

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**February 12, 2014**

**(February 5, 2014 meeting cancelled due to storm)**

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

**MEMBERS EXCUSED:** City Council Representative Esther Kennedy; John Wyckoff

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

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**I. APPROVAL OF MINUTES**

1. May 8, 2013
2. May 22, 2013
3. June 5, 2013
4. June 12, 2013
5. June 19, 2013

It was moved, seconded, and passed unanimously to approve all of the above referenced minutes as presented.

**II. ADMINISTRATIVE APPROVALS**

- A. 100 Deer Street (Phase Two) – BRGR Bar

Mr. Cracknell spoke to his administrative approval of the above-referenced property.

**III. PUBLIC HEARINGS (CONSENT AGENDA ITEMS)**

*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 **Richard S. and Kathleen M. Boduch, owners**, for property located at **34 Hunking Street**, wherein permission was requested to allow a new free standing structure (install fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 9 and lies within the General Residence B and Historic Districts.

2. Petition of **126 State Street Condominium Association, owner, and Brian David Johnson, applicant**, for property located at **126 State Street, Unit 8**, wherein permission was requested to allow exterior renovations to an existing structure (install venting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 57 and lies within Central Business B and Historic Districts.

3. Petition of **F.A. Gray, Inc., owner**, for property located at **30-38 Daniel Street**, wherein permission was requested to allow new free standing structures (install five heat pumps and one condensing unit on rooftop) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 16 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITIONS**

Chairman Almeida stated that the Board previously had an opportunity to review the three items, and he asked if they wanted to discuss them in detail. He read Petitions 1, 2, and 3 briefly and stated that the items had minor changes, which was the reason they were placed on the consent agenda.

Mr. Cracknell stated that the reason for a consolidated public hearing was to have one public hearing for all three items, should they stay on the agenda. If anyone on the HDC wished to have a longer discussion rather than a limited discussion on any item, then the item would come off the consent agenda. A motion would be made by that member to take it off the consent agenda, and a majority vote would be needed. If all three items stayed on the agenda and the public hearing was opened for the items, the public might have comments that would induce the members to take an item off the consent agenda at that time.

Chairman Almeida stated that they were in the public hearing and in the consent agenda items, so it was the hearing for the items unless someone wanted to pull one off separately. Mr. Gladhill asked if they needed to get permission to pull out an item if they simply had a question about it but didn't necessarily want to pull it out. Chairman Almeida told him that the item would be pulled out quickly and discussed. Mr. Cracknell stated that unless it was a clarification and was likely to lead to a lengthy conversation and interaction with the application, then the Commission should pull the item off the consent agenda.

Mr. Melchior suggested that, in the future, they should pose questions ahead of time because the whole point of the consent agenda was to expedite the application. Chairman Almeida agreed and thought that a good time to review the item would be during the review process after the application was received in the mail. The application could be taken off at any time by anyone, whether it was a Commissioner or the public.

Mr. Gladhill asked when it would be a good time to ask a question because he might want to ask a question that would last a few seconds or a half hour. Chairman Almeida told him that he would simply ask the question, and the people representing the application would be there to speak to it.

Mr. Gladhill wanted to further discuss Item 2, the 126 State Street application. Chairman Almeida asked Mr. Cracknell what would happen to the other two items on the consent agenda if there were only one item in question, whether they would vote on them and then move to remove an item. Mr. Cracknell stated that they would need a motion to remove the second item and then a majority vote to agree to remove it.

## **DECISION OF THE COMMISSION**

*Mr. Gladhill made a motion to **remove** Item 2 from the consent agenda. Ms. Ruedig seconded the motion.*

Someone asked if they should discuss it in case the public wanted to know the reasoning. Chairman Almeida stated that they had discussed it. It was a new process for them and they were just employing the consent agenda.

Chairman Almeida suggested voting on the removal of Item 2 because it was a new process and it was valid to have a question.

*The motion **passed** unanimously, 7-0.*

Chairman Almeida then said they would vote on Items 1 and 3, and if there were no questions regarding them, they could move to approve those two items as the two consent agenda items.

*A Commissioner moved to **grant** the Certificate of Approval for the applications as presented. Vice-Chair Kozak seconded.*

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

(Item 2 below, Petition of 126 State Street Condominium Association, was removed from the consent agenda for purposes of discussion and ruling).

2. Petition of **126 State Street Condominium Association, owner, and Brian David Johnson, applicant**, for property located at **126 State Street, Unit 8**, wherein permission is requested to allow exterior renovations to an existing structure (install venting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 57 and lies within Central Business B and Historic Districts.

## **SPEAKING TO THE PETITION**

Mr. Brian Johnson, owner of the unit was present to speak to the application. .

Mr. Gladhill asked Mr. Johnson what distance the gas vent was from the building because he could not find the item in the package. Mr. Johnson stated that it was 7" to the center of the vent. Mr. Gladhill said that he meant the distance from the clapboard, not the edge of the building. Mr. Johnson thought it was 6-3/4". Mr. Gladhill noted that the applicant would paint it the same color as the building to blend in.

Vice-Chair Kozak clarified that the submittal stated that the gas vent stuck out 12-3/8". Mr. Johnson replied that it was the width and height of it. Vice-Chair Kozak verified that the width was 11-1/16" and the height was 11" and that the depth included the pipe going into the wall. Mr. Johnson agreed. Vice-Chair Kozak surmised that it was 6-3/8".

Mr. Rawling noted that the gas stove vent was located asymmetrically under the false shutters on the side of the building and asked if it was an accurate representation. Mr. Johnson agreed and said it was how it lined up on the interior. Mr. Rawling asked if it was possible to center it. Mr. Johnson stated that it wasn't because it was a direct vent stove and came straight out of the back. He didn't think there was a way to put a 90-degree elbow or move it over. Mr. Rawling asked if it could be shifted on the interior. Mr. Johnson told him that there were existing pre-built bookcases on the interior.

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

Seeing no one rise, 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. Melchior seconded.*

Vice-Chair Kozak stated that it was a minor application on the side of the house, and she did not think that it would change the character of the building or the street. It was consistent with the surrounding buildings and was discreet.

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

### **IV. PUBLIC HEARINGS (OLD 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.*

A. Petition of **Brian M. Regan and Susan M. Regan, owners**, for property located at **28-30 Dearborn Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing concrete wall) and allow new structure (construct new wood wall) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 1 and lies within the Historic District and Residence A and Historic District. *(This item was postponed at the January 8, 2014 meeting to the February 5, 2014 meeting.)*

*At the applicant's request, the Commission voted that the request be **postponed** to the March 5, 2014 meeting.*

B. Petition of **233 Vaughan Street, LLC, owner**, for property located at **233 Vaughan Street**, wherein permission was requested to allow an amendment to a previously approved design (changes to the roof appurtenance) as per plans on file in the Planning Department. Said property was shown on Assessor Plan 124 as Lot 14 and lies within the Central Business A, Historic, and Downtown Overlay Districts. *(This item was continued from the January 8, 2014 meeting to the February 5, 2014 meeting.)*

### **SPEAKING TO THE PETITION**

Mr. Bill Bartell of CJ Architects was present to speak to the petition. He stated that a change in code required a second stair access to the roof of the building, which they incorporated into an amended roof appurtenance. Additional dimensions had been requested by the Commission, which were provided in the package. Mr. Bartell had also clarified the design intent, and he offered to go through the package page by page if the Commission had detailed questions, which they did.

Mr. Bartell began with the approved and amended views of the building and stated that the only change was the roof appurtenance, visible at the top of the rendering in each case. He showed the approved and amended plan for the roof appurtenance with the appropriate dimensions. He also showed the approved and amended Vaughan Street elevation and a larger view of the roof appurtenance from that angle as well as an enlarged view of the Deer Street side of the same roof apartments. Lastly, he showed an enlarged view of the approved and amended Green Street elevation.

Chairman Almeida stated that he was happy to see the tower expressed. At one point, the plan had the tower element in the corner, and because it was moved closer to the edge and slightly enlarged, he liked it better. The added dimensions clarified everything so that he understood that they were materials that were previously approved.

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

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

### **DECISION OF THE COMMISSION**

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

Vice-Chair Kozak stated that the application was a very minor modification of what was previously approved. There was minimal if any visibility from the street, and compared to the previous review and approval, it was consistent in preserving the District and the character of the area, and it complemented the existing building.

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

**V. 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.*

4. Petition of **Evon Cooper, owner**, and **Joseph A. Reynolds, applicant**, for property located at **287 Maplewood Avenue**, wherein permission was requested to allow new construction to an existing structure (construct one story rear addition) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 36 and lies within Mixed Residential Office and Historic Districts.

**SPEAKING TO THE PETITION**

The applicant was not present, so Chairman Almeida suggested moving the petition toward the end of the meeting.

**DECISION OF THE COMMISSION**

*Mr. Gladhill moved to **postpone** the Certificate of Approval for the application as presented to the end of the meeting. Ms. Ruedig seconded.*

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

5. Petition of **General Porter Condominium Association, owner**, for property located at **32 Livermore Street**, wherein permission was requested to allow demolition of an existing structure (remove existing fencing) and allow new construction to an existing structure (replace granite steps and add railings to front entryways) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 20 and lies within the General Residence B and Historic Districts.

**SPEAKING TO THE PETITION**

Attorney James Noucas representing the General Porter Condominium Association, and the contractor Mr. John Wastrom were present to speak to the application.

