

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**August 6, 2014  
to be reconvened on August 13, 2014**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Members John Wyckoff, Dan Rawling; City Council Representative Esther Kennedy; Planning Board Representative William Gladhill; Alternate Reagan Ruedig

**MEMBERS EXCUSED:** Vice Chairman Tracy Kozak; George Melchior

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

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*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.*

**I. APPROVAL OF MINUTES**

1. July 9, 2014
2. July 16, 2014

*Mr. Wyckoff moved to **approve** the minutes of July 9, 2014, and July 16, 2014 as presented. Ms. Ruedig seconded. The motion **passed** unanimously with all in favor, 6-0.*

**II. ADMINISTRATIVE APPROVALS**

- A. 53 Humphreys Court

Mr. Cracknell consulted the Commission on a proposal to change a light fixture design on a previously-approved application. The Commission did not have an objection to the proposed change.

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

1. Petition of **Frank and Irja Cilluffo, owners**, for property located at **179 Pleasant Street**, wherein permission is requested to allow demolition of existing structure (remove windows walk) as per plans on file with the Planning Department. Said property is shown on

**Request To Postpone**

Assessor Plan 108 as Lot 15 and lies within the Mixed Residential Office and Historic Districts. *(This item was postponed at the July 9, 2014 meeting to the August 6, 2014 meeting.)*

### DECISION OF THE COMMISSION

*At the applicant's request, Mr. Gladhill moved to **postpone** the application to the September 3, 2014 meeting. Mr. Wyckoff seconded the motion. The motion passed unanimously with all in favor, 6-0.*

2. Petition of **Carol J. Elliott Revocable Trust of 2011, owner**, for property located at **143 Gates Street** and **Jane A. Nelson, owner**, for property located at **115 Gates Street**, wherein permission is requested to allow exterior renovating structures (repairs to the roof area where the two houses meet) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lots 98 and 99 and lies within the General Residence B and Historic Districts. *(This item was postponed at the July 9, 2014 meeting to the August 6, 2014 meeting.)*

### DECISION OF THE COMMISSION

*At the applicant's request, Councilor Kennedy moved to **postpone** the application to the September 3, 2014 meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

## IV. PUBLIC HEARINGS (CONSENT AGENDA ITEMS)

1. Petition of **David B. and Deborah A. Adams, owners**, for property located at **210 Gates Street**, wherein permission was requested to allow a new free standing structure (install condensing unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 26 and lies within the General Residence B and Historic Districts.

2. Petition of **Rebecca L. and Michael J. Bernier, owners**, for property located at **33 Northwest Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows, previously approved in 2012) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 141 as Lot 27 and lies within the General Residence A and Historic Districts.

3. Petition of **Portsmouth Athenaeum, owner**, for property located at **6-8 Market Square**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 20 and lies within the CD5, Historic, and Downtown Overlay Districts.

4. Petition of the **Society for the Preservation of New England Antiquities of MA, owner**, for property located at **143 Pleasant Street**, wherein permission was requested to allow demolition of an existing structure (remove chain link fencing) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 108 as Lot 14 and lies within the Civic and Historic Districts.

5. Petition of **Harborside Associates, LP, owner**, for property located at **250 Market Street**, wherein permission was requested to allow new construction to an existing structure (install four mechanical vents) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 119 as Lot 1-1C and lies within the Central Business B, Historic, and Downtown Overlay Districts.

6. Petition of **36 Market Street Condominium Association, owner**, and **John A. Brady, applicant**, for property located at **36 Market Street**, wherein permission was requested to allow a new free standing structure (install condensing unit) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 117 as Lot 29 and lies within the CD5, Historic, and Downtown Overlay Districts.

*Mr. Rawling moved to **grant** Certificates of Approval for the six Consent Agenda Items as presented. Mr. Gladhill seconded the motion.*

*Mr. Rawling stated that all the applications were appropriate to their settings and respective of their surroundings. The motion **passed** unanimously with all in favor, 6-0.*

Councilor Kennedy mentioned that the Commission was receiving a lot of condensing unit approvals and asked Mr. Cracknell if the size and location were considered before putting the item on the Consent Agenda. Mr. Cracknell replied that he reviewed the size and location of each condensing unit before placing it on the Consent Agenda and ensured that it met the Ordinance requirements. There was no limitation on how big condensers could be if they met the conditional setbacks.

