if he put residential units in. Chairman Almeida said the use was not part of their decision but the HDC was concerned about the aesthetics of the decks. Mr. Cracknell thought it would be beneficial to the BOA if the HDC and the applicant disclosed that they had not initially proposed that the building be residential. Vice-Chair Kozak told them to make it part of the record that it was not part of the HDC purview.

Mr. Gladhill asked what the material was for the deck. Mr. De la Cruz said it was a durable composite material. Mr. Rawling said that he had no issue with the aesthetics, but he wanted to Mr. De la Cruz to make sure that the decks had good insulation because there could be significant ice dam problems with open decks over heated space. Chairman Almeida asked Mr. De la Cruz if he planned on penetrating the exterior wall for drainage. Mr. De la Cruz said he would not do it externally, but internally there would be roof drains every 15-20' on the roof.

Chairman Almeida said he didn't think it was necessary to separate the application at that point.

Vice-Chair Kozak asked Mr. De la Cruz if he had information on the materials for the egress door. He said it would match the existing door on Fleet Street and would be mahogany with glass sidelights and a transom above. The awnings would also match.

SPEAKING TO, FOR, OR AGAINST THE PETITION

There was no one to speak to the application, 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. Vice-Chair Kozak seconded.*

Councilor Kennedy said the application preserved the integrity of the District and maintained the special character of the District, the building was very historical, and the work would definitely bring up the property values.

Vice-Chair Kozak was impressed by the restoration attempt of the clover leaf round windows because it was a very unique feature with a high level of detail and was a distinguishing element of the important building. She thought the changes were a huge improvement compared to the recent modifications, and that they brought the building back to its true history and would greatly enhance the District. Chairman Almeida said one day the HDC would be able to give awards out, and Mr. De la Cruz would qualify because he continued to do fantastic changes to the building.

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

13. Petition of **C. Daniel Freund and Tiffany Z. Pike, owners**, for property located at **37 Prospect Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace asphalt roof on barn with metal roof) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 6 and lies within the General Residence A and Historic Districts.

Chairman Almeida recused himself from conducting the public hearing and Vice-Chair Kozak took his place.

SPEAKING TO THE PETITION

The owner Dan Freund told the Commission that he had a change to the roof material specification and handed out copies of it. The material would be metal instead of a standing seam. The barn's roof was in dire need of repair, and he wanted to replace it with metal roofing rather than asphalt shingles so as to draw attention to the barn as a unique structure on the property. Mr. Freund showed the Commission four views of the structure from the accessible public ways and also showed photos of examples of metal roofs in the District.

Mr. Gladhill asked how old the barn was and why Mr. Freund did not want to restore it to wood shingles. Mr. Freund said the barn was circa 1813 and the house itself had asphalt shingles. The reason for the metal roof was to distinguish it from the house and to satisfy his own sensibilities as to what he found appealing. His intent was not to restore the barn to its historic standing but to replace the roof with material that would last. Ms. Ruedig asked him why he switched to a ribbed nullifier instead of a standing seam. Mr. Freund said it was due to cost.

Mr. Rawling asked Mr. Freund to review the colors and finishes of the material. Mr. Freund said it would be a color known as rustic red that his contractor had recommended, and he handed out samples to the Commission. Mr. Rawling said it looked like a painted finish. Mr. Freund thought it was a powder-coated finish. Councilor Kennedy asked what the barn's structure was and said it

looked like the siding had shakes. Mr. Freund said one side had weathered shingles, and the other side had 12” board material, but he wasn’t sure exactly what it was.

SPEAKING TO, FOR, OR AGAINST THE PETITION

There was no one to speak to the application, so Vice-Chair Kozak closed the public hearing.

DECISION OF THE COMMISSION

*Councilor Kennedy moved to **grant** a Certificate of Approval for the petition as presented. Mr. Wyckoff seconded.*

Mr. Gladhill said he would not be in favor of the application. Barns were extremely rare in Portsmouth, and he felt that wooden shingles or asphalt would be more appropriate. He could not envision a metal roof on a rare barn and wanted to preserve the historic nature of barns in the City. Mr. Wyckoff disagreed and said the metal would be the most appropriate roof for the barn.

Councilor Kennedy was torn. She was grateful that Mr. Freund was saving the barn and knew that the metal roof would improve the existing roof, but she felt it would be ideal to have wooden shakes. Mr. Melchior said the existing roof was non-conforming asphalt, and the metal replacement would give it the same life span. The roof was the most perishable item in terms of the recapitalization of the structure and had the shortest life span of any element on the exterior elevation. The ability to effect change over the lifetime of the barn was sufficient rationale to switch from an asphalt roof to a metal one.