Chairman Almeida wanted to ensure that the Commissioners had read the letter from Dr. Richard Candy regarding the National Register Nomination for the Livermore a.k.a. the General Porter House that had been received that afternoon. Vice-Chair Kozak stated that she had not had time to read it. Chairman Almeida read Dr. Candee's letter into the record, after which he stated that if anyone had made decisions on that fence due to their discussion of its language on the National Register Nomination, the letter clarified the importance of that language.

Attorney Noucas stated to the Board that they had previously had two hearings on the issues before them, and some of the information could carry over from one to the other. He presented materials to the Board and stated that between the two hearings, they had had seven or eight

issues to deal with. He asked the Board to review any evidence related to each issue as he proceeded and to use the booklet as a guide to follow along as he went through the issues.

Attorney Noucas stated that he wanted to present the quality of the restoration project. His client did extensive renovations to a 1751 house, renovations that were widely acknowledged as one of the best that had been done in the area in a long time. The house was the most significant historical building in the area, and they had improved and bettered it according to all the criteria, goals and aspirations of the HDC Ordinance. It was done at great expense and was not only an enhancement, but it would last for one hundred years and allow the building to be a prime historical aspect in the community. Attorney Noucas referenced the photos in Exhibit B that showed the building's back rotted corner that had made it necessary to replace the entire wall. Most of the clapboard had to be replaced throughout the building because it had seriously deteriorated. There had been rot around the windows and, because the building was 300 years old, there were lots of issues requiring attention and major work. Given the stress that had been put on the building by the renovations in the 1980s, there were horrible structural beam problems, and the only way to tie the building back together had been to use extensive steel-beam structures. Floors and ceilings were ripped out to create the final package. It had been a very expensive and trying process.

Attorney Noucas stated that he had been in front of the Commission several times and spent a lot of time worrying about the Ordinance. He believed that it was a common situation in a democracy to balance interests. There was the interest identified in the statute of the Ordinance providing for the Historic District, which would be good for the community in economic, social and cultural ways, and that was found to be a legitimate regulatory power. The balancing interest that they were currently dealing was the fundamental constitutional right to property, the right to use and enjoy it. The greatest challenge lay not but with the HDC, as an arbitrator who must balance the two sides of the interest. The Commissioners were the gatekeepers, which meant that they needed to ensure that whatever was done in the District was historically appropriate. It was a term that had been bandied about, and he did not think it was clear and reasonably defined. However, he believed it meant that if the HDC found something that was not historically accurate, then it was not allowed, and they made that determination based on all the criteria they had been given. Conversely, if the HDC found something that was historically appropriate, then it was allowed. The problem that seemed to arise on every application was that there was more than one historically-appropriate alternative, and the balance of the interest fell to the owner and his constitutional property right to decide which of those alternatives he wanted to invest into his property. He acknowledged that it had taken him a while to understand that.

Attorney Noucas stated that his first hearing dealt with the front of property, which was the fence issue. He had decided not to go with the fence, and there was a question of whether or not that was historically appropriate. He pointed out that there were railings on the front steps and on the second entryway to the right side of the building that were not on the original plans, so he was addressing the granite steps, the railings, and the fence. He had looked at the HDC file to figure out what had happened when it first got approved because he had not been absolutely sure. Having sat in on the meetings about initiating the project, the fence had not been an issue among the owners. They had a structural engineering report regarding the fence that would require \$7,000 worth of work, so the fence had not been on the front burner. He had not seen any

drawings except for one that showed a fence, but it could have been a discussion about using the fence out back. It had not been a big issue to his clients, who had bigger issues to worry about. He had believed there was an assumption that the fence was fine and would stay because there had been no plans to do anything with it, so he wondered how and when the fence had become an issue.

Mr. Cracknell stated that he had sat through those meetings when Mr. Joe Paquette had been the representative for the applicant, and there had been discussions with the HDC about using composite materials for the finials on the fence. Therefore, the fence had been discussed. It had not been a background item but was supposed to have been restored. Attorney Noucas stated that it was not on the approved plans. Mr. Cracknell replied that he did not know. There were only four pages of approved plans from the June 12 meeting, and the fence had not been approved and not firmly dealt with. He thought that everyone had assumed the fence would exist, so it had not been incorporated into a formal statute.

Attorney Noucas rhetorically asked why the fence had even become an issue for his clients, and he said that it was when Mr. Fabbriatore walked out the door one day, leaned over the side of the fence, and broke the railing simply by putting his arm on it. He indicated the photo exhibit that showed the railing that broke. The rot that was in the building was also starting to affect the fence. When the crew was working with the clapboard, the roof, and other items that necessitated moving the fence, they noticed serious structural problems with it, as depicted by the photos in the booklet. Attorney Noucas said that he had brought in the only remaining fence post and invited the Commissioners to take a look at it. He wasn't an expert on whether the fence could be restored, but they had some of the best craftsmen in New England on the project, including their mason John Wastrom, whom he had invited that evening so that he could tell the Commission what happened with the fence and also discuss its historical significance.

Mr. Wastrom stated to the Board that it was his 40<sup>th</sup> year of working in downtown Portsmouth. Because of his experience as a consultant and his background in archaeology, he was often asked to work on project tasks other than masonry, so that was the reason that he was involved in the fence issue. The subject of the fence first appeared in the crew's discussions after Mr. Fabbriatore almost fell over the railing and then commented on the unsafe condition of it. He was not happy with the crew for not ensuring its safety. Mr. Wastrom had been impressed with the crew. He had seen many poorly planned and executed restoration projects in Portsmouth, and there were a lot of subcontractors who 'talked the talk but didn't walk the walk'. However, he was amazed on how the applicant's subcontractors cooperated with one another during the dismantling and reconstruction of the house. He was also amazed that the carpenters were able to reconstruct the whole upper end of the house, which was in very bad shape, while the owner still lived on the first floor. After Mr. Fabbriatore almost fell over the side of the railing, the crew had all taken a close look at the fence which, although it looked intact, was very unstable and no longer connected to the stonework below it. They then realized that there was nothing in the fence that dated earlier than 1983 and that it was primarily constructed out of cheap Home Depot components. When they had to access the roof and the chimney, they carefully braced up the fence in place and covered it with thick tarps to protect it. When the work was done, the crew realized that the fence was in the process of falling over. Because they needed to access the front foundation for site work utilities, they carefully dismantled the fence and stored it out back,



but at no time had they considered that action anything less than an acceptable restoration strategy.

During his research of the Livermore House history, Mr. Wastrom stated that he found two late 19<sup>th</sup> century images of the house, which were included in the Commission's booklet. The photos depicted a beautiful Victorian renovation of the house where the existing footing stones were in place but there was no fence, and an attempt seemed to have been made to pick out the foundation and the footing stones by whitewashing them. The lack of a fence in 1899 when the house was moved for the last time may have been an intentional design element and not just the slowdown and installation of the fence. It was not clear what kind of fence existed in front of the house when it was originally located on Pleasant Street in the 18<sup>th</sup> century, or in 1809 when it was moved to its final location on Livermore Street. The fence was not seen in front of the house until 1938, at which point the Colonial Revival fence did not match the existing fence in front of the adjacent Nathan Parker House. The early 20<sup>th</sup> century images of the Nathan Parker House showed a plainer designed fence than its neighbor, so the popular present-day image of the Livermore streetscape consisting of one long and white painted fence that unified the two properties was created less than 30 years before. The fences were not 100 years old.

Mr. Wastrom stated that he had also been asked to comment on the granite foundation that was added on the building's north side and the new front steps. In 1899, the two-story connecting addition that was built on the south side was originally built with a window on its front façade. The window was changed to a door around 1925 when it was converted to a two-family house. The stone foundation that supported the addition was made up of granite blocks, and the stonework was finished with a roped and braided joint. The stonework appeared to have been created for the 1899 reincarnation of the house and was probably not brought over from the 1809 site, and that was what they took when they went to the north side and dealt with the porch addition, which had been added at the same time in 1899. They removed the wooden lattice work at the foundation level, and it was apparent that it was the original concrete posts that probably dated back to 1899. They were badly deteriorated and showed evidence of snowplow damage. The posts needed immediate support, so they replaced the concrete foundation in kind, and that started a discussion about reinstalling the wooden lattice over the replaced foundation. The consensus was that the wooden lattice was a cheap material that would deteriorate quickly when installed at the soil line and would provide no protection against the snowplows, which led to the idea that they would match the existing foundation from the 1899 south side. The stonework would provide a more durable protection for the foundation and the new utilities located under the addition. Their thought process during that phase was to provide the client with the best possible outcome in a cost-effective manner while using traditional materials and building practices. In order to do the work, Mr. Wastrom had gone to several New Hampshire stone yards to find vintage granite that matched the natural variation color of the original stonework, and he had also made sure that the stones were reclaimed from late 19<sup>th</sup> century buildings and replicated the rope joint. It had not been a spur-of-the-moment decision, and he had never thought about discussing it with the HDC because his job was to work at his highest skill level for his client.