## **V. REQUEST FOR ONE YEAR EXTENSION OF APPROVAL**

- A. Request for one year extension of the CUP approval granted to 173-175 Market Street on August 7, 2013 – submitted by Eport Properties 1, LLC, owner

Mr. Cracknell provided an overview of the history of the extension request and said that in February, the BOA voted to support the Commission on the Conditional Use Permit (CUP) but voted against the Certificate of Approval. The CUP was still valid from the previous HDC approval in August, 2013 and was due to expire so an extension request for one year was filed by the applicant. For the February meeting at the BOA, the Legal Department wrote a memo stating that the BOA could consider approving, denying or postponing the application and they spoke to the issue of the State Statute regarding the requirement that the HDC seek comment from the Planning Board prior to making a final decision on the CUP. As for the review criteria question raised both in February and in a recent comment letter to the HDC, all the criteria eventually adopted in September were essentially the same criteria that the HDC used for the original approval. In reviewing the request and the comment letter from Mr. Zelin, the Planning Department is recommending that the extension request be postponed for one month and referred to the Planning Board for review. The Planning Board would then have an opportunity to render comments and return them to the HDC for the next meeting. The HDC would then hold a public hearing and vote in September, which would remove any uncertainty about the procedural defect of not referring this to the Planning Board back in August of 2013. He thought it would be best

if the HDC posted the September meeting as a public hearing so that the public could provide input.

Mr. Wyckoff asked what would happen if the applicant wanted to postpone to the next week's meeting. Mr. Cracknell replied that there were no issues with the HDC conditionally approving the Certificate of Approval the following week. If it was not granted in September or something changed, they would simply need to modify whatever was approved at the next meeting.

Mr. Gladhill felt that it was a 'cart before the horse' situation. To get the Certificate of Approval, an explanation was usually needed of what the guidelines dictated. If they already had approval for the project, it seemed that doing the CUP after the fact was like a rubber stamp. Mr. Cracknell replied that it was not a new CUP but an extension. If there were changes proposed from the original approval that affected the CUP, they could be considered at the next meeting when they are likely to be voted upon. It was typically a pro forma extension. Councilor Kennedy disagreed because, since the permit had been granted, there had been a lot of changes and decisions by the City Council that effected this project, so she was not comfortable with it. She felt that it should be postponed until it was sent to the Planning Board before finalizing the decision.

## **DECISION OF THE COMMISSION**

*After due deliberation, the Commission voted (6-0) to **postpone** the request to the September 3, 2014 meeting for the following reasons:*

- 1) So that the request may be referred to the Planning Board for comment.*
- 2) So that the request may be posted as a public hearing.*

## **VI. PUBLIC HEARINGS (REGULAR AGENDA ITEMS)**

7. Petition of **Eport Properties 1, LLC, owner**, for property located at **173-175 Market Street**, wherein permission was requested to allow new construction to an existing structure (construct side and rear additions) and allow exterior renovations to an existing structure (renovations to existing structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 118 as Lots 3&4 and lies within the CD4, Historic, and Downtown Overlay Districts.

### **SPEAKING TO THE PETITION**

Mr. Chris Erickson, owner, was present to speak to the application. Mr. Erickson stated that, in light of the Conditional Use Permit (CUP) issues that were just discussed as well as the concerns of the neighbors, he would adhere to the process and postpone the application to the September 3 meeting so that everything would be aligned with the Conditional Use Permit.

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

Ms. Barbara Ward, Director and Curator of the Moffatt-Ladd House, stated that she was asked to deliver a written comment that the application be postponed for a month. Because Mr. Erickson requested a deferment, she instead distributed copies to the Commissioners of a letter from the Colonial Dames outlining their concerns. She stated that all interested parties had met to discuss issues, including the need for a Wetlands Permit. By postponing the decision on the project, Ms. Ward believed there would be enough time to obtain the historical review that was done by the architectural historian.

Ms. Clare Kittredge of 27 Franklin Street referred to a letter that she sent to the Commission and stated that she had to amend it.

### **DECISION OF THE COMMISSION**

At the applicant's request, the Commission voted to **postpone** the application to the September 3, 2014 meeting.

8. Petition of **Jeremy N. Mard, owner**, for property located at **21 Dearborn Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing shed, build new shed) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 5 and lies within General Residence A and Historic Districts.

Mr. Wyckoff recused himself from the petition.

### **SPEAKING TO THE PETITION**

The owner Mr. Jeremy Mard stated that he wanted to build a new shed. Mr. Rawling mentioned Staff recommendations about a steeper roof pitch and the addition of architectural shingles to the structure, and he also mentioned a note about whether or not the shed would match the house. Mr. Mard stated that the previous owner had put a new roof on the house that he believed was architecturally correct. He was not opposed to the steeper roof pitch. Mr. Rawling felt that a steeper roof would be an attractive change to the project and give it more of a barn look.

Mr. Mard asked about cementitious siding, saying that the current siding on the shed was pressboard and the house siding was vinyl and asphalt. Ms. Ruedig stated that she didn't have a problem with it because it was only a shed. Mr. Gladhill believed that the shed couldn't be seen from Dearborn Street. Councilor Kennedy requested that it be stipulated that the shed be painted at least once, and Mr. Mard stated that he would paint the shed before putting it up.

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

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

### **DECISION OF THE COMMISSION**

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

- 1) *That the roof pitch shall match the roof pitch of the principal structure (house).*
- 2) *That cementitious siding may be used if painted.*

*Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 5-0.*

9. Petition of **KHP Properties, LLC, owner**, for property located at **428 Pleasant 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 102 as Lot 55 and lies within the General Residence B and Historic Districts.

