

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

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**6:30 p.m.**

**October 8, 2014  
reconvened from October 1, 2014**

**MEMBERS PRESENT:** Chairman Joseph Almeida; Members John Wyckoff, Dan Rawling; City Council Representative Esther Kennedy; Alternates Regan Ruedig and Vincent Lombardi

**MEMBERS EXCUSED:** Vice Chairman Tracy Kozak; George Melchior; Planning Board Representative William Gladhill

**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.*

Chairman Almeida read into the record Work Sessions A, B, and D that requested postponement.

*Mr. Wyckoff moved to **postpone** the petitions until the November meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

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

1. Petition of **Wright Avenue, LLC, owner**, for property located at **67-77 State Street**, wherein permission was requested to allow amendments to a previously approved design (minor revisions to base height and grade, window and door changes) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 18 and lies within the CD5 and Historic Districts. *(This application was postponed at the October 1, 2014 meeting to the October 8, 2014 meeting.)*

**SPEAKING TO THE PETITION**

Ms. Jennifer Ramsey of Somma Studios on behalf of the applicant was present to speak to the petition. She stated that she had some minor amendments, some as a result of the new parking lot and others as a result of minor window revisions. She noted that the original grade that had been flat was now sloped toward the new parking lot, and the windows were stretched by a foot to maintain the aesthetic look of the building. There was also a slight height increase of the parapet wall on the top floor, which also had a 2" tubular guardrail that capped the parapet wall. A window was added in the center of the structure, requested by the condo owner. Flanking that

window were two dormers with double hung windows, one of which was changed out to a door. As a result of the grading and parking lot, the door on the right side that had been concealed by the pedestrian gateway now opened to a slightly recessed concrete slab and exit steps.

Mr. Rawling asked if it was possible that the two dormers could all become doors. Ms. Ramsey said it was a possibility, but in the shoulder seasons a door would have to be opened to get ventilation. Mr. Wyckoff asked if the added door was a fire exit. Ms. Ramsey replied that it was a solid door that would go into a storage room for bikes and would be painted the same color as the window trim, with a granite lintel. Councilor Kennedy asked if the bottom door was the added metal door and was told that it was. She asked where the plans were. Ms. Ramsey replied that she didn't have them but would bring them at the next meeting. Chairman Almeida asked if it matched the specifications totally and was told that it did. Mr. Wyckoff noted that they could make it a stipulation.

Ms. Ramsey noted that the elevation was concealed by the Connie Bean lot. Major changes were the pattern of windows that were spread out instead of being close together. Two windows were added before the tower bump-out. The overhead garage door in the back alley space was eliminated. A shadow box window was replaced by a door, like the previously-approved door on the Chapel Street side. Windows were added on the right side of the building. A portion of the building was set back 40 feet, so the added windows added natural light to the interior. Councilor Kennedy asked if the rails were going to be added. Ms. Ramsey replied that there was a tubular steel rail at the top of the parapet wall to get more height. Councilor Kennedy told her that she meant the one on the side. Ms. Ramsey said the balconies were there and would not be changed, and no one would see the rail due to the tight space.

Ms. Ramsey stated that the shadow box detail would be eliminated, concealed by a fence. There would be more wall space. Another shadow box had been revised from a door to a window. The repetition of windows and doors along the penthouse had been changed; where previously there were two sets of windows and a sash, there would be two full windows, two upper sashes, and two full and two upper. On the right, a French door would be added above the conservatory in a previously-approved window opening. Ms. Ramsey said she would return the following month with a plan showing a single door in keeping with other French doors in the building. She would also return with a specification for a metal door.

Councilor Kennedy stated that the Commission's intent was to ensure that all applicants were treated equally, and they asked homeowners to come back with appropriate materials. Ms. Ramsey asked if she could remove those two items from the application for approval.

Chairman Almeida stated that it was an option, but they had a heavy agenda in November. If the Commission understood what they were approving and it was just a matter of documentation, he thought it would be fine. Mr. Wyckoff said he found the French door confusing and thought Ms. Ramsey should have the specifications. He asked the locations of the other French doors. Ms. Ramsey replied that there was one on the third floor near the tower and two doors in the arched segment. Chairman Almeida asked if they could allow a different style of door. Mr. Wyckoff felt that if the single door and the metal door were already approved, a stipulation could be that the French door be the same as the ones approved. Ms. Ruedig noted that the Commission had

already received the details and approved them, so she had no problem with it. Chairman Almeida said the stipulation would cover all concerns. Councilor Kennedy stated that she was sticking to her point that everyone should be treated equally, and she felt that the application was not complete.