The decision to replace the front wooden steps with granite steps grew out of the discussion with the client about using the most durable traditional materials. Wooden steps had a maximum life

of 25-30 years, whereas granite steps lasted hundreds of years. The insulation of the step systems in the front and back were not ill-conceived or sudden decisions but were based on sound business practices, and he found it strange that in the Granite State, granite was not an acceptable replacement material. It had been used as building material for over 200 years in Portsmouth. Wood had a limited life, and most mansions had already had their wooden steps replaced with granite in the 1800s. It was a historic pattern throughout the 19<sup>th</sup> century. There was no fence in front of the Livermore house when it was moved across the street in 1899. Whether or not the Hatch family had intended to install the fence at some point was not documented, and it was not known what type of fence fronted the two earlier versions of the house. When the white painted wooden fence was installed in front of the Livermore house in 1938, it did not match the adjacent Nathan Parker House. Mr. Wastrom felt that the fence controversy was a battle of individual historic preferences, and that the Commissioners preferred the colonial inclination of the house, while Mr. Fabbriatore preferred the late Victorian version of his property.

Mr. Wastrom stated that he was a member of the Rollinsford Planning Board for a number of years, and because of that experience, it was his understanding that the HDC's expression of personal preference could leave the City open to a lawsuit. He considered himself an artist who had spent his entire career working on old buildings in Portsmouth, and he always followed the first basic law of preservation, which was to do no harm. He could not see what harm had been done to the Livermore House project. The controversy's aftermath had affected the crew in a very negative way because they were proud of their skills and were inspired to use them in the highest level on the project. Mr. Wastrom said that he had felt intimidated by the politics of the HDC, especially when Commissioners had entered the site while the crew was working and had asked questions without identifying themselves. He thanked the Board and sat down.

Attorney Noucas stated that there had been a lot of discussion about the National Register during several work sessions. His client had done some research and found that the intent of the National Register was to create an inventory of nationally-historic houses. There was no authority with the National Park Service that could order any work to be registered. A property could be taken off the register and amended without going through a procedural process. For instance, if they went without the fence, they could send in an amendment stating that they removed the fence, and nothing would happen. The law specifically provided that being listed on the National Register did not prohibit under Federal law or regulation any action that may otherwise be taken by the property owner with respect to his property. It was an inventory that had important information in it. They had previously discussed in work sessions the fact that Section 7 on the Nomination Form was about description and Section 8 was about significance. Attorney Noucas referenced Dr. Candee, who had authored the nomination. Dr. Candee had done an expert review of the property and had concluded that that fence was not significant because it was not created by a master carpenter and was not a significant design. It had nothing to do with the historic significance of the 1751 house, which made it one of the earliest houses in Portsmouth but also related it to some of the most important historical figures in Portsmouth.

Dr. Candee had pointed out in the Nomination Form that it was also a significant period historically. Attorney Noucas referenced Exhibit G and noted that the period of time identified by Dr. Candee as significant was 1700-1799 and 1800-1899. They knew absolutely nothing

about the fences on the property of the house, which was in a different location during that entire 200-year period. They only knew that, for the first 35 years, the house had no fence at all. A fence was then put up as well as a neighbor's fence, and both fences joined together to make a single fence, but they were not works of art. They fell apart in the 1980s and were rebuilt with basic materials that had no historical significance and had not lasted. Based on that information and the significance of the fence, what they had was not a demolition. A demolition would have been to go out and just rip out a fence, and that had not happened. The team on the property had tried to protect the fence and had determined that it was not salvageable and not restorable, and that was not demolition but was deterioration beyond the point of restoration. Attorney Noucas posted the question that, if the fence had been knocked down by a windstorm because it was in such bad shape, would the HDC have been able to order the owners to rebuild the fence? The answer was no. The Ordinance stated that, if someone actually demolished a fence, the HDC had jurisdiction. If they were going to build a new fence, they had to go back to the Commission. In the absence of demolition, the HDC probably did not have jurisdiction of authority. He understood their concern that there should be a fence on the property. His clients did not think there should be a fence on the property, and he asked how they would balance it out and what was historically appropriate. The fence that was there had none of the basic criteria or character to make it historically significant, so the question was whether having a fence in front of the house because it was on Livermore Street was historically significant.

Attorney Noucas asked if it was historically inappropriate not to have a fence. He indicated Exhibit H, which depicted the neighborhood, and he stated that they all knew Livermore Street was in the heart of the south end and the Historic District. He had talked to the owners of a half-dozen pre-1800 historic properties within a few blocks of Livermore Street, and they had said that they didn't want a fence because they thought their houses looked better without one. Because it was appropriate in other areas of the Historic District, it should be appropriate on Livermore Street as well. He pointed out that, even if the fence had been approved from the beginning and the client had discovered that it was non-salvageable, they could have come back with a change in plans and it would have been appropriate. The owner was now at the point where he had gone through three or four machinations. At one time, he had wanted a wrought-iron fence, and Attorney Noucas recalled that the Commission had thought it was historically appropriate, but they preferred the old fence. Now that the fence was down, the Commission could see that the property looked great and hadn't deterred the public from going to the Commission. It had not impacted the economic value or integrity of heritage, or any lofty goals of the Ordinance. Therefore, whatever tact the Commission took, they were well aware that not having a fence was historically appropriate and would serve the community well.

Attorney Noucas stated that the second issue in front of the house was the railings and granite steps, namely, the granite steps at the main entrance and at the entrance off to the right, and the single railings. The entryway to the right had balusters on one side that were required by law because it was more than 30" off the ground. He referenced the booklet, which showed a picture of the Livermore door taken from a postcard circa 1900, and said to note the wood sculpting on the frame and the stairway and the stone foundation. Great care had been taken to work with the same type of stone, so they had granite stairs that matched those from 1900 and they had changed from wood to granite on the right side and added a wrought-iron railing. The railing was another example of historical appropriateness. While walking through the Historic District, he

had found ten historic properties that had the same railing. He didn't know how many had been approved by the HDC, but he did know that the Court Street property railings had been approved. Attorney Noucas mentioned homes like the Wentworth Gardner House and the 28 Hancock Street property that also had single railings with no baluster, noting that it was prevalent throughout the neighborhood. Therefore, he thought it was historically appropriate and, despite the other options, his client had chosen that particular option and had asked the HDC to endorse it. He invited the Commissioners to look at the post and said that he would welcome any questions.

Mr. Gladhill noted that Attorney Noucas had talked about balancing two historically-appropriate ideas and had said that if they were both appropriate, the Commission should side with the owner's selection. However, the Ordinance was also concerned with education and conservation, and if something was the last of its kind in the City as an example of its history, he asked whether that balance would also apply to the owner having an alternative historical appropriateness and the Commission having to go along with it. Attorney Noucas said that it might make it historically inappropriate to get rid of it, so he didn't know if that would be the answer. Nothing was greater or stronger than the right to property and liberty. It was a different balancing test, but he didn't think it was the scenario in his case. The adjacent fence was the same issue, and the fence on the Rundlet-May House on Middle Road was the same as well. They had 1980 fabrications of an old fence. He understood the education part of it but felt that it was not the only piece. It all had to go on the scale, and not just one piece, and it could tip the balance in some situations.

Mr. Gladhill thought that Attorney Noucas brought up a lot of good ideas that he wanted more clarification on. The fence was a 1980s fence, so then it was a reproduction of a 1930s fence. It was a stellar fence that was once in front of the destroyed Buckminster Mansion. If something rotted out years before and had to be replaced, it got replaced, but it was still the same image, so Mr. Gladhill asked if it was the design that was worth less because it was redone in the 1980s.

Attorney Noucas stated that there were lots of factors when weighing the scales of historical appropriateness. At the last work session, Mr. Wyckoff had indicated that the Rundlet-May House had an original fence. When looking at the criteria, there were lots of things beyond whether something looked like something, or who made it, or how it was tied into something, or if it went back to General Porter or was around when John Paul Jones came through town, and so on. Those were important questions and there was no right answer. They had to be weighed, and not any one thing tipped the scales because they had to be looked at as a whole. In that particular case, they didn't know if the fence had been there originally. At one point, the house had been set back, so there could have been a solid wooden fence, but no one knew for sure. They didn't have the historic ties that might weigh one way or another in terms of historic appearance.

Chairman Almeida wanted to reinforce a point he had thought of at the start of the discussion. The applicant had rattled off some homes that had similar and identical fences, and he said the list should include the Mark Wentworth Home, the Warner House, the Moffatt-Ladd House, and the John Paul Jones House, all of which had very significant fences similar to the Livermore Street House. The point he always made in these discussions had to do with the design of the

fence and not the age of the wood in front of the home. The design of the fence was alluded to in the 1899 photo with the pilaster and the urn. The examples that the applicant had given of fences in the neighborhood were not significant properties. He found the Livermore Street property to be of the highest level and felt that it belonged in the list he had just spoken of, which was why he had found it so difficult to see the fence go. To see that wrought-iron railing in front of a smaller home just up the street was not really a reason to accept it. Chairman Almeida said that he took exception to the statement that the Commission had in any way criticized the work of the crew, the intention of the fence removal, or whether granite was appropriate. The Commission had consistently given very high praise to the workmanship of the house because it was one of the finest restorations they had ever seen. The fact was that a great number of things had been done without coming before the HDC, and he was also wrestling with that issue.

Attorney Noucas agreed that there were a great number of things, but they were there now. There were six issues out of a project that cost many hundreds of thousands of dollars. He had not seen anything in the Ordinance about being able to hold certain houses to a higher standard than other houses in the District and asked how the Commission did so. Chairman Almeida said there was a very specific language that addressed the historic significance of a property, specifically if it was tied to an individual, or a period of time, or a happening in history, and the Livermore House certainly was. Attorney Noucas stated that it was his point. The fence was not historically tied to the individuals who lived in the house during its historically significant period of time, which was between 1715 and 1899.