## **DECISION OF THE COMMISSION**

*The Commission voted to **postpone** the application to the end of the meeting because there was no one present to speak to the application.*

10. (Work Session/Public Hearing) Petition of **393 New Castle Avenue, LLC, owner**, for property located at **393 New Castle Avenue**, wherein permission was requested to allow new construction to an existing structure (rebuild back addition (Unit 389) with added entry, rear porch, and dormers, raise roof height, at Unit 391 move entry door to rear and add dormer) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 207 as Lot 5 and lies within Single Residence B and Historic Districts.

## **WORK SESSION:**

The architect Ms. Anne Whitney and the owners Mr. Mark Hepp and Ms. Ellen Hepp were present to speak to the petition. Ms. Whitney stated that the plan had been revised and had more detail. She showed the existing and proposed plans and said that she had applied the existing plan's roof detail to the proposed. She also did a simpler version of the dormer, replacing the brackets that had decorative trim with a simpler version. The porch had a simpler square-edge trim. The main difference was the use of a larger barge board. She discussed the porch and dormer having an angle trim, with the clapboards remaining the same, and discussed 4x4s as opposed to 4x6s.

Ms. Ruedig asked Ms. Whitney if she would copy the brackets that were currently on the building, and Ms. Whitney said she would. Ms. Ruedig commented that brackets usually didn't hit clapboard but hit frieze board, and Ms. Whitney stated that they would hit the board behind them because there was no frieze. She could upsize it so the bracket's vertical piece would be seen. Councilor Kennedy cautioned Ms. Whitney to be careful about the back of the house because it was a prevalent view from the water and its historical aspect was important. Ms. Whitney stated that what she designed was somewhat decorative but mentioned that she had two versions. The rest of the detailing was simple and toned down. Mr. Wyckoff asked what Ms. Whitney had for the rails and whether they were just balusters. Ms. Whitney said they were balusters for the 2<sup>nd</sup>-floor porch, basically a sleeve over a 4x4 on the balusters and mahogany railing. Mr. Wyckoff felt that the barge boards were important because that particular corner was a folly in historic times, and attention would be paid to it by replicating it. Wiping out the

folly simply because it was deemed too 'busy' would be a disservice to the structure. Mr. Hepp mentioned an article he read about the structure having been a circus-like roadside attraction.

Ms. Whitney asked the Commission if they wanted to keep the trim with no brackets. Councilor Kennedy stated that the brackets holding the trim out could be seen from the water and looked interesting. Mr. Wyckoff felt that they did not have to be as heavy as drawn. Ms. Whitney said the brackets were lightweight, and she had reduced the overhang a bit due to the larger structure. Mr. Wyckoff stated that the structure almost read as a Victorian train station because the plywood barge boards took into account the building's past usage, which he thought was important. Mr. Gladhill favored the more decorative version, feeling it was important to keep the historic aspect. Mr. Rawling also favored keeping the brackets because they appeared to support the roof overhang. Chairman Almeida concluded that the Commission favored the decorative fascia board with the brackets. Ms. Whitney stated that the eave fascia and the rake fascia would be the decorative ones. Mr. Wyckoff asked what was underneath the gable portion. Ms. Whitney stated that it was plywood but would probably be just boards. It was completely detached so it didn't have to be a tight seal.

There was discussion of tongue and groove boards. Mr. Wyckoff stated that he would like to see some detail rather than just plywood. Mr. Rawling stated that he favored beaded board, and Mr. Wyckoff agreed. They further discussed the new deck and how it would be built. Ms. Whitney stated that she wanted to remove the existing chimney that was installed in the 1970s.

Councilor Kennedy thought the proposed cupola looked like a new one instead of a restored one. Ms. Whitney stated that she had to rebuild the cupola because it was completely rotten. Chairman Almeida was confident that it would be exactly replicated, but Councilor Kennedy was concerned that the cupola would be lost due to the added dormer, and she thought there was too much going on with all the different materials. Ms. Whitney stated that if she was conceding to not going up a full two stories, the structure needed windows on the second floor. Mr. Rawling thought the cupola was important because it would be viewed from great distances on the water.

Mr. Gladhill thought the back of the building looked like the front of the house and was too ornate. The placement of the windows almost made it look like a New Englander. Mr. Wyckoff disagreed and said the dormers would not affect the cupola and it would still stand out. With the barge boards and the brackets, he thought it was a very good project. Ms. Ruedig stated that houses changed and their functions changed as well. The Commission had to allow a certain amount of change and figure out if it was appropriate instead of freezing the house in a time capsule. Even though the back of the house was a bit ornate, she believed the changes were consistent with the storybook building look, with the same decorative brackets and giant windows. She preferred that it be simpler, especially the porch side, but in general wanted to keep the barge board look and preserve the small details. She asked that the windows be continued as 2 over 2 to match the historic precedent.

