

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

6:30 p.m.

**November 5, 2014
to be reconvened on November 12 & 19, 2014**

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

MEMBERS EXCUSED:

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

- October 1, 2014
- October 8, 2014

Mr. Gladhill asked that the sets of minutes be voted on separately.

*Mr. Wyckoff moved to **approve** the October 1, 2014 minutes. Councilor Kennedy seconded. The motion **passed** unanimously with all in favor, 7-0.*

*Mr. Wyckoff moved to **approve** the October 8, 2014 minutes. Mr. Rawling seconded. The motion **passed** with 5 in favor and 2 abstaining (Vice-Chair Kozak and Mr. Gladhill).*

II. REQUEST FOR REHEARING

173-175 Market Street – Certificate of Approval granted on September 10, 2014 –
submitted by Duncan MacCallum, et al

DECISION OF THE COMMISSION

Mr. Cracknell referred to the Planning Department's memo that reestablished the three questions that the Commission asked itself in determining whether a decision made on a project was both reasonable and lawful. In other words, the memo said that the HDC should base its decision on whether to grant a rehearing after the Commissioners considered whether an unlawful action was made, whether the decision was reasonable based on the evidence submitted, and whether there was any new evidence that would have changed the outcome of the decision.

Chairman Almeida stated that the Commissioners had ample time to review the three questions and asked if they wanted to discuss any of them.

Councilor Kennedy asked whether any new evidence from the Department of Environmental Services would be part of the decision. Mr. Cracknell stated that it was unlikely, in respect to how a DES decision might affect the project. If the DES, Planning Board or any other land use committee was to approve the project with revisions to the building design, it would have to come back for HDC approval.

*Mr. Wyckoff moved to **deny** the Request for Rehearing. Vice-Chair Kozak seconded.*

Mr. Wyckoff stated that the HDC had not made any unlawful actions, according to their criteria. The decision was reasonable based on the evidence submitted to the HDC. They had gone over the details of the project, and the public had numerous opportunities to speak. The Commissioners had gone back and forth over different issues during several meetings, and everything had been discussed within the open meetings. He believed that their decision was well based on a number of factors that were presented. The HDC had already decided on the Fisher vs. Dover case, so it was not new evidence. They had concluded that the project was changed significantly and used the changes in the Letter of Decision. The people who were not comfortable with the decision would do whatever they were going to do, but that didn't mean the HDC had to have another rehearing.

Councilor Kennedy stated that she would not vote for the motion due to the concerns about the scale and mass. The BOA sent it back to the HDC to review the scale and mass, and she felt that the HDC had not looked at it sufficiently. She asked Chairman Almeida to take a roll call for the vote.

*The motion to **deny** the Request for Rehearing passed, with 5 in favor (Mr. Wyckoff, Mr. Melchior, Mr. Rawling, Vice-Chair Kozak, and Chairman Almeida) and 2 opposed (Councilor Kennedy and Mr. Gladhill).*

III. PUBLIC HEARINGS (OLD BUSINESS)

A. Petition of **Strawbery Banke, Inc., owner**, for property located at **39 Puddle Lane**, wherein permission was requested to allow new construction to an existing structure (construct 24'x16' addition to east side of blacksmith shop) as per plans on file in the Planning Department.

Said property is shown on Assessor Plan 104 as Lot 7-13 and lies within the Mixed Residential Office and Historic Districts.

SPEAKING TO THE PETITION

Mr. Larry Yerdon, CEO of Strawberry Banke, and the project architect Mr. Brian Murphy were present to speak to the petition. Mr. Yerdon noted that the project had been redesigned slightly from what had been shown previously. There had been questions about the door, hinges, and sliders, so they adopted a barn-like door.

Councilor Kennedy asked what kind of hardware they would use. Mr. Yerdon stated that the new hardware would match the existing, and they had a blacksmith on staff that would replicate any additional hardware to match existing. Councilor Kennedy asked if there would be lights on the outside, and Mr. Yerdon stated that there would not. Mr. Wyckoff asked if the dotted lines on the sketch represented windows. Mr. Yerdon replied that there were the openings through which visitors would look in the boat building shop. Mr. Wyckoff asked if the siding would continue on underneath the sliding doors, and Mr. Yerdon stated that it would. Mr. Wyckoff asked how old the building was. Mr. Yerdon replied that they had no records but knew that it had not appeared with the original buildings on the property. Mr. Wyckoff asked if it was conventionally framed and was told that it was.