Mr. Katz remembered the initial presentation when he realized that the foremost artist in iron was going to build a new fence for the Livermore House that was historically appropriate, and he had asked himself how someone could not be happy about that. He did not understand why the Commission was hanging onto the argument. He had seen the circa 1899 photo of the house, and there was no fence. To hang on to a fence that was a good imitation of a Colonial Revival style of fence built in the 1930s and then rebuilt to lesser standards in the 1980s did not make sense. The facts had been strongly presented, and he felt that the Commission should move on and just admit that it had not been one of their better decisions.

Ms. Ruedig stated that she had been with the Commission for a year and was not present for the original application, but she had been reading about it and thought that Mr. Katz made a lot of good points. The Commissioners were arbiters for historical importance and appropriateness, and they had to have some flexibility when looking at people's private property and also had to pay attention to what the significance was for those historical houses. The Livermore House was definitely a house of very high historic significance, but it was not a museum. It was someone's private building, so the Commission had to allow more flexibility rather than hold it to the most historical standards. The fence did not even fall into the period of significance that was stated in the National Historic Register. If it had been for 70 odd years, it would have some significance in the entire history of the house, which the Commission would have to take into stronger consideration if it were a house museum. She did not think the absence of the fence, which had been moved and was not in its original setting, was inappropriate. The railings were minimal and elegant as well as appropriate.

Mr. Rawling stated that the fence had been on the property long enough to be considered historic, whether it went back to the house origins or not. It had been a historic fence in town, very character-defining to the neighborhood and the property. He didn't think that going around to houses here and there and saying that one house had a fence that belonged and one house had other railings meant that it wasn't a character-defining feature of Livermore Street to have the houses with fences in front of them. In fact, it was one of the things that made that street very unique with a special character. It had made him feel that he was in a different part of town when the fence had been there, and he thought the loss of that fence was quite significant to the neighborhood and the District.

Attorney Noucas stated that if the fence fell down on its own, the Commission would not have the authority to make the owner rebuild it. Mr. Rawling told him that would fall into demolition by neglect, which they could not reinstall.

Attorney Noucas mentioned the standards of the Ordinance and said that Mr. Rawling thought the fence was significant to him, but he had to measure it by the standards and ask if it had a connection to a significant historical person or if it had been built by a special craftsman. That part of the historical significance was not present, and he didn't think all the factors added up enough to say that it was the only historically appropriate thing to do. Mr. Rawling stated that changes took place in Portsmouth all the time that had existed long enough to be considered destroyed.

Attorney Noucas wanted to talk about significance. He stated that the fence didn't go on the property and asked how that impacted the historical integrity, character and economy of the City. That was the reason the Ordinance statute was created. Chairman Almeida said that they could apply that to a chimney or a wooden shake roof. Attorney Noucas told him to apply it to the house. He said that the Commission would not allow the client to demolish the house, but if it was a railing or a fence, it was a whole different issue. The loss of that house would impact the historical integrity and culture of the community, not the loss of the fence.

Chairman Almeida stated for clarity that all the various pieces that surrounded the house were in the HDC's jurisdiction and in the Ordinance, and he wasn't sure if the Commission should take the time to find the language of the Ordinance for the purpose of discussion or if they were making points, so he wanted to ensure that they were being thorough.

Mr. Rawling stated that the Commission could say something had character and then take it away so that it didn't exist and then say it was a loss of character, but they were saying in that case that somehow no one would know the character was there to begin with, and he didn't know how to define that.

Vice-Chair Kozak thought it might be helpful to open the petition to the public in case there were other questions for the applicant, and then they could continue to discuss it.

Mr. Gladhill stated that under the review factors of the Ordinance, the structure was not just a square block structure, but its architecture included stylistic features, design elements and mass. He asked Attorney Noucas if, in his interpretation of the Ordinance, he considered a fence to be a

stylistic feature design element of the main structure. Attorney Noucas thought a fence was a contributing structure by definition but wasn't sure how significant it was. Because the fence had self-destructed and was not demolished, it may not be under jurisdiction because the Commission only had the authority to deal with demolitions or changes. Mr. Gladhill thought it was an ideological debate because he questioned whether the fence actually fell down on its own or if it was taken away.

Chairman Almeida said that the answer to that question did not affect the Commission's ruling, due to the language in the Ordinance. He asked if it mattered whether the fence fell down or was taken down. Mr. Wastrom stated that parts of the fence had fallen down to the point where it had become unsafe, so the rest of it was dismantled.

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

There was no one to speak to the petition. Chairman Almeida stated that before he closed the public hearing, he wanted to know if the Commission had any more comments or questions for the applicant.

Mr. Katz stated that if the Commissioners looked at the review criteria factors to justify their attitudes, they were subjective, and there was no way to measure the criteria and no quantitative standards that they could apply to them. He had seen the Commission's subjective interpretation before and had been guilty of it himself. When it happened, depending on the applicant and if he asked for help, he was willing to offer help and ask other Commissioners to do the same. However, when the applicant obviously had command of the situation and had the credentials and authority, he took him seriously. The Commission was blocking its ears if it did not take Dr. Candee's letter to heart. They could make a wrong judgment call, and sometimes they had to go on and say they would do better next time.

Chairman Almeida closed the public hearing and asked for a motion.

### **DECISION OF THE COMMISSION**

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

Vice-Chair Kozak stated that she had spoken at length about the issue in previous applications and her position of being in support of the project had not changed. The fence was the most controversial item, and it was not original to the house. It would be appropriate to reconstruct what was there, or to construct an iron fence, or not to construct an iron fence. Any of those would be appropriate for the reasons enumerated at length at previous meetings. It was very clear to see that there was no fence in the historic photos. The granite foundation that they had discussed at the last meeting was consistent with the rest of the house and in keeping with the surroundings. The stairway on the back of the house was in the configuration of the original stairs. The open risers were not detrimental to the character of the house. The change from plastic lattice to wood on the side of the building was wonderful. There were six items, not just the fence and the railing. There were numerous prototypes of the Livermore House's iron railing

on other significant properties in the District, and the simple iron railing was very appropriate, particularly the example of it on the Wentworth Gardner House, one of the most significant homes in that area. She had no issues and stated that she would support the application.

Mr. Katz stated that he could not add anything and supported everything Vice-Chair Kozak had said.

Chairman Almeida asked the Commissioners to be sure to reference pertinent objectives due to the importance of the decision they were making on the application.

Mr. Gladhill stated that when the fence issue had come up a while back, he had definitely been against taking down the wooden fence and replacing it with a metal fence because he had thought the wooden fence was more appropriate than the metal one. A hundred years ago, the Nathan Parker House had a similar fence on the front, and the owners in the 1930s had thought it was appropriate because it had been found elsewhere in the City. Consequently, the wooden fence seemed more appropriate, according to the Ordinance and historical documentation. However, the issue that evening was not replacing the fence with a metal one but putting up another wooden one and letting it be. The Commission knew the fence existed in the 1930s but did not know if it existed before then, and there was no photographic documentation. Therefore, he was in support of the application.

Chairman Almeida stated that he remained unconvinced that the fence should have been removed from the property. He thought that the 1899 photograph, if they were going to use it as their documented historical image and refer to it, had elements of the fence, and he would have liked to see it put back. Looking at the purpose and objectives of the review criteria, he thought the fence was a special characteristic of the District, and that it was special by the fact that it was part of a continuous fence all the way down Livermore Street. However, he was in the minority and he felt that the loss of the fence was a great loss. He emphasized that he was, however, in full support of some of the comments made by the applicant and that the house on Livermore Street would be there for another 200 years because of the renovation, and for that, he was very grateful.

*The motion passed with a vote of 6-1 with Chairman Almeida voting opposed.*

6. Petition of **General Porter Condominium Association, owner**, for property located at **32 Livermore Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace rear stairs, install wood screening for utility panel and condenser, install parapet walls to rear deck, add seasonal sail material barrier, upgrade rear entry with granite steps, wrought iron railing and wood posts, install stone foundation to south and east facades) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 109 as Lot 20 and lies within the General Residence B and Historic Districts.

## **SPEAKING TO THE PETITION**

Attorney Noucas told the Commission that he wanted to incorporate the introductory remarks he had made in the last session but didn't want to bore them. Their application had five issues, one



of which was to restore the back stairway to its pre-existing single run stairway with a baluster railing, grated metal stair treads, and granite base as opposed to the previously-approved spiral staircase. He reminded the Commission that it had taken two hearings to get the spiral staircase approved, and he referenced the photo of the completed stairway. He asked the Commission to look at that photo first to see how narrow the area was and why, despite their best efforts, the spiral stairway wouldn't work. They could not twist or turn it. They had not taken out the portion of the existing stairway that went from the second floor to the ground, and it had remained functional throughout the project. A stairway from the third floor down had been removed. He showed a photo of the house in its prior condition when it had the stairway from the third floor down and the unsightly crosshair balusters in the railing.

The single run stairway had been approved by the HDC as part of the original plan on June 6, 2012. It had also been approved by the Building Inspector, and then they had tried the spiral stairway and that hadn't worked. Therefore, they were back to the single run stairway, which had been changed by adding balusters that were consistent with the steps, the entryway, and the rest of the building. A granite block had been added at the bottom. It had metal grated treads, which were a godsend in the winter because ice and snow didn't build up, so they worked well and had a safety purpose, especially for the elderly owners. The reason his client had wanted to go with the spiral stairway was to avoid having the stairway stick out from the back wall, but it hadn't worked. They could not run the stairway shorter than it presently run, so it was a pre-existing condition that they had to continue.