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

Mr. Rick Becksted of 1395 Islington Street asked about the garage door that was being removed and what its purpose was. He couldn't see anything on the replacement of any size that would fill that need of the building. He also said he appreciated that the applicant was seeking approval for the windows and assumed that they aluminum clad, and so on. He suggested that the date be included on the revisions coming through and that a copy be kept of what the revision was so that the Board could easily see what the approvals were so that no mistakes were made.

Chairman Almeida asked Ms. Ramsey about the removal of the garage door. Ms. Ramsey stated that it was originally a secondary garage door at the back of the lot for mechanicals and transformers, but since then they had discovered there would be no mechanicals, so there was no need for a garage. Mr. Wyckoff asked what the alley was constructed of. Ms. Ramsey said it was a narrow area made up of a concrete walkway for residents to get in and out, with a bit of green space, and a fence blocked it from public use.

Mr. Becksted thought then that if the garage wasn't needed, there would be a large blank space and suggested that instead of a door open for bikes and so on, a smaller door be installed that residents could use and that would also be open to the public. Ms. Ruedig noted that the wall was only a few feet away from the adjacent building. Ms. Ramsey replied that it was 7 feet away. They would install a nice private area, not open to the public, concealed by a gate and then a door into the garage proper. Ms. Ruedig said she had no problem with it because it would not be seen.

Mr. Cracknell asked how the fence lined up with the storefront window on the abutting building. He noted that there was a full plate glass window wrapping the corner that might conflict where the door and fence line were and wanted to ensure that the storefront on the building that could not be seen was respected. If it had to move a few feet into the alley, he hoped that the Commission would support it.

Mr. Rawling stated that he wanted to see a better design resolution for the window/door pattern and felt that there were numerous ways of resolving it instead of having a door/window next to each other that didn't relate. Ms. Ramsey replied that her argument for it was ventilation. Mr. Rawling insisted that it was still a relationship and looked awkward. Ms. Ramsey said they would be handled as if they were two openings and would be trimmed out, and so on. Mr. Rawling said he would not support it as a design solution.

Councilor Kennedy noted that it looked like something was missing on the bottom of the windows and door and that people coming over the bridge would see it. Mr. Rawling thought that the door could be centered with two windows on each side of it. Ms. Ramsey said they were not wide dormers. Mr. Rawling suggested doing cottage windows that related to one another.

Ms. Ruedig asked if it were possible to put a smaller window so that the muntins lined up. She thought the window underneath looked smaller. Ms. Ramsey replied that the opening side had not been changed. The windows and door were 3 feet wide, and the thickness of the sash was the variation. It was the same condition as on the penthouse. Mr. Wyckoff suggested a stipulation that the door/window combination have matching muntins. Ms. Ramsey said it could have more muntins because there was more glass in the door opening. They could also remove the grills in the French door. Chairman Almeida asked how far back they were from the face of the building and was told that they were 20 feet back. Chairman Almeida thought they were set back significantly and did not read like the drawing in reality. Mr. Rawling suggested that it be withdrawn from the application and an alternative design solution proposed for the next meeting.

Mr. Becksted noted Mr. Rawling's point and said there were already doors that went to the balcony, so the applicant was creating an entrance into a different room and not just ventilation. He asked what the difference was between an open door and an open window for ventilation. He thought it was odd-looking and would be noticeable.

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

## **DECISION OF THE COMMISSION**

*Mr. Rawling made a motion to approve the drawings as presented with the exception of the dormer alteration as shown on Sheet 2, where the door/window/window/door configuration was shown. Ms. Ruedig seconded the motion.*

Mr. Wyckoff reminded the Commission that a year before, a plan was presented showing angles from the street and saying that as sections of the building went up higher, they were not viewed in the same context. He thought the application was a perfect representation of that, and no one coming over the Memorial Bridge would be able to see that the muntins were not lined up; if they strained to do so, they would get into an accident. He believed the Commission was being picky. If they could have a stipulation on another motion that would ask them to align the muntins, he would be more satisfied. Therefore, he could not support Mr. Rawling's motion.

Mr. Rawling said that his concern was that it would be viewed head on as one crossed the bridge. It could not be centered more specifically on the axis of the bridge, so they did not have the loss of visibility that they normally would. He didn't think the Commission would approve it anywhere else because it was not a unified design.

Councilor Kennedy agreed that the door and windows didn't look right but said she would not approve it anyway because it was not a complete application. However, she thanked the architect thank for coming back ahead of time and making a plea for the case and thought it said a lot about the architect and her company's integrity.