Vice-Chair Kozak said she would not support the application because of the barn’s strong visibility and because it was rare to have a barn on the edge of the District. She felt that asphalt was not historically correct, but that its profile and texture were more akin to wood shakes and it was important to stay with that look. Out of the examples of the metal roofs that Mr. Freund provided, the ones attached to the historic structures were actually copper or turned. She said painted steel roofs were used in the past but did not last very long.

Ms. Ruedig thought a metal roof was appropriate for a barn but had reservations with the red metal because it was a more modern look than the traditional standing seam, and it would also be very obvious. Mr. Rawling said the metal was a vernacular, but he had trouble with the painted finish because it was contemporary and looked like a simulated product. The paint and the sheen would stand out and would not look like a natural metal roof that eventually aged and dulled. He felt that an asphalt shingle that simulated wooden shingles would be more appropriate.

*The Commission voted to **deny** the application as presented for the following reason:*

- 1) The majority of the Commission felt this type of metal roof as presented and revised was inappropriate for the use on this historic structure.*

*The motion **failed**, with 3 in favor and 4 opposed.*

(Opposed: Vice-Chair Kozak, Ms. Ruedig, Mr. Rawling, Mr. Gladhill. In favor: Mr. Melchior, Councilor Kennedy, and Mr. Wyckoff).

As additional business, Councilor Kennedy asked Mr. Cracknell to give a letter about grants to members of the Baptist Church per their previous discussion at the last meeting.

Mr. Gladhill and Vice-Chair Kozak left the meeting.

WORK SESSION/PUBLIC HEARING

Chairman Almeida reopened Item 11 below.

11. Petition of **Middle Union Condominium Association, owner**, and **Paula A. Chalfin, applicant**, for property located at **496 Middle Street**, wherein permission was requested to allow new construction to an existing structure (construct a two story addition and a one story addition on rear of structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 21-1 and lies within Mixed Residential Office and Historic Districts.

SPEAKING TO THE PETITION

The project architect Mr. Bob Cook gave the Commission a brief overview of the changes that he had presented earlier. He said he had talked with Mr. Cracknell about doing an L-shaped addition that was more traditional than doing a T-shape, which would have forced him to go to the BOA for approval. He tried to make it in keeping with the original house with the windows, doors and light fixtures.

Mr. Wyckoff asked Mr. Cook if he had a 1st floor plan for the addition and he also asked what the basement diagram was.

Mr. Cook said the addition itself was 14'x16'. The basement item was a 4'x8' door covering an existing wooden bulkhead that had to be replaced. It would be a storage area for garden tools.

Councilor Kennedy said the application felt scattered. She was uncomfortable with the small windows. Mr. Cook said the windows were on a stairway that went into the basement and on another stairway that went from the 1st floor to the 2nd floor, and their purpose was to let light in. Councilor Kennedy said she was uncomfortable with the side that the small windows were on and actually uncomfortable with the whole addition. Mr. Cook said he had examples of similar additions in the neighborhood. Ms. Ruedig agreed with Councilor Kennedy and said she hated to see a beautiful Federal building with a big ell on it, but they were there to make sure the additions were appropriate. Councilor Kennedy disagreed with her and said they were there to keep the buildings historical, and if the Federal building was appropriate, then the addition would be a change in its historical nature.

Mr. Cook thought it would be the best location for the addition because it would be the least visible. Ms. Ruedig agreed that it would be the best and most appropriate location, and she appreciated that the roof was a bit lower. However, she could not tell whether the south side stepped in a bit and asked if it was continuous and off the edge. Mr. Cook said it was straightforward. Ms. Ruedig thought it would be more appropriate set back instead of flush. Mr. Cook said the existing chimney made it a clean detail to have in the center of the gable and not have snow damming up in its valleys. He could move it over if they wanted, but he liked a clean roof line that was more in keeping with the neighboring houses.

Chairman Almeida said if it was all in the same plane, the trim board was retained and a piece of the return was still there. Mr. Cook said he left the board there to separate the original house from the renovated house but could get rid of it. Chairman Almeida said the sidewalk had started to bury the house and it would be nice to have some of the foundation show. Mr. Cook said there was no budget to lift up the foundation.

Chairman Almeida asked if the south exterior elevation was on the property line and said he couldn't tell because there was no site plan. Mr. Cook said that the site went out to the sidewalk a bit. He also showed setbacks of the existing house and the addition. Mr. Rawling noted that it was very close to the multi-family house next door and their driveway and there was no need for the windows in that area. He thought the #5 windows on that elevation didn't quite fit and preferred the #2 windows because they would be similar to the other windows. Every casing had a different dimension and unusual representations. He thought the existing windows would be 1'x5' with a banded trim. He was reluctant to approve an application that did not have details on the window trim showing how it all went together.

Mr. Cook said there was a sharp angled sill that had been replaced, so there was no original trim, just flat stock and a little piece of crown molding around it. It was not in keeping with a Federal-style house, but he was going to leave it.