Attorney Noucas said that it was important to note that the stairway was in the back of the house. He distributed updated photos of the back of the house that had been taken that week and said that the arbovitae in the back provided a privacy screen for his clients, so it was highly unlikely that the metal grated treads would offend anyone standing in the cemetery because they wouldn't be visible.

Mr. Gladhill stated that the typical 'back of the house' was not usually seen because it was normally surrounded by private property. The cemetery was public property, so he did not think it was the traditional 'back of the house'. Attorney Noucas replied that he understood but had been thinking of the screening in more practical terms. The number of people going through the small cemetery was limited.

Chairman Almeida noted that the balusters were not up very close to the stairs and wondered if they were custom trim because they appeared to be standard off-the-shelf balusters. Attorney Noucas thought they were because the material inside of them was turned.

Attorney Noucas stated that their second item was the installation of a new utility panel and condenser on the right side of the house and the alleyway driveway, which was referenced in the booklet. As part of the restoration, there were significant upgrades in utilities such as heating systems and plumbing, all of which was approved by the inspectors. The PSNH utilities had been run underground, and the gas and utility meters were pre-existing. However, the condenser was not. The poles were safety poles so that vehicles would not hit the utility or gas meters. The utility panel itself was changed as part of the upgrade and was a little bigger but did not go up higher. The condenser had been added near the driveway and had been inspected and approved.

He pointed out the utilities screen that had been put in place and said that it was either plastic or composite lattice, but he would accept a condition that the owner instruct the carpenter to replace it with wood lattice by June 1.

Mr. Gladhill asked whether Attorney Noucas was proposing that just then or if he was waiting to see if it would be a condition of approval. Attorney Noucas stated that it would definitely happen by June 1. The screening was commonly used in that type of area and, aside from being plastic, it wasn't that noticeable because it looked like a fence and had been done very well by their craftsman.

Chairman Almeida stated that the change to wood was very appropriate because vinyl didn't belong on the site. He commended the decision and assumed that the exact dimension of lattice and the exact pattern would be replicated in wood. Attorney Noucas stated that he would accept that as a condition.

Chairman Almeida said that if the Commissioners felt that a different kind of lattice wouldn't be more appropriate, they could continue the stipulation that the plastic lattice be replaced with wood in the exact same dimension and design.

Chairman Almeida asked Attorney Noucas if he could address the base because it looked like pressure-treated wood. Attorney Noucas said that he was not sure what it was and asked what would be appropriate. Chairman Almeida assumed that the base would remain and that the client would use wood above it. Attorney Noucas said they could paint it. Chairman Almeida said that it would be outside the HDC purview but it would certainly improve it. Vice-Chair Kozak stated that the color issue was outside the Commission's purview, and simply asking for something to be painted was not. Chairman Almeida stated that they could make the stipulation that it be painted. He was sensitive about seeing mechanicals on buildings and thought the screen was a wonderful addition because it concealed the utilities nicely.

Attorney Noucas next addressed the railing around the upper deck. The Commission had approved the original plan of a parapet wall. At the back of the house, the parapet wall to the right included a railing for the two other walls going across to the other side. It was constructed with three parapet walls and had a seasonal canvas structure on top of the walls. His client was seeking approval for the parapet wall and did not consider it much of a difference. They had chosen to have two additional parapet walls for safety and privacy, which was appropriate. The fact that one parapet wall was appropriate suggested that anything next to it would be appropriate. It was at the back of the house and would not be seen by a lot of people. It was straightforward and looked good. The canvas had been taken down and would remain so for the season. The umbrella was not a structure and came off easily.

Chairman Almeida said he was glad Attorney Noucas had clarified that the canvas was a seasonal item. The loss of seeing the arched window in the back would have been a difficult thing to accept because it was very special to the house, but with the canvas down, the window could be easily seen. Mr. Gladhill mentioned that he had been at the site the previous month and had noticed that the canvas was down but not the metal railing, and he asked if it could be removed. Attorney Noucas did not know if it was removable. Mr. Gladhill said that the lower

part of the parapet was fine, but he was a bit uneasy about the upper metal part and asked if it could at least be removed for most of the seasons if it didn't need to be there. Attorney Noucas told him that it was a public space behind the building where people could look at the vegetation at the back of the house, and the client wanted a solid parapet wall with the canvas for privacy.

Mr. Katz noted that it wasn't Mr. Gladhill's objection. Mr. Gladhill agreed and said that it was just the metal railing that looked awkward on a historic house. Mr. Katz said the Commission could stipulate that it be seasonably removed. If the canvas came down, the railing would come down as well.

Attorney Noucas's next item was an upgrade to the entryway behind Unit 1 to the back; and he showed the photo of the front door. They had taken the look of the sculpted wood and had incorporated it into the back entryway with the same type of railing, granite step and stairs along the way that gave it a formal look. It was the back of the building but was also one of the primary entrances to the unit, and it looked great. The foundation could be seen under the porch, and the lattice work had been converted to concrete for better protection. Granite was a more traditional look and was seen everywhere in the south end. He thought it was appropriate and enhanced the historical integrity of the area, and it could also last two hundred years. Mr. Katz thought it was a great treatment that invoked historic aspects.

Attorney Noucas stated that the last issue was something that had been mentioned in the prior hearing, and he referenced the photo that showed the alleyway on the side of the house and the old foundation. He said that the Commission could see what had been done under the porch. The porch had been turned into an addition in 1985, and he was amazed that it had been done with just concrete pillars. It was consistent with the historic tradition of the house and its uniformity. The contractor Mr. Wastrom had mentioned that he had gone to several New Hampshire stone yards to find the vintage granite that matched the natural variation color of the original stonework, and he had also made sure that the stones were reclaimed from late 19<sup>th</sup> century buildings and replicated the rope joint. He thought that was a fine detail.

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

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

### **DECISION OF THE COMMISSION**

Chairman asked for a motion to approve the application and also asked the maker of the motion to entertain the stipulations that had been considered.

*Vice-Chair Kozak moved to **grant** a Certificate of Approval for the application as presented. Ms. Ruedig seconded.*

Vice-Chair Kozak stated that most of the items were great improvements to what had previously existed. None of them were inconsistent with the special and defining character of the house and surrounding houses. The use of granite for foundation material was appropriate to the house because it currently existed. The iron railing on the back was consistent with very significant

historic properties in the area. The stairway on the back was very similar to the pre-existing and actually protruded 1-1/2' less than before, so it was better. The open grate treads were really not visible to the public and thus were compatible. The removable canvas panels on the back porch as a temporary item was fine, and there was no problem with the posts remaining because it was an obscured position with narrow elements that would not detract from the back of the house, and no one could really see them. All the small elements were in support of a greater, wonderful renovation of an important, significant piece of Portsmouth history, and she supported the application.

Ms. Ruedig supported Vice-Chair Kozak's comments. All the new designs were very consistent and compatible with surrounding properties, and they related to the historic and architectural value of the existing structure.

Vice-Chair Kozak amended her motion to include the stipulation that the base timber of the panel screen would be painted to match.

*The motion passed unanimously with all in favor, 7-0, with the following stipulation:*

*1) That the base of the utility panel screen shall be painted, as presented..*

7. Petition of **319 Vaughan Street Center, LLC, owner**, and **3S Artspace, applicant**, for property located at **319 Vaughan Street**, wherein permission was requested to allow amendments to a previously approved design (misc. changes) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 124 as Lot 9 and lies within Central Business A, Historic, and Downtown Overlay Districts.

Ms. Ruedig recused herself from the discussion and vote.

### **SPEAKING TO THE PETITION**

Mr. Steve McHenry of McHenry Architecture representing the client, Mr. Brandon Holben, project architect, Mr. Chris Greiner, 3S Artspace Executive Director, and Tim Levine from Old Harbor Consulting, were present.

Mr. McHenry told the Board that he was before them to make some changes to the first approval received in May 2013. His firm had been associated in a number of capacities with 3S since its beginning in 2010. 3S Artspace was at a crucial junction in their progress and needed to move forward with the programming and functioning of the non-profit to include the performance space, art gallery, restaurant and artist studios on the second floor. It was crucial due to the change in building ownership, and they could not wait another year to do fundraising. There were a series of compromises to the design which, while allowing its character to remain intact, were needed to incorporate the first phase in order to complete the approved design.

They wanted approval for some of those compromises to the design, some of which were significant and others minor. He noted that the approved plans and proposed plans were on the tripod for public view, and he said that Mr. Holben would go through he proposed changes and answer questions.

Mr. Holben stated that he would give a brief overview of the major changes. He noted that the package had Keys 1 through 12 shown on the elevations that denoted what had been removed. Major changes were on the northeast and northwest elevations, from which they had removed almost the entire work from the area, such as the siding and windows. They were proposing to install egress doors for the performance space and artist studios as well as a minor change on those two sides of the building, which were the least viewed elevations of the building.

There were bigger changes toward the front. The tower entry was removed, and they maintained the siding on the public elevations as well as the steel awnings over the second-floor windows that created some relief on the façade. Some of the landscaping elements had to be pulled out, such as the kiosks, and the surrounding for the transformer was modified from a steel structure to a wooden one. The single-story ell that bumped out on the front was left as it was. It would be clad with a green screen, and a parapet wall would be built, but it would be left during the first phase and still worked well with the modern boxes attaching to each other.