Mr. Rawling noted that the drawings showed wide boards on the door, but the photo indicated that they were narrow. Mr. Yerdon replied that the wide boards were correct. Mr. Lombardi stated that the photos showed two chimneys but the drawing showed just one. Mr. Yerdon replied that there was only one chimney. Mr. Wyckoff noted that Mr. Yerdon would continue the siding through the structure, which was at least 50 years old, and he asked whether Mr. Yerdon would re-side the old building or start with new siding. Mr. Yerdon said they would use new siding and leave the old building alone.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, so Chairman Almeida closed the Public Hearing.

DECISION OF THE COMMISSION

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

Councilor Kennedy stated that the changes fit into the HDC's criteria and would not deflect anything negative on surrounding buildings.

*The motion to grant the Certificate of Approval **passed** unanimously with all in favor, 7-0.*

B. Petition of **Paul T. Marino, owner**, for property located at **287 Marcy Street**, wherein permission was requested to allow demolition of an existing structure (remove stairs) and allow

new construction to an existing structure (reconfigure stairs, add railing at basement entrance) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 46 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

Chairman Almeida reminded the Commissioners that they had been mailed a memo from the City Attorney dated October 16, 2014 and he assumed that all of them had read it. Although there were issues between neighbors, the Legal office had stated that the HDC should consider the application using the criteria in the Ordinance without regard to the title issues that existed within the parties. Therefore, they would judge it like any other application. Councilor Kennedy asked Chairman Almeida to read the last paragraph for the benefit of the public, which he did.

The owner Mr. Paul Marino told the Commission that he was asking for an after-the-fact approval for the railings on his stairways and also the wrought-iron railing going to the deck. Chairman Almeida asked him to walk the Commission through the application. Mr. Marino explained that he originally had an old set of steps up against a fence between his neighbor and himself, so he moved the steps and put a railing on the steps and balusters and also a railing around the existing deck. He also placed lattice around the kitchen bump-out and a wrought-iron railing and cement steps going into the existing basement door.

Chairman Almeida confirmed that it was the identical application that the Commission had reviewed the previous month, and Mr. Marino agreed.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present 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 presented. Mr. Rawling seconded.*

Mr. Wyckoff stated that all the controversy was not within their purview, and Attorney Sullivan had agreed. There had been long discussions about the steps and the right-of-way. The project was a major improvement to the property, and the deck was within the Commission's approval because it was a Colonial style, modern deck/porch that met their findings of fact. The basement entry was benign, surrounded by granite with a wrought-iron railing. He stated that he was in complete approval of the project, even though it was after the fact.

*The motion to grant the Certificate of Approval **passed** unanimously with all in favor, 7-0.*

C. Petition of **Bruce A. Erickson and Elizabeth A. Levey-Pruyn, owners**, for property located at **35 Salter Street**, wherein permission was requested to allow amendments to a previously approved design (add window on first floor of south elevation, remove window on

west elevation, replace misc. slate roofs with zinc standing seam roofs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 29 and lies within the Waterfront Business and Historic Districts.

Councilor Kennedy recused herself because she was an abutter.

SPEAKING TO THE PETITION

The applicant was not present.

*Mr. Wyckoff moved to **postpone** the application to the end of the meeting. Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

D. Petition of **Kenneth Charles Sullivan, owner**, for property located at **40 Howard Street**, wherein permission was requested to allow an amendment to a previously approved design (modify roof pitch, raise curb height, construct roof top deck with railings, add additional scupper, increase size of scuppers) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 61 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

The owner Mr. Sullivan discussed the inconsistencies from his prior application that were the result of a site visit. He stated that he had sent a letter with supporting documentation to the Commission, including additional details that addressed the HDC's concerns about the exterior of the house. He had met with Mr. Cracknell that afternoon, who had requested more information on an issue, but Mr. Sullivan had been unable to resolve it right away, and in light of that, he asked that his application be postponed to the following week's meeting.

Chairman Almeida asked Mr. Sullivan if he was suggesting that it be a work session/public hearing. Mr. Cracknell thought it was a good idea to have a work session first because there were seven items on the document that everyone had to review and an extra week would give the Commissioners time to do a site walk. He had asked Mr. Sullivan to verify the window sizes because some of the Commissioners had thought they looked undersized. He had asked Mr. Sullivan to confirm that the specification for the original window was the same size, but Mr. Sullivan had not had enough time to do so. Councilor Kennedy stated that she had not seen anything about the roof deck and asked if it was in the first approval. Mr. Cracknell told her that the roof deck was in the original application. Councilor Kennedy asked that it be put on the website because members of the public were interested in it, and Mr. Cracknell agreed.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one was present to speak to the application, so Chairman Almeida closed the Public Hearing.

