

MINUTES
Demolition Review Committee Meeting for 100 Pinehurst Road

Portsmouth City Hall
School Department Conference Room

9:00 A.M.

September 17, 2018

Committee Members: Chair Beth Moreau, City Principal Planner Nick Cracknell, Chief Building Inspector Robert Marsilia, Historic District Commission Vice-Chair Jon Wyckoff, Portsmouth Advocates Representative Barbara Ward, City Attorney Robert Sullivan

I Call to Order

Chair Beth Moreau called the meeting to order at 9:00 a.m. She stated that it was a public meeting for the Demolition Review Committee but not a public hearing.

*It was moved, seconded, and unanimously approved to allow Chair Moreau to **continue** as Chair for the second Demolition Review Committee meeting.*

Chair Moreau read an excerpt from the Housing Statute, which included the statement that if no alternatives to the demolition were identified between the parties, the applicant would submit basic measured drawings of the building, would document the building photographically, and would be encouraged to salvage significant architectural features of the home, after which no further review would be required.

Attorney Bernie Pelech was present on behalf of the applicants/owners Guy and Danielle Pronesti. He stated that the applicants had considered alternatives to demolition but were unable to find any, and that they did not agree to submit basic measured drawings because they had already submitted photographic evidence, which they felt was sufficient. He said the applicant would try to salvage whatever they could and noted that the front door was beyond repair but would be well replaced. He said he hoped the Building Inspector would issue the demolition permit per the Housing Statute that stated 'after the expiration of any delayed period', noting that there was no delayed period regarding the application.

The project architect Amy Dutton stated that she and the applicants would have worked together with the neighbors sooner if they had known there were issues with the building plans. She also noted that a letter that was sent to the Portsmouth Herald that incorrectly stated that the existing house was built in 1945 and had a total square footage of 5,522 square feet. She said the existing gross area was 3,949 square feet and the proposed was only 300 square feet larger than existing. She explained that living area was square footage calculated by condition space, i.e. what one would live in, and the gross area was everything on the property that was taxable and included conditioned and unconditioned. She summarized that the applicant was asking for 18.9 percent lot coverage where 29 per

cent was allowed. She said the heights of the houses on the street measured up to 33 feet; that the applicant's existing home had the living gross height as 29.11 feet and was 25 feet wide; that the proposed plan was 65.6 square footage and a height of 33.8 feet and 73 feet wide, and that the revised proposed plan lowered the building to 30.8 feet with a width of 72 feet. She compared neighboring lots to the applicant's lot, noting that the largest lot was 4,595 square feet and that the applicant's lot was narrower than one neighboring lot and shorter than two other lots. She further discussed dimensions and figures and showed photos of home heights, widths, and square footage and said the applicant was within the neighborhood's size and scale. Ms. Dutton showed photos illustrating the house's disrepair inside and out. She said Reagan Ruedig, a preservationist and Historic District Commission (HDC) member, toured the home and had agreed that it was in rough condition, and had also pointed out that no houses on Pinehurst Street were the same and all had different styles. Ms. Dutton reviewed the front and rear elevations of the proposed house and the revised proposed plans.

Jon Wyckoff noted that 500 square feet from the gross were lost and asked where it was located. Ms. Dutton said it was the room over the garage. Mr. Marsilia asked what had been cut back. Ms. Dutton said the ridge line was dropped about four inches and the grade was raised 44 inches at the garage. She said the new garage was lowered and the ceiling height in the space above the garage was eight feet unconditioned but counted in the gross footage. Ms. Ward asked what the previous ceiling height was, and Ms. Dutton said it was eight feet and remained eight feet but with less square footage because the roofline had been dropped. The height of the garage was further discussed. Mr. Pronesti said the height was reduced to 10 feet. Ms. Dutton said the main ridge was 5'4" lower. She said the original height of the front elevation was 24'9" and the revised proposed was 26'8". She discussed the old and new roof lines and said the new roof line would be a bit taller than the garage. Mr. Wyckoff noted that the front entry projected 4-5 feet and asked how far the front door projected out, and Ms. Dutton said it was one foot.

Ms. Dutton showed a diagram of the landscaping plan and said a civil engineer was hired to do water mitigation. She noted that some of the houses on the neighborhood were within the 100-ft wetland setback and that the applicants would tie their water into the City separately. Chair Moreau said the City would give points for the applicant to go into the stormwater system and asked whether the design would do that. Ms. Dutton agreed.