Mr. Rawling stated that one of the things he noticed was the screening around the transformers in the front of the building. There was a proposed change to the wood versus a darker color, and he saw in the proposed images that the design appeared different, so he asked if he was looking at the same design or something different. Mr. Holben stated that they were proposing a similar design. There would be wood posts instead of the steel posts. They were also proposing a sort of louvered construction, but the blades would be thicker as wood instead of the thinner steel blades. Mr. Rawling said that one appeared to be a dark color, and the others were wood colored. Mr. Holben said that it was just the color, and the pattern was the same as originally proposed and they were just supplementing the steel with wood material. Mr. Rawling found the darker color more appealing because it didn't call attention to itself. Mr. Holben stated that it was just rendered that way as a lighter color, and they could work out a darker color to tie it in to the window storefront and recede it back more.

Chairman Almeida asked if the entire enclosure was wood and if it had been steel at one point. Mr. Holben said the original was metal, but now it was all wood.

Chairman Almeida stated that the application was very straightforward and thought the applicant had done a good job in defining the questions. He wanted to be sure that the Commission would still see remnants of the metal cladding system that had been so well presented the last time because it was an industrial-nature design concept. He saw the drawing that depicted the metal would remain, but maybe a little less.

Mr. Rawling commented that the design changes tended to make the building look more suburban, and he hoped the fundraising went well so they could see the rest of the project

Chairman Almeida stated that the Commission had referred to the project and others in that area as the Northern Tier, and he asked that they please reference their design criteria purposes and objectives.

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

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

## **DECISION OF THE COMMISSION**

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

Mr. Rawling stated that he thought the previous design was preferable, but he didn't see anything that they could oppose. It just seemed to be removing elements that could easily be reinstalled as they started to operate, so there was nothing to object to.

Mr. Gladhill stated that, even though the project had scaled back from what had been originally approved, it was still a major improvement on the building and would do what it was meant to do and also draw people into the area.

Chairman Almeida stated that he was still very excited about the project and didn't think that the minor changes detracted from the excitement of what the Commission wanted to see happen. He didn't think the changes produced negative effects to the relationship of the historic and architectural value of existing structures. He thought the changes were compatible with the designs of surrounding properties, and that they continued to show compatibility of innovative technologies and were consistent with the special and defining character of surrounding properties.

*The motion **passed** unanimously with a vote of 6-0.*

8. **(Work Session/Public Hearing)** Petition of **Wylie E. Brewster, Jr. and Sandra J. Chick, owners, and Jason Brewster, applicant,** for property located at **121 Mechanic Street,** wherein permission was requested to allow new construction to an existing structure (construct second story addition) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 31 and lies within Waterfront Business and Historic Districts.

## **SPEAKING TO THE PETITION**

Mr. Brewster told the Commission that the windows were different due to an egress issue. He assured the Commission that it was exactly what the Commission had requested.

Vice-Chair Kozak stated that she couldn't remember what they talked about the previous time and asked if the window would stay 1/1. Ms. Chick told her that they wanted the 1/1 window. Vice-Chair Kozak asked which window it was, and Ms. Chick told her it was a CX14 window for the new bedroom. Vice-Chair Kozak asked if all the windows were that style, and Ms. Chick said that one of them was. Vice-Chair Kozak noted that she only needed one as an egress window. Ms. Chick said it would be the one that would be seen the least and would probably face the driveway. She added that the siding they had discussed would not be different from the existing siding.

Chairman Almeida noted that they had a previous work session with lots of questions and answers so that the public would know the Commission wasn't rushing through the session, and he asked if there were further questions or comments.

Mr. Gladhill noted that there were no drawings showing how the addition looked on the exterior and said that, because it was a formal hearing, the Commission approved what was submitted, and there was nothing submitted. Mr. Brewster mentioned that it was in the packet. Vice-Chair Kozak said that it would be needed to be amended to the application.

Chairman Almeida stated that the application had not changed with the exception of the egress window.

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

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

### **DECISION OF THE COMMISSION**

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

- 1) That the elevations and documentation submitted on December 13, 2013 are amended to the application.*
- 2) That the casement/egress window shall be located on the left side of the proposed addition.*

*Mr. Melchior seconded the motion.*

Mr. Katz stated that he had looked at the building style vernacular and thought the building was the epitome of the vernacular style. It was a real picturesque addition to the waterfront and added character to the neighborhood.

*The motion **passed** unanimously with all a vote of 7-0.*

9. Petition of **Evon Cooper, owner**, and **Michelle Impey, applicant**, for property located at **287 Maplewood Avenue**, wherein permission was requested to allow a new free standing structure (remove fencing, install new fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 36 and lies within Mixed Residential Office and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Joseph Reynolds of All Levels Construction representing Ms. Impey was present to speak to the petition. Mr. Reynolds told the Commission that his client had a chain-link fence and had replaced it with a wooden fence without authorization, so it needed to be approved. It was a nice fence that had bettered the neighborhood and was an upgrade from a chain-link fence. The fence

was going to be placed in the front at one point, but that had been suspended. The wood fence definitely improved the scenery.

Chairman Almeida asked the height of the fence and whether it was all wood. Mr. Reynolds told him it was 6' and was all wood.

Mr. Gladhill asked what style they had decided on because he saw three different styles of fence in the packet. Mr. Reynolds didn't know and said he had to look at the packet, which he did, and then stated that the homeowner had decided on the fence. He pointed to one style that was on a neighboring property, and another style on a property 10' away near a parking area.

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

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

### **DECISION OF THE COMMISSION**

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

Mr. Gladhill stated that the fence enhanced the property and was compatible with surrounding properties.

*The motion **passed** unanimously with a vote of 7-0.*

### **PUBLIC HEARINGS – OLD BUSINESS (recalled)**

*The petition below was postponed from earlier in the meeting.*

4. Petition of Evon Cooper, owner, and Joseph A. Reynolds, applicant, for property located at 287 Maplewood Avenue, wherein permission was requested to allow new construction to an existing structure (construct one story rear addition) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 36 and lies within Mixed Residential Office and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Reynolds told the Commission that the only changes from the previous work session were on the outside where the granite front steps matching existing would be replaced with wood steps due to the air vent and the fact that the homeowner might want to add a future deck. Other than that, the plans were the same.

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

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



## DECISION OF THE COMMISSION

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

Vice-Chair Kozak thought that it was a fun little addition. As per the application, it was being built on an existing foundation. She found the good sense of scale compelling and compatible with the neighborhood. The simple detailing approach was appropriate for the back side of a primary house. The organization of the facades was compatible with the main house and surrounding houses. It was a good fit for where it was being proposed. The round window was a whimsical element but simple in nature and fit the nature of the house. She believed it truly complemented and enhanced the character of the property.

Mr. Gladhill stated that he was glad the applicant had written an article a few months back about the window. The article had illustrated the fact that if a person did not want a historic door or window or other architectural feature on their house, they shouldn't just throw it away but should offer it to someone because the author was pretty sure someone would take it away.

*The motion **passed** unanimously with a vote of 7-0.*

## VI. WORK SESSIONS

A. Work Session requested by **Bradley Boisvert and Karen Bannon Boisvert, owners**, for property located at **124 State Street**, wherein permission was requested to allow new construction to an existing structure (add elevator at rear of building, construct stair access, construct walkout decks and add doors at 2<sup>nd</sup> and 4<sup>th</sup> levels, construct dormer, add skylights, and replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 55 and lies within Central Business B and Historic Districts. *(This item was postponed at the January 8, 2014 meeting to the February 12, 2014 meeting.)*

Mr. Brandon Holben of McHenry Architecture and owners Mr. Bradley Boisvert and Ms. Karen Boisvert were present. Mr. Holben told the Commission that they previously had a bigger proposal, including the elevator and its enclosure and some larger decks on the back side. The majority of the work was in the back, consisting of complete window replacements throughout and some minor work on the ridge with added skylights. They scaled back the proposal to get rid of the elevator and had just one level deck at the second floor with a stair down to the garden and also had a rooftop dormer addition with a walk-out deck.

Mr. Holben discussed the undulating streetscape on State Street with various firewalls, chimneys and lots of undulating patterns with the ridge lines and said that a character-defining feature of State Street were the skyline undulations. He showed the Commission various photos and views of the site. Chairman Almeida commented that the building had the most formal and strong presence of the block on the front side.

Mr. Holben stated that there were existing wood lintels above the window that were in deteriorated condition and he wanted to replace them and the sills with granite lintels. The

proposed windows would be aluminum clad with 2" brick moulds, and there would be some restoration of the State Street façade.

Vice-Chair Kozak asked what presently existed. Mr. Holben stated that 2/2 windows were proposed for the top floor. Vice-Chair Kozak asked whether they had any historical photos because she thought the 2/2 windows would not be in keeping with the original era of the building. The windows looked like a much later version. Mr. Holben agreed that keeping with that character was important. Ms. Boisvert mentioned that the windows in the front were the oldest ones. Vice-Chair Kozak said that they looked about 100 years old. Ms. Ruedig asked if the windows were salvageable, and Ms. Boisvert said they were falling apart.

Vice-Chair Kozak asked if they had evidence that the sills were lowered at some point. Mr. Holben stated that the adjacent building windows looked the same and could have been built at similar times, but their building's windows were the tallest on the block and its most prominent feature. Vice-Chair Kozak noted that they were a different proportion than the other windows, but so was the front entry. She thought it was the most proud and vertical façade on the block. Chairman Almeida said that, unlike the other houses, it was elevated from the sidewalk. He asked if there was a decorative mantel across the window. Mr. Holben said it was existing wood trim all the way through.