DECISION OF THE COMMISSION

*Mr. Gladhill moved to **continue** the application to the November 12, 2014 meeting for a short work session and then a public hearing. Vice-Chair Kozak seconded. The motion **passed** unanimously with all in favor, 7-0.*

IV. ADMINISTRATIVE APPROVALS

- 233 Vaughan Street
- 143 Daniel Street

Mr. Cracknell summarized the two applications, stating that both were field changes from previously-approved projects at the HDC and met the performance standards for mechanicals because they were roof-mounted, wall-mounted and grounded and were generally out of the public view. If not out of view, they would be painted to match. Chairman Almeida noted that a lot of detail had been provided on both applications.

*Vice-Chair Kozak moved to **grant** the two administrative approvals. Mr. Wyckoff seconded. The motion passed unanimously with all in favor, 7-0.*

V. PUBLIC HEARINGS (CONSENT AGENDA ITEMS)

1. Petition of **Robert A. Mackin Revocable Trust and Eileen C. Mackin Revocable Trust, owners**, for property located at **56 Dennett Street**, wherein permission was requested to allow a new free standing structure (extend fencing along property line) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 12 and lies within the General Residence A and Historic Districts.
2. Petition of **Justice C. Rines and Thea Murphy, owner**, for property located at **67 Mark Street**, wherein permission was requested to allow demolition of an existing structure (demolish bulkhead) and allow new construction to an existing structure (construct storage locker, construct fence) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 51 and lies within the CD4-L and Historic Districts.
3. Petition of **Hanover Apartments, LLC, owner**, for property located at **29 Maplewood Avenue (formerly 195 Hanover Street)** wherein permission was requested to allow exterior renovations to an existing structure (replace sliding doors and railings on 5th floor with windows, replace three curtain wall windows with mechanical louvers on first floor) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 1 and lies within the CD5, Historic, and Downtown Overlay Districts.
4. Petition of **Deer Street Associates, owner**, for property located at **163 Deer Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace lighting on rear of building) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 17 and lies within the Central Business B, Historic, and Downtown Overlay Districts.

5. Petition of **30 Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow an amendment to a previously approved design (modify fence detailing, modify intake louver shape) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 2 and lies within the CD4, Historic, and Downtown Overlay Districts.
6. Petition of **Richard C. and Nancy C. Tomb, owners**, for property located at **138 Gates Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace driveway gate with new gate) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 54 and lies within the General Residence B and Historic Districts.
7. Petition of **Portsmouth Savings Bank, Bank of New Hampshire, owner**, and **T.D. Bank N.A., applicant**, for property located at **333 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 5 and lies within the CD4, Historic, and Downtown Overlay Districts.

Chairman Almeida read all the Consent Agenda Items into the record. He stated that he would recuse himself from Petition #7. He asked the Commissioners if they wanted to pull any items out for discussion.

Councilor Kennedy requested that Item #1, 56 Dennett Street, be pulled out because someone had called her about it. She also requested that Item #5, 30 Maplewood LLC, be removed for discussion.

Chairman Almeida asked if anyone in the public wanted to remove or discuss any petitions. No one rose to speak.

Chairman Almeida awaited a motion for Consent Agenda Items #2, #3, #4 and #6.

*Mr. Wyckoff moved to **grant** the Certificate of Approval for Consent Agenda Items #2, #3, #4, and #6. Councilor Kennedy seconded. The motion **passed** unanimously with all in favor, 7-0.*

Chairman Almeida read Consent Agenda Item #1 for 56 Dennett Street into the record for purposes for discussion.

1. Petition of **Robert A. Mackin Revocable Trust and Eileen C. Mackin Revocable Trust, owners**, for property located at **56 Dennett Street**, wherein permission was requested to allow a new free standing structure (extend fencing along property line) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 140 as Lot 12 and lies within the General Residence A and Historic Districts.

SPEAKING TO THE PETITION

The owners Mr. Robert Mackin and Ms. Eileen Mackin were present to speak to the application. They stated that they wanted to extend a replacement wire fence. They had spoken to the Conservation Commissioners, who had told them it would be approved as long as they didn't use concrete.

Mr. Wyckoff asked Councilor Kennedy why she had pulled out the petition for discussion. Councilor Kennedy replied that someone had called her about it because they were fearful that the fence would go out toward the road. She felt that it had to be publicly stated.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. George Dempsey of 42 Dennett Street stated that he was a direct abutter and passed out documentation to each Commissioner. He said the Mackins had no permits the previous year, October 18, 2013 but were now before the Board for permission to add a fence. He claimed that the property that the fence would be sited was Ms. Teresa Fortune Woodward and not the Mackins, so he felt that the issue should be postponed. Mr. Cracknell and Chairman Almeida asked Mr. Dempsey what his source was, saying it could not have been an official City record. Mr. Dempsey replied that he got the information on line. Chairman Almeida stated that anything could be gotten on line and he was not there to argue who the owner was. The Mackins' name was on the property, according to the tax records. Mr. Wyckoff noted that Mr. Dempsey's issues were not in the HDC's purview.