Ms. Ruedig stated that she had seconded the motion but agreed with Mr. Rawling and would be happy to support a stipulation about the muntins matching up with the door. In the past, the Commission had given approval for things already approved because they had seen the

specifications, so she had no problem with that. She approved all the other plans as being in line with the design.

Mr. Cracknell reviewed the stipulations that he heard from the discussion: the proposed solid metal door will be painted a light gray color to match the previously-approved one. The French door over the conservatory will be a single door to match previously-approved. He also suggested that, prior to signoff from the local code official, the plan should be revised to reflect the stipulations.

Mr. Rawling stated that he accepted the stipulations. Mr. Wyckoff asked if it revert back to what was previously approved, in light of Mr. Rawling's motion. Mr. Cracknell thought it would and believed that everything would be approved except the dormer.

*The motion to accept the drawings as presented with the following stipulations **passed** with 5 in favor and 1 opposed. (Councilor Kennedy)*

- 1) *That the proposed solid metal door as presented shall be painted a slate gray color to match the previously approved door.*
- 2) *That the French door over the conservatory shall be a single door as the previously door.*
- 3) *That the upper floor dormer window/door muntins shall be removed from the application and resubmitted.*
- 4) *That prior to the final sign off from the local code official, the plans shall be revised to reflect these stipulations.*

## II. WORK SESSIONS (ON-GOING)

A. Work Session requested by **Mark A. and Deborah Chag, owners**, for property located at **404 Middle Street**, wherein permission is requested to allow exterior renovations to an existing structure (upgrade foundations, exterior modifications and additions) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 136 as Lot 21 and lies within Mixed Residential Office and Historic Districts. *(This applicant has asked to postpone the application to the November 5, 2014 meeting.)*

*At the beginning of the meeting, Mr. Wyckoff moved to **postpone** the work session until the November meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

B. Work Session requested by **Dale W. and Sharyn W. Smith, owners**, and **Green and Company, applicant**, for property located at **275 Islington Street**, wherein permission is requested to allow demolition of existing structures (demolish existing buildings, construct two multi-family structures) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 144 as Lot 3 and lies within Central Business B and Historic Districts. *(This*

*item was continued at the September 13, 2014 meeting to the October 8, 2014 meeting. This applicant has asked to postpone to the November 5, 2014 meeting.)*

*At the beginning of the meeting, Mr. Wyckoff moved to **postpone** the work session until the November meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

C. Work Session requested by **7 Islington Street, LLC, owner**, for property located at **40 Bridge Street**, wherein permission was requested to allow demolition of an existing structure (demolish building) and allow a new free standing structure (construct three story mixed use building with below grade parking) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 52 and lies within the CD4, Historic, and Downtown Overlay Districts. *(This item was postponed at the September 13, 2014 meeting to the October 1, 2014 meeting.)*

Mr. Steve McHenry and Mr. Brandon Holben of McHenry Architecture were present to speak to the application. Mr. McHenry stated that it was their third work session and they had attempted to clearly align their work with the Commission's 4-step process guideline. He said that a few more viewpoints were added to the package. The package included a general project description and a summary of zoning constraints. He wanted to make further progress on the massing conclusion before completing the zoning sheet. Mr. McHenry noted that Step 1 was comprised of the surrounding neighborhood context, and Step 2 was the massing study. There were six different massing options. They had attempted to lower the massing of the building visually and combine elements from two options and combine them, which would become Option 8. So, Step 2 was a progression of their steps. Step 3 was the façade treatment study and included architectural components and elements that gave a style to the proposed option but was not one type of architecture style. Mr. McHenry emphasized that they were not at the point of detail from the architectural styles. The package also included photos of the site's context and of the defining features of the neighborhood, the site plan showing the 2-story wood frame building that would be removed, the radius around the site of the building showing the 12 major buildings surrounding the project, and various options proposed in the first work session. Page 8 in particular showed important views of the project in context using the City's 3D massing model. Pages 9 through 11 showed views from the intersection of Maplewood Avenue and Congress Street looking across the parking lot, the Buckminster House and extension of Islington Street, a view of the building and its context from different vantage points, and a straight-on view of the elevation. Mr. McHenry stated the Mr. Holben would describe the attempts they had made to lessen the impact visually and architecturally.

Mr. Holben stated that they did a broader mass that came out to the street edge, and the broader face responded more closely to the gable pattern of Bridge Street and was set back to the third story. They had also stepped the roof material down, coming down Bridge Street. They added more details to the dormers and had larger elements that brought in daylight and had river views. He showed the retail store fronts and the residential entry and the view looking down Bridge Street aligned with the Buckminster House. The 2-story massing came out to the street base and



then stepped down. He showed the low-level garage plan and the ground-level plan and also had images from Tanner Street as well as backyard and side yard views.