Chairman Almeida stated that he passed the building quite often, and he thanked Ms. Whitney for the historic photos because he could still see the historic language in the photos and it made sense. Everything that could be pulled forward from the past for the building has been pulled forward. He agreed that the barge boards should remain because it would indicate that the building was retaining its heritage. Councilor Kennedy was not sure about a certain window and

stated that she would accept the dormer even though she didn't care for it, but only if the window in question was simplified. She further discussed the windows on the prominent side facing the bridge going to New Castle and stated that windows were important for light inside the space. Mr. Wyckoff stated that he would support it either way but thought that the awning window (Window E) would lose up to 15% of light because it was very small with no view and suggested that it be removed. Mr. Rawling felt the opposite and thought the window picked up the playfulness of the structure. Ms. Whitney stated that the window would appear from the water to be about 10 feet below the house and would be difficult to see. Ms. Ruedig advised taking out the window. Chairman Almeida thought the window should remain.

Ms. Whitney showed the changes on the cupola and stated that she also wanted to get rid of the entry door and octagonal window. She proposed putting a roof over the new entry door and an additional small dormer to create headroom. Mr. Wyckoff further discussed the barge board, shadow board, and fascia. Ms. Whitney said she could add a shadow board on the dormer roof.

There was no public comment, so they went into the Public Hearing.

### **SPEAKING TO THE PETITION**

The architect Ms. Anne Whitney summarized the application and stated that it was a basic scope. The building in the back would be rebuilt on existing foundation. The decorative fascia and rake detail shown on the original submission would be used, with brackets added beneath it. The rectangular window in contention on the rear gable over the porch would be removed. In addition to rebuilding the back wing, the existing 6'-wide deck would be turned into a 12'-wide deck. The 12' deck would be made into a 10' deck with a 2-story porch. On the rear elevation, the dormer would be repeated to match the other side, but with tighter windows. On the lower elevation, the open porch would be infilled, and the railings would match the porch next to it. The cupola would be taken down and rebuilt. The little building attached to the main structure would have its entry relocated to the back of the building, and the octagonal window would be removed and replaced with 2 over 2s. The roof would be removed in the back of the building's existing bump-out and built higher and extended over the new entry door. A small dormer with two windows would be installed to create head room in the existing loft space. The decorative trim would remain, with brackets added to it, and the window in the end gable would be removed. Mr. Wyckoff asked Ms. Whitney if she would include putting the tongue and groove boards on the soffits and rakes. Ms. Whitney replied that the even rake soffits would have tongue and groove boards.

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

No one rose to speak to the petition, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

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

- 1) That the decorative fascia board detail with brackets in the main roof areas shall*



*be used.*

- 2) *That the upper awning window on the rear porch shall be removed.*
- 3) *That all windows shall be 2/2.*
- 4) *That tongue and groove boards shall be used in the eave brackets.*

*Mr. Gladhill seconded the motion.*

Mr. Wyckoff stated that the integrity of the Historic District, especially that particular part of the District, would be preserved, and the Commission had assessed the historical significance of the building and that it would complement the architecture. It would be compatible with the surrounding buildings that were a part of that special district. Mr. Gladhill stated that it would maintain the special character of the District and promote the education, pleasure and welfare of the District to the City residents and visitors. The applicant had kept in mind the folly aspect of the structure from 100 years ago by incorporating it into the renovations. Ms. Ruedig believed it would be more in terms of decoration and change to the building, but it was in line with the historical aspect, and she hoped the changes would look more cohesive, and not as ornamental, as shown in the plan. Chairman Almeida thanked Ms. Whitney and the applicants for being sensitive to the importance of the structure and for presenting the history of the building to the Commission. He thought it was a wonderful project and looked forward to seeing it complete.

*The motion to **grant** a Certificate of Approval for the application passed unanimously (6-0) with the following stipulations:*

- 1) *That the decorative fascia board detail with brackets in the main roof areas shall be used.*
- 2) *That the upper awning window on the rear porch shall be removed.*
- 3) *That all windows shall be 2/2.*
- 4) *That tongue and groove boards shall be used in the eave brackets.*

11. Petition of **Benedict McGuinn Revocable Trust, owner**, for property located at **17 Gardner Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 14 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

Mr. Jack Kane representing the owners was present to speak to the petition. He stated that presently there were Brosco Boston-style windows of 1985 and 1995 vintage with energy panels on the inside. The winter season had caused so much condensation that the sills had to be replaced. The rest of the frames were in good shape. The exterior casings were okay as well as the interior plaster and trim, so they wanted to replace the windows with energy-efficient replacement sash. They decided that the Jeld-Wen window was the best-suited window because it had solid wood frames and was a double-glazed window with shadow bars between the glass, exterior aluminum muntin bars, and an interior pine muntin bar panel grill. He showed a sample of a clad window to the Commission.

Chairman Almeida pointed to the photograph showing the close-up of the window and stated that it was the ideal that the Commission strove for in windows. Mr. Wyckoff verified that Mr. Kane would get a window that had a wooden exterior. Mr. Kane replied that the frame was wood, and the only part of the window that was aluminum was the muntin bars. He stated that the wood frame and muntin bars would be painted the same color.