Mr. Dempsey distributed copies of the tax map, which he had marked up to show that the property owner of 56 Dennett Street and 46 Dennett Street was the same until a few months before when the structure had been made into a condominium. He claimed that the applicant had removed the existing fence that defined the property and the setback between 56 and 46 Dennett Street, and the applicants had not been before the BOA to remove those setbacks. He stated that there were three fences within inches of each other, and he asked where the property line was. The thought the new fence would end up five feet in the North Mill Pond and that the applicant had to have the property surveyed.

Chairman Almeida asked who owned the green post wire fence, and Mr. Dempsey said he did not know. Chairman Almeida stated that the HDC typically had no purview on a line dispute. The Inspection Department did, and the tax map was used by the HDC only for discussion and not accuracy. Mr. Dempsey claimed the new fence followed nothing and insisted that it would come out five feet into the pond. Mr. Cracknell stated that anyone could appear before the HDC and propose an alteration like a fence. The HDC did not issue building permits. He further explained the process to Mr. Dempsey. Mr. Dempsey believed that when the applicant removed the historic fence, it created a new piece of property because they moved the setbacks. He asked what the HDC was actually voting on, and Chairman Almeida said that was the purpose of the public hearing.

Ms. Mackin clarified that the old fence was not historic and was in disrepair, and that it was reviewed with the HDC when she and her husband applied after the fact. They had not realized at the time that they needed a permit, so they replaced the fence that was falling down and followed the property line. They also had an easement. Mr. Mackin agreed that everything had been done legally and that Mr. Dempsey's aspersions were unconscionable. Ms. Mackin stated

that Mr. Dempsey had extended his gardening and changed the terrain. They had always assumed it was their property line, and since the time they had made the structure into a condominium, she felt bullied by Mr. Dempsey and found him intimidating. She and her husband needed the fence for privacy.

Councilor Kennedy asked what the fence's structure was. Mr. Mackin replied that it was a 6'x8' batten fence. Councilor Kennedy asked if it would step down with the grade or be continuous. Ms. Mackin stated that the fence leveled down a bit. Councilor Kennedy noted that the fence material was not in the application and asked what it was. Mr. Mackin replied that it was a cedar fence, identical to the one in the photo, but he didn't have the exact dimensions. Councilor Kennedy said she was concerned about the king tide and needed the final dimensions. Vice-Chair Kozak stated that the drawing had a graphic scale that provided the required dimensions. There was more discussion about the setbacks, and Mr. Cracknell stated that there was a setback for a structure, but it was an easement, and since the property line was not moved, it did not violate the setback. Mr. Dempsey argued that it was a historic existing fence. He also berated Ms. Mackin for claiming that he was intimidating.

Chairman Almeida banged his gavel several times to get the discussion back on track. He stated that it was a very simple fence, the material and size had been shown, the fence was six feet tall going down the entire property line, and it was as simple as that.

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

Mr. Wyckoff stated that good fences made good neighbors, and hopefully it would work. Any questions as to whether or not the fence was on the property line would be answered by another Board. The design of the fence and the fact that it was made out of cedar was what the Commission cared about. Vice-Chair Kozak stated that the HDC just reviewed the esthetics, not property lines and setbacks. As valid as they were, there was a detailed process in the City that would address those concerns. All the HDC could look at was the materials and ensure that they were in keeping with the Historic District.

*The Commission voted that the request be **approved** as presented with the following stipulation:*

- 1) That the new wood cedar fence shall match the existing fence in size, height, and appearance.*

*The motion **passed**, with 6 in favor and Councilor Kennedy opposed.*

The Commission then addressed Consent Agenda Item #7, 333 State Street. Chairman Almeida recused himself and Vice-Chair Kozak conducted the public hearing. She read the petition into the record.

7. Petition of **Portsmouth Savings Bank, Bank of New Hampshire, owner, and T.D. Bank N.A., applicant**, for property located at **333 State Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace lighting) as per plans on

file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 5 and lies within the CD4, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Mitch Allen, CCI Building Restoration Project Manager, went through the application and stated that the lights on the exterior building were old and failing, and there were no replacement parts, so they had to replace the lights.

Mr. Wyckoff noted that the Rockingham Condominium Association had some concern with the lights and asked if the lights were 'down' lights and dark-sky friendly. Mr. Allen verified that the lights would be directed downward. Mr. Lombardi asked what the purpose of the lighting was, and Mr. Allen said it was to illuminate the sidewalks at night. Vice-Chair Kozak said the cut sheet indicated that the lights had full cut-off performance but did not mention dark-sky compliance, which was more specific, so she suggested that the Commission consider the application contingent on being in compliance with dark-sky regulations in the Ordinance.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, so Vice-Chair Kozak closed the Public Hearing.