Mr. Wyckoff asked whether the storefronts would drop down and follow the street. Mr. Holben replied that there was a 2' change from the upper end, so the first three bays were higher by 2' and dropped to the residential entry, and then the rest of the building dropped down.

Mr. Wyckoff asked if the roof dropped down as well, and Mr. Holben said that it did, above the residential entry.

Councilor Kennedy confirmed that the property had been sold and asked if it was the same applicant and if not, whether it should be noted in the application. Mr. McHenry replied that the same party bought it at the auction, so he assumed it was the same company name. Councilor Kennedy wondered whether they could take about it if it was a different applicant. Mr. Rawling asked if the approved plans were sold along with the property, and Mr. Cracknell thought it was possible. However, he couldn't answer the question of whether the application was correct in terms of the applicant's name. Mr. McHenry said the owner had not informed him about changing the entity.

Mr. Wyckoff asked if there was approval from the past relating to the amount of parking spaces and if it currently matched the Zoning Ordinance. Mr. Cracknell said it was an open question. The site plan showed ample parking in the building in the lower story to meet any obligations for off-site agreements that may or may not still be valid. Councilor Kennedy asked if the Planning Board had approved the parking situation, and Mr. Cracknell said it had not been though the Planning Board. He stated that the parking had been shown to meet the zoning and potential obligations that may or may not be still valid. The building next door was sort of an outlier and not a good outcome, but he didn't think the Planning Board would have difference of opinion on the parking. Mr. Wyckoff asked if the Tanner Street entrance was approved, and Mr. Cracknell told him that it still have to go through the Planning Board and the site plan review.

Chairman Almeida advised them to get back to the application because the topic was not in their purview at that point. He wanted the Commission to focus on the architecture to ensure that it was the highest quality for everyone's benefit. Mr. McHenry told him that was the reason they clearly made it Step 2 and had added elements beyond the massing.

Mr. Rawling brought up the rhythm and setback alignment and thought the scheme referenced it better than previously. He felt that the patterns and characteristics of the block were reflected and the storefront systems worked well. The fenestration pattern echoed patterns and rhythms of the surrounding elements, and the stepping back of the upper stories was a good thing. He stated that the project was moving in a good direction, with scaling elements all around.

Ms. Ruedig agreed with Mr. Rawling that the project was moving in the right direction. The buildings around it in that context were very simple forms, and she suggested that they keep the form of the 3D rendering simple but appreciate that it was a contemporary building. She still thought the overall mass was too big and overwhelmed the surrounding buildings within that block. The second-story balcony worked well, reaching across to the Buckminster House, and she wanted to see more of it on the other side as well. She suggested that the 'chunk' be

removed from the top of the building to ease the transition. In general, she felt that the rhythm of the window openings was going in the right direction as far as the neighborhood context.

Mr. Lombardi agreed that the project was going in the right direction but thought that the massing and scale were still very large for the immediate neighborhood. He said that he was always interested in the back of a building, so he was concerned about all the sides of the building being as well finished as the front. The houses immediately surrounding the building were very small, and he encouraged the applicant to reduce the building as it went down the hill. The perspective from the back dwarfed the back houses. Mr. Holben noted that it was all roofing material and not a lot of site material, and he thought the massing from Islington Street fit in really well.

Councilor Kennedy felt that the massing was too big, as shown on Page 8. There were little houses all around it. She felt that the Buckminster House was a proud building and should be celebrated as such. She thought the project was a story too big and compared it to another building on Islington Street. She suggested breaking up the building. Mr. Wyckoff reminded everyone that certain buildings they were referencing were other people's homes and had to get to the point of not being so critical of them. He pointed out that the 2-story storefront illusion was successful and wished the massing and the continuation of that unit were also stepped back so there was not a solid wall facing the back of the Buckminster House. He thought it would be better if it were more of a gradual lift up to the 4<sup>th</sup> story window dormers and also on the end of the building. He said he could see the same cutback on the 3<sup>rd</sup> and 4<sup>th</sup> floors to alleviate the looming factor that the building created. He asked what the tower things were. Mr. Holben said they had pushed out the door a bit and there was a deck concealed by the panel. Mr. Wyckoff asked if it would go up beyond the 4<sup>th</sup> floor. Mr. Holben said that it wouldn't and that it was probably a light well to the space inside, which could be lofted units.