Chairman Almeida stated that, while he appreciated the applicant's use of the replacement sash, it looked like it was thicker than the historic window. Mr. Wyckoff reminded him that the windows were Brosco windows and not historic. Chairman Almeida thought they were much thinner, and he wanted to ensure that the applicant would make up for it somewhere. He asked what material the runners would be with the replacement sash. Mr. Kane replied that they would be vinyl and visible only from the side.

Ms. Ruedig asked if there were screens. Mr. Kane said there was only a screen insert and no screens or storm windows. Mr. Rawling asked about color options on the vinyl sash, and Mr. Kane told him white and ivory. Mr. Rawling said that the ivory color was preferable, and Mr. Kane agreed. Ms. Ruedig asked whether the vinyl could be painted, and Mr. Kane said it was possible, but paint did not adhere well to vinyl, and the friction of the window going up and down deteriorated the paint. Chairman Almeida said that current guidelines stated replacement sash only and that casings and jambs could not be removed. He applauded the direction the applicant had taken but said the only flaw was the manufacturer's one, that the runner was only offered in vinyl and not wood.

Councilor Kennedy was concerned about the aluminum because the Commission had asked numerous citizens to replace with wood. Mr. Kane said that the reason the Brosco windows were rotting was because they were made out of Western Pine wood, which were terrible in the elements. The aluminum was good because it could be painted once and would last. Ms. Ruedig stated that she would support it because the windows were historical and the Commission approved clad windows all the time, and having some wood on the outside was also a good thing. Chairman Almeida stated that every case was unique, and the structure stood out as very special. Its placement on the street called for a high level of attention, and the applicant was almost there with the idea of replacement sash, but Chairman Almeida had an issue with the cladding. Mr. Gladhill thought the existing window, while not energy-efficient, had a design and look that fit the house, and modern material would erase that look.

Mr. Kane mentioned that he had driven around the South End and looked at the windows on houses like the Tobias Lear House, and the muntin bars were wider than that particular window, so he decided on the 7/8 muntin bars. Mr. Wyckoff said the width of older windows that were over 200 years old was due to the fact that they had been re-puttied several times, so they just looked wide. He asked Mr. Kane if the muntins would be painted in the field and was told that they would be hand-painted so they would look original. Mr. Wyckoff didn't think it was necessary to postpone the applicant another week because the Commission had approved Andersen replacement windows in locations like Gates Street. He felt the windows were within 5% of the original size of the glass and as close as they could get in today's world. Mr. Rawling suggested using narrower muntin bars, but Mr. Kane said the only other muntin bar was 5/8 and it would look like a French metal window.

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

No one rose to speak to the application, so Chairman Almeida closed the public hearing.

## **DECISION OF THE COMMISSION**

*Councilor Kennedy moved to **postpone** the application to the August 13, 2014 meeting so that the applicant could consider wood and could consider the vinyl situation. Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 6-0.*

12. Petition of **Arthur L. and Deborah C. McManus, owners**, for property located at **115 South Street**, wherein permission was requested to allow new construction to an existing structure (construct first floor addition with deck and pergola) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 110 as Lot 10 and lies within General Residence B and Historic Districts.

## **DECISION OF THE COMMISSION**

*At the applicant's request, Mr. Wyckoff moved to **postpone** the application to the August 13, 2014 meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

13. Petition of **Harbor Place Group, LLC, owner**, for property located at **1 Harbor Place**, wherein permission was requested to allow exterior renovations to an existing structure (changes to the front doors) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 2 and lies within the CD5, Historic, and Downtown Overlay Districts.

## **SPEAKING TO THE PETITION**

Attorney Bernie Pelech on behalf of Harbor Place was present to speak to the application. He stated that they were proposing to replace the existing entryway, which was a metal, glitzy system with a revolving door in the center and two entry doors on either side leading from the alcove into the lobby. They wanted to replace it with two wooden forest-green double doors that would match the trim on the exterior. Additionally, the doors were more environmentally friendly and efficient. A revolving door was not in character or in keeping with the period of the building, while the proposed double doors were more consistent with the special and defining characteristics of the surrounding properties and more in keeping with the historic and architectural aspects of the District.

Mr. Rawling stated that he thought the design of the doors was fine, but he was concerned that the doors could not be seen from the masonry arches. Someone would have to go around the corner behind the piers to find the front door of the building, which he felt was a transgression in the language of the building to not be able to see the doors when approaching. Attorney Pelech replied that the photos of the existing showed the two doors on either side of the revolving door because he had difficulty in getting a photo of the revolving door. He ensured Mr. Rawling that

the proposed center doors would be visible when someone approached the entryway from the left. Mr. Rawling argued that the difficulty in photographing the revolving door illustrated what he meant, namely that one could not find the entrance to the building.

Councilor Kennedy asked where the disability access would be. Attorney Pelech replied that there was a concealed panic door. Councilor Kennedy asked where the button itself would be on the structure, and Attorney Pelech said he didn't know but could provide it. Mr. Cracknell stated that it was a building code requirement, so it would fall into an exemption. Councilor Kennedy was concerned that the button would stick out, but Attorney Pelech said that it would be in the alcove. Chairman Almeida suggested stipulating it.