DECISION OF THE COMMISSION

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

- 1) That the proposed lights shall comply with the City's requirements (including being dark-sky compliant) as listed in Article 11, Section 10.1140 of the Zoning Ordinance.*

Mr. Melchior seconded.

Mr. Wyckoff stated that the applicant was replacing previously-existing lights with the same design but simply using a different type of lighting.

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

The Commission then addressed Consent Agenda Item #5, 30 Maplewood Avenue.

5. Petition of **30 Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow an amendment to a previously approved design (modify fence detailing, modify intake louver shape) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 2 and lies within the CD4, Historic, and Downtown Overlay Districts.

Chairman Almeida read the petition into the record, but no one was present to speak to it. Chairman Almeida then asked for a motion to take it out of order.

*Councilor Kennedy moved to **postpone** the application until the end of the meeting. Mr. Gladhill seconded. The motion **passed** unanimously with all in favor, 7-0.*

VI. PUBLIC HEARINGS (REGULAR AGENDA ITEMS)

9. **(Work Session/Public Hearing) Petition of Solano Group, LLC, owner, and Stephen Meade, applicant**, for property located at **456 Middle Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace vinyl siding with wood clapboards, replace windows and doors, replace lighting) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 135 as Lot 43 and lies within the Mixed Residential Office and Historic Districts.

WORK SESSION

Mr. Rawling recused himself.

Mr. Brian Donnelly of Solano Group and the applicant Mr. Stephen Meade were present to speak to the petition. Mr. Meade stated that it was their first time appearing before the HDC, and they had not realized there were different widths on grills and windows but would be open to whatever the Commission advised. Mr. Donnelly stated that they wanted to remove the vinyl and replace the windows, but they would not change any openings. Chairman Almeida confirmed that the vinyl would be completely removed. Mr. Donnelly agreed and said that the doors would be the same size as the existing ones. Mr. Meade mentioned that there was evidence of wood clapboards beneath the vinyl.

Mr. Lombardi asked what the existing shutters were made of. Mr. Donnelly replied that they were plastic, but they would remove them and would not replace them. Mr. Lombardi asked about the skylight, and Mr. Donnelly said they would remove the skylight but would keep the chimney. Ms. Ruedig asked if they had done any research for historic information on the house. Mr. Meade replied that they had not. Ms. Ruedig advised that it would be worth doing research because it was an interesting type of house for that area and it would be great if any details could be found. Ms. Ruedig brought up the different door styles, which they all discussed. Ms. Ruedig also suggested that the existing 6/1 windows be replaced with 6/6 windows, which they further discussed.

Chairman Almeida asked if two certain doors would remain and was told that they would. He asked about the surround. Mr. Donnelly said there was no surround because what was there would come off and be trimmed in kind. Chairman Almeida stated that the Commission would need to see a mockup of it. Mr. Wyckoff noted that the brackets were small for a 1850s house. He asked if they would tear down the small roof above the door. Mr. Donnelly said they had not considered it. Mr. Wyckoff thought the roof made sense because it kept the water from flashing down. Since they didn't have the option of putting in columns, they would keep the brackets. Mr. Donnelly stated that they would leave it the same.

Mr. Wyckoff asked what the window trim measured, and Mr. Donnelly said it was 1"x4". The corner boards would be 1"x6". Mr. Wyckoff stated that it would have to be placed into the public records. Councilor Kennedy asked if they would remove the metal screen door and was told that they would. Chairman Almeida verified that the Commission was comfortable with the restoration of the canopy. Mr. Wyckoff agreed, and noted that if trim were found when the vinyl was removed, they would restore it. Mr. Lombardi suggested that the applicant research documentation and photos of old houses at the Portsmouth Athenaeum. Vice-Chair Kozak agreed, saying that the portico looked like it was Victorian and could have been added later. Chairman Almeida agreed that it would make things simpler if they could uncover photos showing historical details.

Mr. Wyckoff asked about half-screens. Mr. Donnelly stated that they planned on using half-screens. Chairman Almeida asked if the windows were aluminum clad, and Mr. Donnelly said they were Fibrex. Chairman Almeida advised them to trim it out properly. Mr. Wyckoff noted that the Woodwright Series had been discussed and that the jamb liners would be the same color as the sashes.