Chairman Almeida stated that he shared some of the comments. He pointed out Page 11 and agreed that the attempt made to respect the eave lines of the Buckminster House and lower the mass was an improvement. The windows above the left storefronts appeared to be projecting out. He liked the way the corner of the building was chamfered adjacent to the Buckminster House but felt that it was still too close. He referenced Page 12 and stated that, beyond the 3<sup>rd</sup> floor piece, it seemed to be a very small extrusion of the mass crowding the Buckminster House and advised them to get back as far as they could by making the chamfer come all the way down and give a gradual view into the courtyard behind it. Regarding the elevation, he thought the storefront could be lowered more as one approached the structure on the other side. He found the tower elements interesting but not quite ready, saying that the Buckminster House's cupola was amazing. The features of the towers should be seen as more contemporary ones. Mr. McHenry discussed the defining features that they based their decisions on and thought that the elevation elements on the building were familiar and straightforward as well as character-defining. Chairman Almeida said that he could see the relationship to the cupola, but if they dominated the cupola, it was not good. He agreed that the back side of the building needed to catch up to the front and seemed to loom over the small houses. He liked the awnings and storefronts on Bridge Street but advised the applicant to remember that the building could be taller but should not loom over the small houses in a threatening way.



Mr. Wyckoff asked how many light wells there were and was told that there were four. Chairman Almeida agreed with Mr. Wyckoff that the mass behind the 45-degree corner beyond the storefront section should be taken out in respect to the Buckminster House because it was very close. Mr. Rawling thought the applicant was already breaking up the scale but could do it a bit more. The upper floor elevations seemed to unit with the lower floors but needed more color gradation because the colors looked the same. Ms. Ruedig thought the building's height seemed too tall and stated that, when putting infill between two existing buildings, one did not go more than a story higher. Technically they had a 3-1/2-story building, but she felt that the top half-story should be a true half-story.

Mr. McHenry commented that they were taking a lot of good information from both sides of the issue and needed to do a lot of modulation work. Part of the context was that the entire front elevation of the building looked out upon an open block, so it had a different impact on its neighbors. He realized that the front elevation on Bridge Street and the two gabled ends needed work, both in massing and height perception.

**Chairman Almeida opened up the Public Comment session.**

Mr. Bill Brassil of 7 Islington Street thought that the building overwhelmed the Buckminster House. No building in that block was higher than 30 feet. He spoke of how the Planning Board had imposed a condition back in October 2008 about the point of access to the building, saying that a through driveway over 29 Tanner Street at 7 Islington Street shall be prohibited, which he felt the Board had to consider if parking would be under the proposed building.

Mr. Ed Carrier of 7 Islington Street asked how many feet the applicant would need to go down for the underground parking. Mr. Holben asked him which elevation he meant. Mr. Carrier told him ground elevation. Mr. Holben stated that the floor grade was 21 feet at the corner of the Buckminster House. Mr. McHenry added that it would be about 9 feet, floor to floor. Mr. Carrier asked how one would get to the parking and was told that it would be via Tanner Street. He asked if the applicant had done any test borings. Mr. McHenry said that earlier test borings were done around the existing building when the site plan was originally approved, and the ledge was exposed under the existing wood-frame building showing a full basement. Mr. Carrier mentioned the ledge next to the Buckminster House and brought up an example of the Hancock Tower and the Trinity Church in Boston, summarizing that Hancock took responsibility for the damage they did to Trinity Church and fixed it, then war anteed it in perpetuity. He asked why Mr. DiLorenzo had not attended a single meeting and questioned whether that was being responsible. He asked if the applicant could guarantee that if irreparable damage was done to the Buckminster House during blasting for the underground parking garage, they would claim responsibility. He mentioned that the residents of the Buckminster House had spent \$45,000 in court trying to get three parking spaces that had been promised to them and asked what would happen if the project destroyed their home and they didn't have any money left to go to court. He begged the Commission not to get them in that situation.

Mr. Rick Becksted of 1395 Islington Street thought that it would be more appealing if one story were lopped off. They had to take into consideration the encroachment onto the Buckminster House and he explained how they could do that. The rear design also had to be fixed so that it

wasn't as unappealing as it presently looked. The retail still boggled him because there was no retail on Bridge Street except for Gary's Beverage. He also didn't think the context stretching and reaching out at three major points justified anything, saying that the Board had the ability to make the building conform to its context, and simply because the applicant could do the maximum did not mean that the Board had to approve the maximum. He liked the design's form as well as the front of it but emphasized looping one story off. He still thought it was a huge building and disorienting from the front. The aerial view showed how deep the building was.