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

No one rose to speak to the application, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

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

- 1) That the ADA door access switch shall be located within the vestibule area.*

*Councilor Kennedy seconded the motion.*

Mr. Wyckoff stated that the application was compatible with the design of the surrounding properties and compatible with innovate technology. It related to the historic and architectural value of existing structures by having a quality door placed into an opening 9-10 feet back from the front of the building. Mr. Rawling stated that it was unprecedented to put a front door that walked into a pier. Mr. Gladhill agreed with Mr. Rawling that it was unusual but thought that as people approached the building, they would get the feeling of the arches, so it was appropriate.

*The motion to **grant** the Certificate of Approval for the application as submitted with the following stipulation **passed** 5-1 in favor, with Mr. Rawling opposed:*

- 1) That the ADA door access switch shall be located within the vestibule area.*

14. Petition of **Michele Duval and Jo-Ann Lepore, owners**, for property located at **112 Mechanic Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 25 and lies within the General Residence B and Historic Districts.

### **SPEAKING TO THE PETITION**

The owner Ms. Jo-Ann Lepore was present to speak to the application. She stated that she wanted to replace the front window and side window exactly with the identical model, manufacturer, and so on.

Ms. Ruedig stated that she noticed a full screen on the side of the little double hung windows and said that the Commission normally preferred and stipulated a half-screen window. Chairman Almeida confirmed that the window to the right with the storm window over it would be removed, and he asked if it was an all-wood window. Ms. Lepore replied that it was and said that when they bought the house, the screen window was broken, so it was just temporary. Chairman Almeida asked if only the bay window was being replaced. Ms. Lepore stated that the bay window and the one to the side of it were being replaced. Ms. Ruedig inferred that the window on the side would turn into a triple window. Ms. Lepore said that it would stay exactly the same and nothing would be different. Ms. Ruedig verified that the triple unit window shown was to illustrate what type of window would be installed but that it would match the existing, and Ms. Lepore agreed. Chairman Almeida also verified that the material for the existing window and new window was all wood.

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

No one rose to speak to the application, so Chairman Almeida closed the public hearing.

### **DECISION OF THE COMMISSION**

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

- 1) that all wood windows shall be used.*
- 2) that half screens shall be used.*

*Mr. Wyckoff seconded the motion.*

Councilor Kennedy stated that the application met the criteria of compatibility of design with surrounding properties, and the stained wood would meet the criteria of relation to historic and architectural value of existing structures.

*The motion **passed** unanimously with all in favor, 6-0.*

9. Petition of **KHP Properties, LLC, owner**, for property located at **428 Pleasant 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 102 as Lot 55 and lies within the General Residence B and Historic Districts.

*(This was previously postponed from earlier in the meeting).*

### **SPEAKING TO THE PETITION**

Mr. Brandon McNamara on behalf of KHP Properties was present to speak to the petition. Mr. McNamara told the Commission that the structure of the house was in worse condition than it appeared because the fire had scorched everything. Beyond the fire, which went through most of the four walls, the surface was blanched and behind it was found a lot of dry rot. For that reason, they had to replace the roof structure and the 3<sup>rd</sup> floor wall structure. In addition, the eastern chimney appeared fine from the outside but had eroded just below the roof line. Mr. McNamara stated that everything had been reviewed with the Code Enforcement Department, and the end result had the following seven aspects:

- 1) The west wall substructure was rotted out and had to go to a non-combustible scheme.
- 2) The basement wall's windows were boarded up. The openings would have been used for utility placements, but they weren't wide enough to accommodate them, so they were bricked up.
- 3) The east wall had the same situation as above.
- 4) The rear balconies needed 42" rails.
- 5) The eastern chimney was barely standing up, so it was demolished and has to be rebuilt.
- 6) The front door surround was not appropriate to the house to begin with, so they had an alternative front door.
- 7) Regarding the fence on the eastern boundary: due to parking for the Housing Authority running through, they asked if a fence could be put up. The fence in the proposal was vertical with a small opening, but the Housing Authority felt a solid fence would be better.

Councilor Kennedy stated that she was confused as to why Mr. McNamara was coming to the Commission after the fact, with the exception of the fence. The property was of concern to some neighbors, and the Commission had a process which they asked people to abide by. Mr. McNamara replied that they had consulted the Building Department about their issues and there had been little else that they could do. Mr. Gladhill told Mr. McNamara that the actions still required the HDC's approval first. Regarding the utilities issue, there was a huge conduit going up the side of the historic building that most likely would not be approved and should have been addressed before it was put up. Mr. McNamara stated that it was in the same location as previously and was upgraded to meet the standards.

Mr. Wyckoff stated that he had done a lot of renovations and felt that the building probably ran off 60 amps, which meant that the wire was very small and there were 400 amps going into the building that had to come down with a conduit, and the meters could not be below the mud sill. He reminded the Commission that it was 2014, and buildings needed more amps. With the exception of the front door surround, which the Commission had agreed that Mr. Nylander would participate in, Mr. Wyckoff felt that the changes were benign. The chimney was rebuilt with real bricks through the roof, which he thought was amazing and should be applauded.