Chairman Almeida asked if there were images of the sides and back of the house. Mr. Meade said that none of those windows matched. Mr. Wyckoff verified that the applicant would not change the fenestration. Chairman Almeida asked about 6/1 vs. 6/6 windows. Ms. Ruedig said that 6/6 would work. Mr. Donnelly stated that they could do 6/6, which Chairman Almeida thought would be more appropriate. Mr. Donnelly noted that there were also four small windows. Ms. Ruedig stated that the Board had to know the size of the windows on the sides and back. Mr. Donnelly noted that there was also an addition on the back. Councilor Kennedy asked if there were windows in the addition. Mr. Donnelly said there were, and they were the same size as the front. Mr. Meade stated that all the windows were the same except for the four windows above the addition in the back that were smaller. Mr. Wyckoff asked where the cut sheet was. Mr. Donnelly told him that they were going to use the Andersen 400 Series throughout. Councilor Kennedy pointed out that they needed to specifications to be consistent with what they asked of other applicants.

Mr. Wyckoff suggested postponing the work session to the following week because they needed photos of the small windows in the back and didn't know what their sizes would be. Chairman Almeida agreed, otherwise the Commission would be granting permission to make changes on things they had not seen. They needed documentation of all four sides of the structure, with photos and dimensions. Mr. Cracknell added that the applicant would have the extra week to decide if he wanted to make any adjustments to the entryway.

DECISION OF THE COMMISSION

*Vice-Chair Kozak made a motion to **continue** the petition to a work session/ public hearing at the November 12, 2014 meeting. Mr. Wyckoff seconded.*

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

10. Petition of **Haven School Condominium Association, owner, and Jamie A. Baquero, applicant**, for property located at **50 South School Street, Unit 5**, wherein permission was requested to allow new construction to an existing structure (construct roof deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 60-5 and lies within the General Residence B and Historic Districts.

SPEAKING TO THE PETITION

The architect Mr. Brendan McNamara was present on behalf of the owner Mr. Baquero. He stated that there was a flat roof above the eastern addition to the original school. The original 1940s building had a hip roof and an arch entrance. On the eastern side, the addition that was put in sometime after 1977 had a flat roof and was two stories, so the unit was on the second floor and went up to the third floor. The dormer of the master bedroom overlooked the flat roof. The railing would be a 42" balustrade system and the deck would be leveled on the rubber membrane. He also noted that there would be three French doors and access would be through the third floor of the main building. The deck would come right up to the parapet on School Street but would not extend to the edge of the roof. The ell-shaped deck would stop 10 feet from the edge on the east and 24 feet from the edge on the south, coming off the dormer.

Chairman Almeida noted that there were two abutter letters that had issues. Mr. McNamara believed that the abutters would not see the roof deck. Chairman Almeida noted that the Marcy Street property could see it. Mr. McNamara stated that it would be very difficult to see because it would just come off the master bedroom and not the main living space. He discussed the cable rail system that would be used and had an alternative in case it wasn't approved, which was a galvanized steel welded system.

Mr. Wyckoff saw a potential conflict because the large flat roof would be available for three decks, but only one was proposed. He thought they could end up with helter-skelter decks, some with balusters and some with cable railing. He asked Mr. McNamara if he had discussed it with the condominium association and whether or not there should be a rail system that was preapproved and ready to go around the entire roof. He noted that there was a unit underneath that could request a cut-through that would allow them access to the deck. Mr. McNamara thought that was unlikely but would have to be approved by the Commission, in any case. They had done a structural analysis and discovered that the structure would not allow another deck to be put on the roof. Mr. Rawling had issues with the deck and the rail design because it was more of a parapet wall type of design. The railing's transparency contributed to the idiosyncratic nature of the roof, and he felt that the look of a parapet wall would be more in keeping with the urban rooftop deck. Mr. McNamara said there was a privacy concern. Mr. Rawling thought a more enclosed space would enhance the deck experience in itself by upgrading the esthetics as user-friendly by having it opaque.

Mr. Lombardi felt that it was an important building in the neighborhood and had historical importance, and he said he struggled with the concept of putting a deck on it. He felt that it would not benefit anyone in terms of the history of the area other than the occupancy of that one condominium. Vice-Chair Kozak noted that there were other rooftop decks nearby, but they were on 2-story houses, not brick houses, and both had picket railings. Councilor Kennedy

agreed with Mr. Lombardi about issues such as the historic significance of the building and preserving the District's integrity. She felt that the historical architectural value of the existing structure was important. Mr. McNamara noted said the deck would enhance the use of the occupant and would bring more life to the use of the building. The surrounding neighborhood did not have large expanses of flat roof but mostly gables.

Mr. Gladhill asked how far down the French doors would be. Mr. McNamara replied that they would be two stairs going down. Mr. Gladhill asked if it would go down to the roofline of the older building. Mr. McNamara stated that the floor structure itself was three inches higher than the existing roof before the doors. Mr. Gladhill thought that there was enough room so that the railing did not have to be all the way to the parapet wall and would not be seen. Mr. McNamara replied that the railing was pushed close to the parapet wall as it was and it would look odd from the deck's point of view to have four feet of spacing from the parapet wall. Mr. Gladhill said it would be easier to justify it if no one could see it from a public way. Ms. Ruedig asked if the rail system could be pulled a bit further back from the parapet.