Mr. Paul Mannle of 1490 Islington Street thought the Buckminster House and the gray building were the context. The immediate context to the building was 2-1/2 stories on either side. He felt that a story had to be removed because it was a full 4-story building, not a 3-1/2 story. He didn't see that it had to have sloping roofs and so on and suggested that three stories could be put in with glass skylights that couldn't be seen. He agreed that looking at it from the bridge, the step down from the rail looked severe, but once you went up a floor it looked like the same level. He thought the retain was fine, and perhaps stepping it back to make the sidewalk more inviting would invite more people into the retail. It was, however, still a massive 4-story building.

Chairman Almeida closed the Public Comment session.

Mr. Holben noted the recurring issue about context and stated that the legal definition of context was whatever you could see from your site. The buildings on either site were not the context.

*The Board voted unanimously to **continue** the work session to the November meeting.*

D. Work Session requested by **HarborCorp LLC, owner,** property located **Deer Street, Russell Street, and Maplewood Avenue** wherein permission was requested to allow a new free standing structure (construct mixed use building containing hotel, conference center, condominiums, supermarket, and parking) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 21, Assessor Plan 118 as Lot 28 and Assessor Plan 124 as Lot 12 and lies within the Central Business B, Historic, and Downtown Overlay Districts. *(This item was continued at the September 17, 2014 meeting to the October 8, 2014 meeting. The applicant is asking to postpone to the November 5, 2014 meeting.)*

*At the beginning of the meeting, Mr. Wyckoff moved to **postpone** the work session until the November meeting. Ms. Ruedig seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

E. Work Session requested by **30 Maplewood, LLC, owner,** for property located at **30 Maplewood Avenue (46-64 Maplewood Avenue)**, wherein permission was requested to allow a new free standing structure (construct mixed use, 3 1/2 to 5 story structure) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 2 and lies within the Central Business B, Historic, and Downtown Overlay Districts. *(This item was continued at the August 13, 2014 meeting to the October 8, 2014 meeting.)*

Ms. Jennifer Ramsey of Somma Studies representing the applicant was present. She mentioned that the City wanted to reference the project as 46-64 Maplewood Avenue. She reviewed how

far they had come and felt that the overall mass scale was working in a positive direction. She stated that she would get into the details of the original building blocks and would address each of the points needed for the Conditional Use Permit (CUP). In the past four work sessions, they had addressed neighborhood context, land use, rhythm, massing, style, and so on and talked about massing studies and colors, materials, façade treatments and styles, and elevation studies. In regards to the CUP, they were providing publicly-accessible open space on their site and working with surrounding developers to make it symbiotic to the type of green space and so on. They were addressing the pedestrian scale, window heights, the idea of multiple separate buildings, and concealment of the parking. The current parking plan was coming off Bridge Street but could come off the abandoned curb cut on Deer Street. She said the Planning Board would be reviewing it soon, but it would allow for full retain on the first floor.

Mr. Wyckoff asked about the pedestrian way. Ms. Ramsey pointed it out and said it brought people between the structure and the VFW. There was a lot of green space between the buildings, and it could have its own sense of identity, but she was working with neighboring developers. The corner was 25 feet back from the curve and 15-25 feet back along Maplewood Avenue as well as Deer Street. Ms. Ramsey further discussed restaurants, bike racks, tables, and the pedestrian aspect. She discussed retaining the parking, which was a key item for the CUP, and gaining additional retail space. They would use high-quality building materials. She also talked about setback, scale considerations, roof pitches and the look of multiple buildings on a single block. They had broken up the elevations, and the different structures had different heights. Ms. Ramsey showed a photo depicting a collection of brick buildings and showed how the block had evolved and how it would match surrounding context.

Councilor Kennedy said she was not convinced that they were getting closer to the CUP, at least not for the penthouse. She thought that three stories was appropriate and liked the way the building was broken up but didn't see the light on the CUP. Ms. Ramsey replied that the underground parking, setbacks, additional green space and roof pitches were all elements that met the CUP requirements. Councilor Kennedy stated that the Commission asked every applicant for that. Ms. Ramsey asked her what else she would like, and Councilor Kennedy said she would like more green space. Ms. Ramsey replied that the renderings were not thoroughly evolved and were missing green space, but there would be grass and so on, which would soften things. Councilor Kennedy stated that she didn't see places where people could sit. Ms. Ramsey emphasized that they would have that.

Councilor Kennedy asked about a courtyard in the center. Mr. Wyckoff asked what the open center was. Ms. Ramsey replied that it was activated internal space for residents at that level that would be closed in with a 2-story brick building in the back. She showed the elevation that could change if it had a garage access off of it. Mr. Wyckoff asked where the garage door would be, and Ms. Ramsey replied that it would be in the yellow building.