Chairman Almeida asked if there should be a stipulation about the conduit being plum colored. Mr. Rawling mentioned the 42" railings, saying he knew it was a code issue and they had to be that height, but it was significantly different in appearance from the 36" height that he found detrimental. He felt that 42" railings were distracting to the design characteristics of the District.

He also preferred the hedgerow growing into the chain link fence instead of the wooden fence. Mr. McNamara agreed but said the wooden fence was due to issues that were raised.

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

Ms. Clare Kittredge of 27 Franklin Street stated that she was an abutter and felt that retroactive approval for a bunch of changes from a developer was not appropriate. She stated that the brick on the chimney was supposed to face inward, and she likened the chimney to a McDonald's chimney due to the brickwork. She stated that she had continuously stressed that the project was an expansion of a non-conforming use, which the HDC should not have approved in the first place. It was too big for the neighborhood. She felt that Franklin Street looked like a parking lot because mature trees were leveled and no longer obscured the overhead electric wires. She asked the Commission to ensure that the new barrier between the properties would be as tall and green as possible to help blot out stray light and keep the electrical wires from being prevalent.

Mr. Steven Lee stated that he had been a mason in Portsmouth for 40 years and worked on historic buildings. He was concerned about the HDC's attitude as to the masonry aspect of historic buildings because he had just heard one Commissioner say that it was amazing the developer didn't just tear down the chimneys and replace them with plywood. He referred to the soft exterior chimney brick above the roofline and was surprised that the architect not only allowed the builder to use such material on exterior application but that the esthetic consideration was disregarded. He felt that it didn't look colonial and that it was inferior work and would degrade. He asked the Commission to set guidelines for masonry construction in the District and also include mortar standards because it was important to preserve that aspect.

Mr. Ted Jankowski of 27 Franklin Street stated that he had watched the project from beginning to end, and he felt it was a case study of how land use had failed in Portsmouth. He had gone through the building with a contractor and felt that it was an expansion of a non-conforming use. He stated that the BOA would have not approved the project because of the number of variances, and that the assessment records should not have been relied on. The structure should have been recognized as a 2-story building. The real tragedy was that the City had lost an 1804 Federal historic treasure with innumerable details that could have been a wonderful restoration. The HDC had approved a restoration, not a demolition, yet the developer took down the third floor, the roof, and most of the first floor without permission. He asked how this could have happened, and he urged the HDC to take more of a leadership role in the future. He was also concerned about the chimney because it looked like a checkerboard, and he felt that it would set an enormous precedent if it were approved.

Mr. McNamara stated that they took best efforts to salvage the bricks from the chimney's exterior. The fire damaged and blackened some of the bricks, so bricks were taken from the rear foundation to accommodate the situation. The intent had been for it to look like an old chimney using existing bricks.

Ms. Ruedig questioned the hedge and said she did not understand the security issue. Mr. McNamara stated that the Housing Authority didn't want the chain link fence. Ms. Ruedig asked if there would be a different form of landscaping, and Mr. McNamara said it would not be a hedgerow but probably just a garden.

Councilor Kennedy asked Mr. Cracknell about what the City's comments were about some of the issues raised. She stated that the Commission had asked for 36" fences before, so that was not an issue, but she agreed that the chimney looked like a checkerboard and didn't fit in. Since Mr. McNamara had stated that he had come forward with issues, she wanted to hear what the communication had been. Mr. Cracknell stated that the Planning Department went through the seven items. The Hardiplank used on the west wall (Item 1) was related to the building code requirements for fire separation. The Inspection Department required Hardiplank due to the condition of the timber frame wall and it was confirmed. The issue of the east basement wall with the blocked-up former openings (Item 2) had been worked out with the utility company, and the applicant decided to brick in the openings. The electrical panel issue (Item 3) was a typical one and had been worked out with the utility company as well. Item 4, the 42" rails, had met the Inspection Department's building code. Councilor Kennedy insisted that in the future, the Inspection Department should convey to the HDC all suggested options.

Mr. Cracknell continued with Item 5, the chimney alterations, and stated that they had been handled by the Building Department. He felt that in the future, the Building Department should communicate with the HDC for the alterations for the chimney and the third floor. The front door surround (Item 6) was consistent with the original application, and the applicant had worked with Mr. Nylander. Mr. Cracknell did not think that the HDC would perpetuate a chain link fence (Item 7). He had rejected the idea and had an onsite meeting, where he suggested removing the chain link fence and replacing it with a wood fence. In respect to some of the comments made, there were dimensional drawings, so it was a surprise to some of the Commissioners that the 3<sup>rd</sup> floor windows were larger and taller, but it wasn't clear that the approved windows were taller than installed. However, they were installed as approved. Mr. Cracknell reiterated that, in the future, the Inspection Department should submit written notice to the HDC stating why things were changing and when. Councilor Kennedy stated that the HDC should have approved the bricks going back in. Mr. Cracknell said the HDC approval included a presentation from the applicant, and they knew that the structural damage on the chimney was worse than first thought and that the bricks would be removed and replaced with existing bricks. He felt it was not fair to say that what was done was not discussed with the HDC.