Mr. Rawling stated that they seemed to be holding a work session. Chairman Almeida agreed, saying there were details that they needed to discuss around a work table. He took the two letters from the neighbors seriously, and there were privacy concerns that could be prevented by a different deck design. The resident who wrote one letter felt that people could stare down into their yard and bedroom windows, and a work session would allow Mr. McNamara to prove that it would not happen. Vice-Chair Kozak agreed that privacy and noise were extremely important in that neighborhood, but it was not part of their purview to enforce noise and privacy issues, only esthetics. However, delaying it a week would let them do a site walk.

The owner Mr. Baquero spoke up and said that they couldn't really see the neighbors, that there were more privacy issues from the back side of the building where one could see the neighbors' houses and patios. Councilor Kennedy asked Mr. Baquero if he had shown his neighbors his plans, and Mr. Baquero said he had not. Mr. Wyckoff thought there would be more privacy for the neighbors if a railing was put in that kept the owner from going out on the rest of the roof, as he could currently do. Mr. McNamara stated that the balustrade could be made more opaque and would increase the mutual level of privacy.

DECISION OF THE COMMISSION

*Mr. Wyckoff moved to **continue** the application to the November 12, 2004 meeting. Councilor Kennedy seconded.*

*The motion to continue the application **passed** unanimously, 7-0.*

VI. Petition of Andrew R. Courteau Jr. Revocable Trust, Andrew R. Courteau, Jr., Elaine M. Perry, Christopher D. Clement, and Wendy L. Courteau-Clement, trustees and owners, for property located at 41-43 Market Street, wherein permission was requested to allow exterior renovations to an existing structure (changes to the storefront façade) as per plans

on file in the Planning Department. Said property is shown on Assessor Plan 106 as Lot 29 and lies within the CD5, Historic, and Downtown Overlay Districts.

SPEAKING TO THE PETITION

Mr. Christopher Clement and Ms. Wendy L. Courteau-Clement were present, as well as the builder Mr. Scott Moylan. Mr. Clement stated that he had appeared before the Board in July and the Commission had comments about improving the design. One request had been to add four vertical columns, which they complied with. They also made the façade a darker color. Chairman Almeida stated that it was an incredible improvement and a huge step in the right direction. Mr. Wyckoff asked if there were moldings creating the flat panels around the windows. Mr. Moylan said there was a cut sheet of it showing what the crown would be as well as the different moldings. Mr. Wyckoff confirmed that it was a flat panel. Mr. Moylan said it would mirror the upper part of the building.

Vice-Chair Kozak asked what the linear lighter gray element under the signage was. Ms. Courteau-Clement said it was the existing awning. Mr. Rawling asked what kind of sheet stock they would use. Mr. Moylan replied that marine plywood would be used and would be painted. Mr. Rawling asked how they would treat the edges that seemed to be stacked on top of one another. Mr. Moylan said the plywood striation would not be seen because the plywood would be painted. Mr. Rawling asked if they would enter it into the record. Councilor Kennedy agreed that it needed to be entered into the record and asked what it would be covered with, thinking that the paint would show the plywood. Mr. Moylan said it would not because it was marine plywood and was a very smooth finished product. Chairman Almeida asked if they would remove the awning and put it back, and Mr. Moylan agreed that they would and that it would be retractable.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, so Chairman Almeida closed the Public Hearing.

DECISION OF THE COMMISSION

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

- 1) That the ¾" sheet stock shall be marine grade plywood and have a smooth, painted finish.*

Councilor Kennedy seconded.

Mr. Wyckoff stated that the project went a long way in bringing the building back and met all the HDC's criteria. He felt that it would improve the entire surrounding neighborhood. Councilor Kennedy agreed and said she appreciated that the plywood would be smooth.

*The motion to approve the application **passed** unanimously with all in favor, 7-0.*

VII. Petition of **AHI Holdings, LLC, owner**, for property located at **40 Court Street**, wherein permission was requested to allow exterior renovations to an existing structure (replace 27 windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 127 as Lot 1 and lies within the CD4-L and Historic Districts.

SPEAKING TO THE PETITION

Ms. Elena Maltese representing AHI Holdings stated that the renovations were to the newer section of what used to be the Sise Inn. The owners had done a lot of quality treatment to the building. The 1986 windows were failing, as photos showed, and she said that they had considered previous window approvals by the HDC and opted for the '3 Market Square building window, the building in which Starbucks was located.