Mr. Melchior said it was late and felt that the application should be postponed to the next month when they had more details on everything, starting with the mass. The Commission already had at least a half-dozen verbal changes in ten minutes and did not have a complete package to reference those changes. He suggested a full work session so they could have a comprehensive discussion of the addition before it was voted upon. Councilor Kennedy and Mr. Wyckoff agreed. Chairman Almeida agreed that there were a lot of unanswered significant questions.

Mr. Wyckoff mentioned the question about the trim and corner boards and noted that the application had something about recovering window sills on it. Mr. Cook said the sills were wooden and rotting, and he would place a piece of flashing over them to protect them. Mr. Wyckoff said he would have some trouble with that.

Chairman Almeida decided that the Commission needed a lot more information and wanted to reschedule it for a work session/public hearing in November. He told Mr. Cook they would need a site plan, floor plan, replacement window dimensions and how they fit into the building, and so on. They hadn't discussed the window replacements and he thought that the Commission could

do a site walk to become familiar with the building. Councilor Kennedy asked Mr. Cook if he could narrow down the door options to one or two.

Mr. Melchior said that he did not see a favorable 2-story addition to the building and would prefer a 1-story addition so the mass would relate to the original structure.

At that point, the owner Ms. Chalfin spoke up and said she had a spiral staircase that made it difficult to move her period furniture upstairs and was currently living and sleeping in two of the 1st floor rooms. She was trying to retain the interior historical integrity of the house and had restored the fireplace, shutters, and the floors, but found it hard living in the bottom two rooms and she really needed a new stairway to reach the top floor.

*Councilor Kennedy moved to **postpone** the application to the November 6, 2013 meeting for a work session/public hearing. Mr. Melchior seconded.*

*The motion **passed** unanimously with all in favor, 5-0.*

III. OTHER BUSINESS

A. Continued discussion regarding prioritization of HDC tools request to City Council

Mr. Cracknell said he would give a brief status report of the 11 points.

1. Findings of Fact piece and how they imbed the review criteria in a more systematic fashion. He thought they had made great progress that evening by using the new check-off form and said it would avoid the problems of having rehearing requests. The form would replace the minutes for anyone in the public who wanted to appeal a project and would not delay applicants for months on end.

2. Work sessions and how to better restructure a discussion for major projects. Mr. Cracknell said he submitted a framework with four basic steps for the Commission to review and he needed their feedback so that he could finalize it in a month.

3. Public review process. Mr. Cracknell had no solution yet, but since the Commission felt that work sessions for large projects needed meaningful public input beyond a public hearing a few years after the discussion, he needed some ideas so he could get something formalized quickly.

4. Building height. Mr. Cracknell said the City Council had adopted the Conditional Use Permit on September 16, 2013 and no further action was required.

5. and 6. Administrative Approval Agenda and Consent Agenda. They were reviewed and supported by the Legal Department, so Mr. Cracknell recommended that the HDC vote on them the following week so that they could go to the City Council.

7. Expansion of the HDC. Mr. Cracknell said he would email the Commissioners the exact date that the item would be placed on the Planning Board agenda in October.

8. 3D model. Mr. Cracknell said he was working with Vice-Chair Kozak and the vendor Cyber City to present some target areas at the next meeting, such as the degree of detail on the 3D massing model, the building skins, and the costs as more complexity was added, and he would probably recommend a multiphase implementation.

9. Design guidelines. Chairman Almeida would contact the author of the New Orleans Design Guidelines to get a cost estimate for the booklet, which was an outstanding example of what the HSD could achieve.

10. District inventory update. Mr. Cracknell said he was working with Ms. Ruedig to see what the costs would be to update the inventory for the District by picking up properties on Islington and Middle Streets that were not considered when the District was expanded.

11. Property Disclosure Form. Mr. Cracknell said he worked on the form for about 6 months with the Legal Department and it needed to go to the legislative delegates at the state level. The concept was that owners would sign a disclosure form upon buying a property in the Historic District that would be on record stating they acknowledged the District's rules and regulations and would not make any repairs without first meeting before the Commission.

Mr. Cracknell thought they had made a lot of headway and that the Commission might be able to vote on several items the following week and forward them to the appropriate parties. Councilor Kennedy asked if the Commission had ever looked at the New Hampshire Preservation pamphlet as anything they would want to review or adopt. Chairman Almeida said he had seen it but the group had not discussed it.

Mr. Cracknell announced that the latest draft of the Form Based Code for the 80 acres in downtown Portsmouth would be submitted to the Planning Board the following Friday and he would schedule a public hearing to review it. The Code had a section on design guidelines for downtown structures and he would propose that the HDC administer it.

IV. ADJOURNMENT

*At 10:55 p.m., it was moved, seconded, and passed unanimously to **adjourn** the meeting.*

Respectfully submitted,

Joann Breault
Acting HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on April 2, 2014.