Mr. Wyckoff stated that he respected Mr. Lee because he knew that most architects listen to their contractors because the contractor knows more about building practices. What Mr. Lee stated was now a matter of public record. The HDC had known that bricks on site would be used, and if the contractor used the wrong brick on the chimney, he had made a grievous error.

Ms. Ruedig stated that she was glad that Mr. Lee and Mr. Jankowski had come forward with their comments because she had a lot of experience with restoration masonry and approving bricks for patchwork and felt that it was unfortunate that the interior bricks were used on the exterior. It not only looked bad, but the interior bricks would crumble eventually because they were very soft. She felt that, even though the Commission approved the removal and replacement of bricks using on-site bricks, it hadn't meant replacing all the bricks. She stated that she could not approve rebuilding the chimney with replacement bricks. Mr. McNamara stated that it was not a flue brick on the outside of the chimney but face brick, and the blackening was from the fire. Mr. Wyckoff reiterated that the bricks were the proper bricks.



Chairman Almeida stated that Mr. Lee shed a light on issues that the Commission was aware of and that they needed in their design guidelines that addressed masonry, replacement, and so on, so he was sympathetic to the issue. He agreed that the chimney had a few darker bricks in it, but he did not agree about the overlaying and the more stringent requirement on an applicant when it had not been standard practice previously. Mr. Lee noted that the color of the chimneys in the District were uniform. Chairman Almeida stated that there was amazing variation in the downtown brick, and it was a means and methods standard and outside of the HDC's authority.

No one else rose to speak, so Chairman Almeida closed the public hearing.

## **DECISION OF THE COMMISSION**

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

- 1) That a 6" V joint solid tongue and groove cedar fence shall be used along the property line with the Portsmouth Housing Authority.*
- 2) That the utility conduit on the east elevation shall be plumb and painted to match the house.*
- 3) That the wooden railing shall be 36" with an alternate accommodation for the 42" requirement by using a 2" copper pipe.*

*Mr. Rawling seconded the motion.*

Mr. Wyckoff stated that it had been well discussed whether or not they were looking at work quality or the contractor's decisions. The changes had been dictated by problems found with the structure, so he felt that an assessment of the historical significance of the building had been made, and all the changes had been attempted to continue the historic character of the building and the District. The more accurate door surround was an improvement.

Councilor Kennedy stated that she would not support it because the chimney was demolished and was supposed to have been replaced. The checkerboard chimney was not appropriate. She appreciated that the applicant came before the Board for approval for Item 7 before it was completed. She felt that the railings were higher than they should be.

Ms. Ruedig stated that she was in full support of everything but the chimney because the chimney was a full reconstruction rather than a piecemeal replacement of bricks on site that should have come before the Commission. Chairman Almeida stated that they were discussing the look of the chimney's outside checkerboard surface, and there was the ability to stain or treat brick. He felt that if it was so offensive to some people, the colors of the brick could be toned down and painted. Mr. Cracknell added that the Inspection Department had no concerns about the structural integrity of the chimney.

Mr. Wyckoff mentioned the series of photos taken of Ceres Street that were presented at a previous meeting and noted that each building's patchings, window and door removals and brick colors on that street were varied so that it was a patchwork of bricks. The Commission had

agreed that it was what the real Portsmouth was, and to be concerned about different colors on the project's bricks didn't make sense.

Chairman Almeida stated that, out of all the items, he would not have noticed the Hardiplank because it was a wonderful substitution in a location with minimal impact. The door surround with the fan light pushed back gave it a true look. The upper windows and the width of the lights identical to the ones below was not an issue. He supported the solid wooden fence because it provided a shroud for ground-level items. The rails on the back were not a sticking point, but the proposed change was an improvement. He was comfortable with the appearance of the chimney. He thought the application was a vast improvement and would approve it.

Mr. Gladhill asked about the rail design, and Mr. Rawling thought it would be a rail meeting the 42" height. Mr. McNamara suggested 2" copper to be code compliant.

*The motion to **grant** a Certificate of Approval for the amendments as presented **passed** with 4 in favor and 2 opposed (Councilor Kennedy and Ms. Ruedig opposed) with the following stipulations:*

- 1) That a 6" V joint solid tongue and groove cedar fence shall be used along the property line with the Portsmouth Housing Authority.*
- 2) That the utility conduit on the east elevation shall be plumb and painted to match the house.*
- 3) That the wooden railing shall be 36" with an alternate accommodation for the 42" requirement by using a 2" copper pipe.*

## **VI. ADJOURNMENT**

*At 10:20 p.m., it was moved, seconded, and **passed** unanimously to **adjourn** the meeting.*

Respectfully submitted,

Joann Breault  
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on Sept. 3, 2014.