Ms. Ruedig asked if the different buildings were separate. Ms. Ramsey stated that the upper interiors were connected, but the first floor would have individual retail spaces. Ms. Ruedig hoped they were not going in the direction of the project looking like the Christmas Tree Shops.

Chairman Almeida stated that to achieve successful massing, plans had to change by at least a foot and a half. He agreed that there was a fine line before the project started to look like the Christmas Tree Shops. Ms. Ramsey replied that it would come with the details. Mr. Wyckoff stated that it seemed like the same-old, same-old. The flats bothered him and the exterior changes looked like the Christmas Tree Shops. He asked why the corner building could not be the Victorian proud building with townhouses next to it with open space behind them instead of little buildings all over the place. He thought the 4-1/2 story corner building could then be justified. He also wondered how all the trees would work on a 15-foot sidewalk.

Ms. Ramsey said that would have some flats and some townhomes. She further discussed windows at different heights and making units stay within their own box and own building. They would work with dimensions to break it up into saleable structures, which was the tipping point of a dimensional number that would sell. Mr. Wyckoff thought it looked like Portwalk in a way, all the same building but just with a different façade. He thought of townhomes as having a door that people entered and exited, then another door, and so on. Ms. Ramsey replied that they would have standalone doors, but there would also be an elevator. Mr. Wyckoff stated that he liked the look of the back buildings because it was a common Portsmouth style, especially behind the yellow clapboard.

Councilor Kennedy thought it was missing the context of other buildings around it and said she couldn't see it. Mr. Cracknell showed her a model of the buildings around it. He talked about using the City engine on a document that he had received that morning and said it worked well on a fast computer but choked on a laptop. He needed another reading to work it out, and there were Internet and processing issues, but he hoped to have the data by the next meeting.

Chairman Almeida said they needed to know what the applicant was attempting to provide for the CUP before getting too far beyond massing. Councilor Kennedy jokingly said 'gifts'. They discussed the CUP and what had been done so far to achieve it.

Mr. Rawling stated that he supported the massing in general but wanted to discuss the windows. The windows on Page 4 looked frightening to him, and the 1<sup>st</sup>-floor store windows' overhead seemed too low. The windows had completely changed from earlier Federalist ones and now made the building look like a 1950's apartment building. He thought the paired windows were horrible in every building, and that the overhanging dormer on the corner bay was completely unsuccessful because it looked like a box hanging out over a curb. The bay shown on Page 4 was more successful, and he didn't mind the flat roof part shown on Page 6 except for the storefronts with overheads that were too low. He felt that there was a jumble of generic styles. He agreed with Chairman Almeida about the back of the building and thought it was more successful on overall massing and styling.

Mr. Lombardi stated that he was not a big fan of the boxed bays. He liked the added square footage but not the design. He thought the building looked squished together and didn't complement one another.

Ms. Ruedig had issues with the slapped-on facades and thought that they should be truly differentiated, at least on the 1<sup>st</sup> floor. The language bothered her, i.e., buildings of different types

and the evolution of the building through time. She cautioned the applicant not to create history by pretending that the buildings were always there. There was a great opportunity to create a modern building. People loved Portsmouth because they loved historic buildings with examples from the 1670s to present day. Everyone had always built in their own historic time period. The applicant had to allow the City to evolve into present day and couldn't just bookend it as mid-20<sup>th</sup> century just bookend it as mid-20<sup>th</sup> century and have no further development or character added past that time. She felt that there wasn't a strong historic aspect in that particular area, so the developer could build a nice contemporary building that represented the 21<sup>st</sup> century. Using materials like brick to say it gave it a sense of authenticity was misdirected. The Commission had to demand higher quality materials and could not reference the past in new buildings.

Mr. Wyckoff was afraid that by calling a building contemporary would allow the materials to be poorer quality because modern buildings were metal, cement board, and reflective glass.

Councilor Kennedy felt that people wanted to see an old seaport and wanted historic buildings. She didn't think the new buildings were historic enough but understood the conflict. She was frustrated with the quality of material in new buildings. She discussed in length the details of the slate roof, granite sills, and other materials and how the quality of the material degraded over time due to issues like moisture, salt air, and so on. She needed to know what the materials would be before she could vote on it. Mr. Rawling thought they would first have to deal with proportions. Ms. Ramsey thought the details fell into how the building read in mass and scale. Mr. Wyckoff asked if the box structures would be made with metal panels, and Ms. Ramsey told him they would be wood. He cautioned that they could blow the whole CUP by using cement board. Ms. Ruedig suggested using the 3S Arts building as context in dealing with modern materials mimicking actual historic material like wood. She could not vote no if it mimicked a historic building.