Mr. Rawley asked if the windows on the rear elevation on the second floor were 6/6 windows. Mr. Boisvert told him that they were newer windows. The older windows were at the main level in the back of the building and were 2/2 windows.

Chairman Almeida commented that the building was different from the adjacent buildings in proportion. Mr. Holben noted that it was proud and vertical. Ms. Boisvert stated that they had not been able to find historical photos, but all the changes were evident on the interior. Mr. Boisvert added that there was a roofline modification at one time as well as a firewall.

Mr. Holben stated that the view from the park on Court Street was the most prominent view, and he showed additional Strawberry Banke views and various angles of the house. He talked about the floor plans, the doors, and the deck, and noted that the fourth floor had new dormer construction with a walk-out. He showed overlays of the lower deck and stated that it came out about 8', while the upper deck projected from the brick wall. He discussed the skylight features on State Street, the materials, the steel structure tying in the framing with masonry and bracket elements, and so on.

Chairman Almeida asked him if the second-level deck would need to be reinforced with cross spacing, seeing that the structure was so tall. Mr. Holben replied that it would be fine with the steel frame. Ms. Ruedig asked if the brick wall would be reinforced at that location, and Mr. Gladhill wondered if the house could support the weight of the upper deck. Vice-Chair Kozak suggested that the lateral may need reinforcement.

Mr. Holben then discussed the cooper clad roof and the copper flashing on the elevated curve with bronze finish.

Mr. Katz stated that he had no problem with the second-story balcony with the circular staircase, but he questioned the two small double doors instead of a window and suggested a single door the same size as the windows to keep the rhythm going as far as the openings were concerned. In the top story, the balcony overhanging the eave with the half circle extension further out did a lot of damage to the façade. He could understand the dormer if the balcony did not overextend the cornice. It was an obvious addition but didn't do much violence to the façade, and he thought it looked nice.

Mr. Gladhill agreed with Mr. Katz about the double doors becoming a single door to keep in line with the openings and also about the upper deck going beyond the roofline. The adjacent house's deck did not go beyond the roofline.

Mr. Rawling stated that he had considered the dormer quite a bit. The neighborhood rooflines had a lot of modifications, but the areas had been cut out of the roof and the roofline had been largely maintained, so the depth overhanging the cornice line had a big impact. The only other place in the neighborhood that he had found a similar situation was at a house at the end of the block and close to the river. The units had been modified and two of them were identical to the dormer, in that it didn't look like it belonged where it was, it looked out of place. He thought the skylights on State Street were acceptable and did not pose much of an impact to the elevations or rooflines. However, the shed dormer on the back where the views were prevalent made the roofline visible, and he thought it was a significant and drastic change to the roofline.

Mr. Holben stated that they maintaining the original eave line. Originally, they had looked at firewall treatments to extend the wall but decided to maintain the existing gable end and push the space in to continue the original roof around. They had meant to slide the corners in so that they didn't project so much over the brick, and they still felt strongly about it.

Chairman Almeida asked for opinions on the door. Mr. Rawling thought that the top of the building was the most visible and was tucked in a bit more. There was more discussion about heights and the doors. Mr. Ruedig stated that the projection on the fourth floor was a bit much because it stuck out so far over the cornice, and she agreed that it would be great to keep the second-floor balcony door aligned. Vice-Chair Kozak noted that the Commission tried to make dormers subservient to the main roof, and the applicant's dormer seemed bigger than the main roof.

Chairman Almeida told the applicant that the direction they had taken with a very contemporary application of materials and design was the right thing to do. He said that Mr. Katz had an excellent point about the double door being a single door and maintaining the existing order on the back side. When he had looked at the back side of the building and stepped back to see what had been done on either side, he had reminded himself that the applicant had used a huge amount of restraint. Things were done on both sides that went back to Court Street, and he recognized that it was a minimal restoration. The fourth level wasn't quite there yet, and he shared some concerns about things the Commission was not accustomed to seeing due to the contemporary design, but he appreciated that the design appeared to be resting on a historical building rather than overtaking or destroying it.

Mr. Rawling thought it might have less impact if the upper balcony went out more. Mr. Holben stated that they had started it off that way, trying to carry the metal and ironwork. Mr. Katz said that it would not maintain the same width and would also throttle the cornice of the upper part and maybe eradicate it. Chairman Almeida noted the iron work on Ceres Street and thought that additions had been tastefully done. Mr. Gladhill told him that the additions on Ceres Street were on the façade and not coming off the roof.

Mr. Rawling thought the difference between the current proposal and the previous one was that the previous one had a heavy timbered frame that dominated the elevation. Mr. Katz said the material change was very successful and on the right track.

Chairman Almeida agreed that the applicant had made huge strides and solved the dormer issue. He had no issues with the skylights that were tastefully done, and from the photos taken of the State Street angle, said they were difficult to see from the street.

Vice-Chair Kozak said that she hoped the applicants could find historical photos of the original conditions because she wasn't convinced about the window arrangements and wanted to make sure they were using opportunities. Ms. Ruedig said the Commission always fought to keep older and original windows.

Chairman Almeida told the applicant that the Commission would need the actual window specifications when they discussed the windows.

Mr. Katz asked the purpose for the dormer addition. Mr. Boisvert said it was for a family room. It was not a big house and they needed more inside space, otherwise it wouldn't make economic sense. Mr. Katz said he could live with the dormer if it had some tweaking, but he wasn't sure exactly what kind of tweaking. He didn't want to see anything beyond the top of the roof trim because it would make it top-heavy and overpowering.

Chairman Almeida asked Mr. Holben to explain more about the windows. Mr. Holben stated that they were proposing a series of aluminum clad windows with a brick mould. Chairman Almeida asked him if they were switching from wood to aluminum. Mr. Holben said they were switching from wood frame to clad aluminum.

Chairman Almeida asked if he had more information on the sill. Mr. Holben told him that they would have granite lintels. Chairman Almeida asked if the window itself would have a sill sitting on the granite. Mr. Holben said the brick mould would wrap between the window and the granite. Chairman Almeida said that traditionally there was a masonry opening that had a granite sill, and the window itself also had a sill that sat on top of the granite.

Mr. Rawling mentioned that, on window applications, the Commission always hoped to get information on the existing section of the window placement and surround and where and how it sat with the wall as well as the existing conditions of the new window installation. That way, they could see what had changed. It was more than just window cuts, it was wall thickness and brick reveal, and so on.

Chairman Almeida noted that the brick mould did now show a screen track. Mr. Holben said the track would be in the window unit frame. Mr. Rawling said that it needed something that it fit into.

Mr. Katz changed topic and said he was trying to figure out how to extend the living space. He thought if the deck were pulled out, maybe a window wall would be applicable in its place so that the indoor space could become outdoor space in the summer. Mr. Holben said they could make an opening where the three doors were proposed. Mr. Boisvert thought the deck could be moved over a little and they could consider it and said that it was good advice. Mr. Katz said the Commission seemed to not want to see the overhang on the upper plane of the cornice, but he wanted them to have usable space up there as well. It could be a good example of leaving a structure of that age intact and still have usable space. He thought the top floor really did violence to it at that point, so it was worth it, and he thought the façade was unique and wasn't found anywhere else in the City.

Chairman Almeida asked about the glass awning. Mr. Holben stated that they added the awning over the doors for protection and a bit of relief to the dormer. They looked at steel brackets with a redwood frame sitting on the brackets. Corrugated wire glass would be elevated above it, resting on 2" x 4" redwood. Mr. Rawling said he had no issues with it but suspected that they would see something different in the dormer design and that maybe it would work.

Chairman Almeida talked further about the screen issue and said that the Commission usually insisted on half screens if screens were used at all. On buildings of great significance such as the applicant's, they could do a screen that rolled down from the inside and was not seen from the outside. Mr. Boisvert said that there were interesting products that could be used, and on State Street, the light came through better without screens.

The applicant indicated they would apply for a work session/public hearing.

B. Work Session requested by **Thirty Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission is requested to allow a new free standing structure (construct new, mixed use, four story structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as lying within Central Business B, Historic Districts. *(This item was postponed at the December 11, 2013 meeting and the February 12, 2014 meeting.)*

At the applicant's request, the Commission voted that the request be **postponed** to the May 7, 2014 meeting.

C. Work Session requested by **Briggs Realty Association of Delaware, LLC, owner**, for property located at **363 New Castle Avenue**, wherein permission was requested to allow exterior renovations to an existing structure (remove vinyl siding, replace clapboards, replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as Lot 3 and lies within General Residence B and Historic Districts.

Owners Ms. Kim Berry and Mr. Rob Berry and contractor Mr. Richard Jalbert were present.

Mr. Jalbert told the Commission that they had a plot map and photos of each elevation. He stated that his client wanted to replace 18 of the existing windows and the siding. He passed out photos of the types of replacement windows they were considering as well as photos of the different sidings on the house.

Mr. Jalbert pointed out that there were shingles on one side of the house with different sizes of trim. He was proposing to use clapboard on the front and back, and shake on the sides. He had also tried to document what was under the original siding and had found a combination of siding and shingle. He said they wanted to shingle just the two gabled ends with the three windows on the east and west elevations. They would put a trim board and maintain the clapboard around it. They wanted to remove the octagon window and put in a 2" x 2" awning.