Councilor Kennedy confirmed that it was just the new part of the building that would change and the original part would stay original. Ms. Ruedig asked if there were half-screens, and Ms. Maltese agreed. Vice-Chair Kozak asked if the grills and muntin bars were simulated divided light. Ms. Maltese stated that they were. Vice-Chair Kozak understood that the size of the muntins were 5/8" and 1" and stated that the only time the 1" wide muntin would be seen would be in a large commercial building, so the 5/8" one would be more appropriate. She also requested that the jamb liners match the aluminum clad finish and not contrast.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one rose to speak, so Chairman Almeida closed the Public Hearing.

DECISION OF THE COMMISSION

*Councilor Kennedy moved to **grant** the Certificate of Approval for the petition, with the following three stipulations:*

- 1) that half screens shall be used;*
- 2) the muntin bar would be 5/8"*
- 3) the jamb liner would coordinate with the exterior wood finish.*

*Vice-Chair Kozak seconded. The motion to grant the approval **passed** unanimously with all in favor, 7-0.*

Consent Agenda Item #5, 30 Maplewood Avenue, was then addressed.

VIII. Petition of **30 Maplewood, LLC, owner**, for property located at **30 Maplewood Avenue**, wherein permission was requested to allow an amendment to a previously approved design (modify fence detailing, modify intake louver shape) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 125 as Lot 2 and lies within the CD4, Historic, and Downtown Overlay Districts.

Chairman Almeida stated that in the future, if the Commission had an issue with a Consent Agenda item, they would let the applicant know so that the applicant could address it in person.

Councilor Kennedy stated that, due to some people's concerns with other things done in that area, she wanted to make sure that everyone had a chance to speak to it. Chairman Almeida said the opportunity to speak to it was that evening, but the applicant was not present, so if there were issues, they might have to postpone.

Councilor Kennedy stated that there was a concern about the louvers. Mr. Wyckoff said it was a horizontal louver. Councilor Kennedy stated that the material was plastic and she wanted to ensure that it was okay at that level. Chairman Almeida replied that the louver was within the actual opening, which was a vast improvement. Councilor Kennedy mentioned the fence change, and Mr. Cracknell said the fence was previously approved. Mr. Wyckoff stated that he was comfortable voting for it, and Councilor Kennedy agreed that she had no further problems with it, since no one had shown up.

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

Mr. Wyckoff stated that, by putting the louvers in an existing opening that was going to be blocked off with a horizontal louver, it was an improvement to the project.

*The motion to **approve** the petition passed unanimously with all in favor, 7-0.*

The Commission then addressed the Public Hearings-Old Business petition for Salter Street.

E. Petition of **Bruce A. Erickson and Elizabeth A. Levey-Pruyn, owners**, for property located at **35 Salter Street**, wherein permission was requested to allow amendments to a previously approved design (add window on first floor of south elevation, remove window on west elevation, replace misc. slate roofs with zinc standing seam roofs) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 29 and lies within the Waterfront Business and Historic Districts.

Councilor Kennedy recused herself.

*Vice-Chair Kozak moved to **postpone** the petition to the November 12, 2014 meeting. Mr. Gladhill seconded. The motion passed with all in favor, **6-0**.*

IX. OTHER BUSINESS

North End Charette

Mr. Cracknell announced that the Charette for the North End would occur the following week, Monday through Thursday, and that the itinerary was on the City's website. The kick-off meeting would be at 6:00 p.m. Monday. Three round table discussions would take place on Tuesday regarding civic space, building design and scale, and the developer's meeting regarding economic development. It was open to the public. Approximately 80 properties in the North

End were involved in the study area, encompassing 65-70 acres of land. The goal was to translate the vision into a zoning code, and then into a draft of character-based zoning.

Vice-Chair Kozak asked if it would be beneficial to have the various land use Boards have a consensus as an entity rather than individuals showing up at different times. Mr. Cracknell replied that the schedule was already set and was really about getting a large community together. He urged the Commissioners to participate and act as individuals. Chairman Almeida thought that it would be a great opportunity for the public to speak.

RFQ for Design Guidelines

Mr. Cracknell stated that he had sent everyone a summary of the RFQ findings, and one bidder, Preservation Design Partnership, seemed to be above the other two respondents in preparing a set of solid, well-formatted guidelines that would be similar to the Newton design guidelines. The HDC Review Committee recommended that the full HDC Board support the recommendation of Preservation Design Partnership.

*Councilor Kennedy moved to **approve** the recommendation. Mr. Wyckoff seconded. The motion **passed** unanimously with all in favor, 7-0.*

Councilor Kennedy asked when the chosen respondent would do her kick-off meeting, and Mr. Cracknell said a decision would be made soon.

VII. ADJOURNMENT

*At 9:45 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 Dec. 3, 2014.