Chairman Almeida appreciated that there were significant changes as the mass was broken up along the Maplewood Avenue side, and he mentioned the 6-8' setback. He said he was a fan of box bays, but smaller, painted wooden ones. If it ended up as very traditional architecture, he would appreciate box bays on a smaller scale and not projecting out so much. He felt that the street level rendering needed a lot more detail and developing because the eaves were just 16"-tall flat board. He wanted to see the same drawing on Sheet 3 but in color, and he asked that the vantage points be checked because the project looked almost miniature compared to Portwalk. Ms. Ramsey told him that they were complying with floor and ceiling heights and elevation requirements. Chairman Ramsey said he liked the significant setback of the buildings and could see the basics for a nice design on the back side. He emphasized that the box bays would be a major discussion point because they were too big.

#### **Chairman Almeida opened up the Public Comment session.**

Mr. Paul Mannle of 1490 Islington Street stated that, compared to the last project, it was a nice change. He had liked everything until the Christmas Tree Shops was mentioned. He agreed with Ms. Ruedig's comment and said that he would love a modern building in downtown Portsmouth that would be so far out of context that it would be in context. He liked the brick and thought if the corner Victorian was the focal point, it should be 3-1/2 feet and brought down one floor. If



the developer wanted to put a bay in, he advised making it a full bay and bringing it down to street level. He liked the building style but not the penthouse, liked the green building and but the blue awnings on the brick building. He thought the yellow building might work better in breaking up the buildings without the continuous 1<sup>st</sup>-floor band. He thought the 3-1/2 story building should be 2-1/2 stories because it was on Bridge Street.

Mr. Rick Becksted of 1395 Islington Street thought that more views on Phase 1 were needed to really get it in context. The back side of the building looked more appropriate scale-wise, but looking at a rendering of it off Maplewood Avenue, one could see a squashed Phase 1 building, so he asked which view people could believe. He thought the Victorian style should be taken into consideration. The Board had approved 2-1/2 stories, and he thought it was amazing that no one said anything about the penthouse. He strongly felt that public space should be a big consideration, especially when it came to the CUP. He agreed with Mr. Wyckoff about the townhouse issue. He suggested chopping off the penthouse because it was the historic district and the character had to be preserved.

*Councilor Kennedy made a motion to **continue** the work session to the November meeting. Mr. Lombardi seconded the motion. The motion **passed** unanimously with all in favor, 6-0.*

### **III. OTHER ITEMS**

Inspection Department Meeting: Chairman Almeida told the Commission that a meeting was held with the Inspection Department in preparation for specific applications coming up regarding windows and safety rails. The Building Inspector had agreed that there was opportunity for him to relax code when it came to accessibility issues but he could not be flexible on life safety issues unless a strong case was made. The onus was on the applicant. The Inspector was open to discussion if something came up that was very important to the Commission and also an important piece of architecture.

Mr. Wyckoff mentioned a case of a Colonial house with small windows and window accessibility egress issues. Chairman Almeida said he promised the Building Inspector he would not make blanket statements. Councilor Kennedy said she had a hard time with all the conflict and wanted the Commission to figure problems out ahead of time before people came forward and whether or not they could be given alternatives. Chairman Almeida repeated that the Inspector made it clear that the onus was on the applicant. Councilor Kennedy did not think it was proactive. Mr. Cracknell replied that it would come with time because each case was different, and to the issue of being proactive, substitutions would come with time. He felt that there was a big difference between a focal contributing building and one that was intrusive and non-contributing.

Chairman Almeida stated that the Commissioners would have a summary of the meeting. The other big issue was changing out windows, and he discussed various conditions for an egress-accessible window.

Design Guidelines: Mr. Cracknell said that the RFQ came back with three proposals and reminded the Commission that Chairman Almeida, Mr. Rawling, and Ms. Ruedig had agreed to



rank and evaluate them. He requested that they review it the following week and recommend a consultant to the Board. He also discussed the loose ends in their regulations caused by the exemption of January 2012 and said it was necessary to re-evaluate their exemptions, such as commercial lighting, invisible mechanical units on buildings, pressure-treated wood, frosted glass, fences, and so on. Mr. Cracknell said he would send everyone a draft to review so it could be clarified in the future.

#### **IV. ADJOURNMENT**

*At 10:18 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 November 5, 2014.