Ms. Pronesti said the intention was to build their family home and raise their family. She said they listened to the neighbors' concerns, which was why they changed the garage height and existing structure height, limited the gross square footage, and hired a civil engineer. She said the project was very expensive and hoped it would not be delayed further because they might have to sell the property. Mr. Pronesti said they hosted an open house for the neighbors to explain where the new building would be and that he and his wife also went door-to-door to meet all the neighbors. He said the previous owner of the house allowed the house to go into disrepair, resulting in lots of water damage, mold, and other problems. He noted that he and his wife received an offer from someone who wanted to buy the house and that a developer would have the time and money to build a bigger house within code. He said he hoped their concessions had convinced the

neighbors to support the project. He also showed the Committee a list of five neighbors, including a direct abutter, who were in support of the revised proposed plans. Attorney Pelech said the Committee and applicant had followed the Ordinance and believed there were no alternatives to the demolition. He said he hoped a demolition permit would be issued the next day or so, per Section 14.206 of the Ordinance stating that 'a demolition permit shall be issued after the expiration of any delay permit'.

Ms. Ward asked if the Portsmouth Advocates could enter the home to take photos that would be included in the home's architectural history. Ms. Pronesti agreed. Ms. Ward said she was disappointed by the decision to remove the asymmetry of the front of the house, which she felt was an important part of that architectural type, and that she was also concerned about retaining architecturally-significant elements from the house.

Ms. Dutton said the process needed to be clearer so that homeowners were aware that they might get pushback if they demolished a house, and that architects and contractors would know what was expected of them. Ms. Ward noted that many people didn't talk to their neighbors before doing a major project because they didn't know the process, and they spent more money than necessary. Mr. Wyckoff agreed and said that, whether an applicant needed a variance or not, the Ordinance would come into play if a structure were demolished. He also pointed out that the Advocates could prepare a binder with photos and the history of the property that would be retained for a long time.

Ms. Dutton referenced the letter that was submitted to the City by a neighbor, which initiated the Demolition Committee meeting, and asked what the criteria was. Mr. Cracknell said the client's design team should understand the permitting process at the onset and that the letter was legally submitted as part of the process. He said it wasn't fair to put too much criticism on the neighborhood or the City because it had been made clear that the applicant needed a demolition permit and that there was a process. He said the applicant's response to the issues raised at the previous meeting as well as the neighbor's letter was a significant move in the right direction. He also noted that the volume and scale of a building was determined by its GFA (gross floor area) and that the home was larger than most of the homes on the street. He pointed out that the code was a mean-tested one and that sometimes the zoning was not well representative of a neighborhood because there weren't separate districts for every street, so the project could meet code but not necessarily fit into the neighborhood. He noted that Ms. Ruedig was conservative and didn't let things go easily. Ms. Pronesti said Ms. Ruedig stated that nothing inside the house was notable and that the exact façade of the house would have to be redesigned. Mr. Cracknell said the applicant addressed the scale and simplified the structure.

Ms. Ward said the Demolition Ordinance came about as a result of a highly publicized problem in another neighborhood three years before and that the Demolition Committee was about two years old, so she didn't feel that the City was negligent. Chair Moreau pointed out that the Committee had never had an objection to a demolition in that timeframe and that the reason they met was because of an actual demolition. Ms. Dutton asked if there were other criteria. Chair Moreau said the criteria were included in the Housing Ordinance and available on the City's website. Mr. Marsilia said an applicant

normally received a copy of the Housing Ordinance when applying for a demolition. Ms. Dutton asked if the Ordinance could be rewritten so that there would be objections to new buildings. Chair Moreau said they tried to keep the charm of Portsmouth.

Mr. Wyckoff said he thought the meeting had been positive, that there had been some mitigation in the structure and that the design was improved. Mr. Cracknell said the Committee was not a design review one and that it determined whether there was significance in what was being removed. He said the applicant's changes were a result of trying to address the issues in good faith and tempering the size, scale, and mass of the new building. Ms. Ward encouraged the applicant to meet with the City to ensure that there wasn't another step in terms of the engineering issues. Attorney Pelech said they would provide the public report to the City engineer and the Inspection Department.

Chair Moreau summarized that the City requested that the Portsmouth Advocates go into the applicant's home to document and photograph the home. Also, the applicants agreed to salvage the front door and not to throw it away. Attorney Sullivan noted that there was also a significant issue about the notice that was posted regarding the Demolition Meeting. He said the deadline for anyone else to submit opposition to the notice was the end of that business day, after which he and Mr. Marsilia would meet to review the entire application process and that Mr. Marsilia would determine whether the demolition permit would be issued.

Attorney Pelech clarified the wording from the Ordinance 'that the Building Inspector shall issue the permit', and that it was the demolition permit and not the building permit. He asked whether it was determined that the notice wasn't proper. Mr. Marsilia said it was agreed that there were deficiencies of the notice, based on the Ordinance, and that it would be decided. He said if there was no written objection received that day, the Inspection Department would issue the demolition permit within 30 days. He said if any objection was received, an additional delay would be ordered up to 90 days of the notice.

II Discuss Alternatives to Demolition with Owner of 100 Pinehurst Rd

There were no alternatives.

III Other Business (if any)

There was no other business.

IV Adjourn Public Meeting

*It was moved, seconded, and unanimously passed to **adjourn** the meeting at 10:15 a.m.*

Respectfully submitted,

Joann Breault

Planning Department Recording Secretary