Mr. Jalbert stated that the roof had been changed, for which he had received prior approval. They had removed the roof to get it flashed properly and make the house more weather-tight and also to pull off the terrible aluminum trim. They were proposing all new trim work. There was nothing on the house that was out of the ordinary – it had standard fascias and soffits. The dormers had a sloped soffit that he wanted to flatten out for maintenance and easy installation. When they removed the siding to do the flashing, they realized that there was vinyl underneath and not original siding. The entire back area was vinyl.

Mr. Gladstone asked when the applicant had received approval for the change in the roof. Mr. Jalbert replied that he had talked to Mr. Cracknell about it. The chimney was in such bad condition that it fell down and it was necessary to replace it. He had photos documenting the original chimney.

Mr. Rawling asked if they would replace the window casings. Mr. Jalbert said that they would match the existing 3-3/4" casing or use the dimensional 1" x 4" wood. The siding was 4" of exposure, and the shingles on the east side were 5" of exposure. He proposed to do the siding with shingles of that exposure and then maintain the 4" exposure everywhere else. The windows would still have the historic full-sized sill with PVC trim. The side with the shingles had an 18" lead sill, and he would carry the board 8" around that area. Mr. Rawling told him that the closest they could match it dimensionally would pay off in elevations. Mr. Jalbert stated that he had sized the windows to fit the openings as close as possible to the original, so they would probably gain some glass size, except for the dormers.

Mr. Rawling asked if he would replace the shutters because the shutters on the front first floor looked too large for the windows. Chairman Almeida asked what type of shutter the client was considering. Mr. Jalbert replied that it was the vinyl type. Chairman Almeida did not think that the Commission had ever approved a vinyl siding, and he asked Mr. Cracknell to work with the client on the shutter guidelines.

Mr. Gladhill asked if they were putting the chimney back up using real brick. Chairman Almeida explained to the applicant that there were cases where the HDC did not allow thin brick as a replacement, but it was case by case, and they may have different situation. He didn't want

to see a false chimney. Mr. Jalbert assumed he would want it flashed, and Chairman Almeida agreed.

Mr. Jalbert stated that the siding was pre-primed cedar clapboard and he wanted to keep the wood shakes natural. The gable ends would also remain natural. Vice-Chair Kozak asked how old the house was. Mr. Jalbert replied that it was built in 1895. A few walls had the original beams, but the rest of it was all conventional new material. Chairman Almeida told Mr. Jalbert that he liked the direction the project was going in and that there were huge improvements.

Mr. Jalbert stated that they were proposing wooden, pre-finished white Andersen double-hung Fibrex windows, with grills and spacer bars. The back of the house had existing Andersen vinyl-clad windows that would remain to keep it consistent with the other windows. The three awnings were octagonal but would be replaced with vinyl 2/2s. The front and side facades would be all 6/6 double-hung Fibrex windows. Chairman Almeida asked if the change to Fibrex from vinyl on the back side was a cost issue, and Mr. Jalbert agreed. Chairman Almeida asked about screens. Mr. Jalbert told him that the windows came with full screens but he would try to get half screens. Chairman Almeida told him that they would have to be half screens.

Ms. Berry asked if they could take out the octagonal windows in the back of the house because the crisscross pattern obscured their water views, and she was told that they could.

Chairman Almeida asked the applicant if they planned on returning for a public hearing or a work session. Mr. Jalbert asked if the Commission had enough information or if they needed more details. Chairman Almeida told him that the Commission would need drawings showing elevations and dimensions, trim size, and especially materials.

Mr. Jalbert stated that they would attend a public hearing. Vice-Chair Kozak recommended that they annotate the photo pointing out where the material was going so that the Commission could understand the intent. Since the window sizes and the shape of the house were not changing, they didn't need to draw every elevation.

The applicant indicated they would apply for a public hearing.

D. Work Session requested by **Zoe Copenhaver Daboul and Michael Edward Daboul, owners**, for property located at **53 Humphreys Court**, wherein permission was requested to allow demolition of an existing structure (demolish garage) and allow new construction to an existing structure (construct addition and attached one car garage) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 39 and lies within General Residence B and Historic Districts.

The owner Ms. Zoe Daboul and the architect Mr. Chris Redmond were present.

Mr. Redmond told the Commission that he had added a more detailed elevation for the garage. He referenced the existing house with the two-car garage and stated that they planned to demolish the garage and add a one-car garage and family room/mudroom connector. The materials on the new addition would be two double-hung windows adjacent to the existing

windows. A few years before, Ms. Daboul had replaced the Andersen windows and wanted to replace those with Andersen Series 400 newer construction windows to finish off the rest of the house and make it symmetrical. One of the windows was a 1/1 window that she wanted to use as a replacement window on the back side. Mr. Redmond stated that the siding was currently cedar clapboards that would remain. The trim was 3 1/2" flat casing which they would match on the addition.

Ms. Daboul said they had gotten approval to do white AZEK on the corner trim and wanted to know if they could put AZEK on other parts to match. The Commission had no issue with it.

Mr. Rawling said that the photos showed a heavier 3-1/2" banding trim. Mr. Redmond agreed that it might be more of a 4-1/2 or 5" trim. Mr. Rawling stated that the existing and proposed changes should be on the drawing. There was a disconnect in the design between the house and the garage and felt that it could be better related. He suggested that the windows be separated and the roofline extended over the side door to give it a more integrated look.

Mr. Katz noted that the garage looked like it was too far away at 3', and if they extended the roofline to cover the door, it would solve the problem. Mr. Redmond stated that they would have liked the garage to be more proud, which would have helped the roofline, but the neighbor would not approve it. Therefore, the connector was very close. Mr. Rawling suggested that it could be extended beyond the garage. Mr. Redmond verified that Mr. Rawling meant the connector roof could come forward instead of the garage roof continuing. Mr. Katz said that it would appear that the whole roof did, but it would only be a slope.

Vice-Chair Kozak said that what struck her as odd with the connector was the high window and low door. It looked like two different buildings, and they should bring it back together to look like one building. She could see that the architect was trying to align the window with the main floor, but it looked bizarre to have that little door and the eye level seemed to be at the window sill. She suggested moving the eave out to bring it in lower.

Mr. Katz asked if the windows could be lowered. Mr. Redmond stated that it would be a problem because the windows caused the roof line with the bump-out, and there were double-hung windows close to the new windows, so the living space was at that level until you stepped down to the garage door. The windows from the interior looked normal because they were lined up. He thought they could raise the door to make a little porch on the exterior and do a stairway in the interior. Mr. Katz asked if they could do the eaves the same way.

Chairman Almeida stated that he was focused on the connector but thought that the other proportions of the garage were very good. Regarding the connector, the door was close to the side and there were tiny 2" pieces of clapboard that could be moved to make it look better. He agreed that the windows seemed too high at one point and he understood why, but he didn't think they had to be that high. It was too out of sync with the door. He asked how tall the door was. Mr. Redmond told him the door was 6'8". Chairman Almeida asked if there was room for a transom to make the door slightly larger. Mr. Redmond said there could be a transom window.



They discussed other options for the design of the front of the garage. Chairman Almeida felt that the door had to be moved away from the garage and thought maybe it would help if the connector was not clapboard. The garage referenced the language of the house, but the connector didn't. Mr. Rawling said that separating the windows would break it up more. Chairman Almeida noted that the exposed foundation on the garage was different from the one on the house and it needed more continuity. Mr. Rawling thought the entry pieces had heavier trim on them and putting a heavier trim on the door might solve the tiny clapboard piece issue. Mr. Redmond stated that they had received approval from the Planning Board to make the front landing by the front door 3' with mahogany decking and a Victorian railing top. He asked if they could put a Trex or composite landing on the back, which was shady and difficult for wood to last. Chairman Almeida told him that the Commission had recently approved it for the neighbor.

Mr. Redmond stated that the asphalt roof was deteriorating and needed to be replaced. Mr. Gladhill asked if the house had a chimney and was told it did not.

Mr. Redmond stated that the garage door would be fiberglass. Chairman Almeida asked if it would match the door on the house. Ms. Daboul simply stated that it was a brand new door and showed a photo of it. Ms. Ruedig told her to try and match the style of the original door with no divided light. Ms. Daboul asked if it could be fiberglass. Ms. Ruedig said that she preferred traditional materials, but it would be acceptable if it were painted. Vice-Chair Kozak said that the Commission had approved them in the past, especially if they were painted, for secondary doors. She thought the door should have a better-looking window instead of an applied vinyl trim because it was in the front of the house.

Ms. Daboul asked if she could install colonial grill awning windows to match the door rather than install 2/1 windows like the rest of the house. Chairman Almeida noted that it was shown as an awning window with a glass panel broken down into twelve units, and he said he would do no grill at all because it was the back of the house and no one would see it.

The 3' x 3' egress window in the basement, a motion detector light for the back, and the door in the back of the garage being replaced by the existing back door on the two-car garage were no issues.

Mr. Redmond stated that he would revise the plans and submit them in time for the next public hearing.

## **VII. OTHER BUSINESS**

### **1. Discussion of current RFQs**

Mr. Cracknell said the RFQ for the 3D Massing Model had gone out the week before, and he had received questions from four respondents regarding the RFQ and would respond to them. They were due by February 20<sup>th</sup>, and he would meet with Ms. Kozak and the GIS technician would meet afterwards. Mr. Cracknell said that he had been busy with the Form Based Zoning revision but would get back to the RFQ for the design guidelines in a few weeks.

**VIII. ADJOURNMENT**

At 10:30pm, 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 May 7, 2014.