

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

EILEEN DONDERO FOLEY COUNCIL CHAMBERS

7:00 p.m.

August 5, 2009

MEMBERS PRESENT: Vice Chairman Richard Katz; Members, John Wyckoff, Tracy Kozak; Alternates Joseph Almeida, George Melchior

MEMBERS EXCUSED: Chairman Sandra Dika; City Council Representative Eric Spear; Planning Board Representative Paige Roberts; Elena Maltese

ALSO PRESENT: Roger Clum, Assistant Building Inspector

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I. OLD BUSINESS

A. Approval of minutes – June 10, 2009

It was moved, seconded, and passed unanimously (5-0) to approve the minutes as presented.

Approval of minutes – July 1, 2009

It was moved, seconded, and passed unanimously (5-0) to approve the minutes as presented.

B. Petition of **Streetscapes Properties, LLC, owner**, for property located at **110 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (remove and replace roof) to be filed in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 81 and lies within the Central Business B and Historic A Districts. *(This item was postponed to a work session/public hearing at the August 5, 2009 meeting.)*

DECISION OF THE COMMISSION

Ms. Kozak made a motion to postpone the application to the September 2, 2009 meeting. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (5-0) vote.

C. Petition of **Lawrence P. McManus and Mary Elizabeth Herbert, owners**, for property located at **40 Pleasant Street**, wherein permission was requested to allow new construction to an existing structure (install awning on front façade) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 107 as Lot 81 and lies within the Central Business B, Historic A, and Downtown Overlay Districts. *(This item was postponed to a work session/public hearing at the August 5, 2009 meeting.)*

SPEAKING TO THE PETITION

Mr. Alexander Dittami, representing the applicant, was present to speak to the application. He explained that they have submitted two proposals for the Commission to consider. Both proposals showed the text on the awnings and both showed the color and size of the awnings proposed. He explained that the question that arose at last month's meeting was whether there should be two individual awnings or one large awning.

Mr. Dittami stated that Proposal A showed two separate awnings to match the original awning over the door. Both awnings would have the text "Japanese Restaurant" on each awning. The same color and font would be used. Proposal B was the original proposal, one awning over two windows.

Mr. Almeida asked what the preference of the applicant was. Mr. Dittami said that the applicant considered them both equal.

Mr. Almeida asked about the fastening method for the awning. Mr. Dittami explained that all of the fasteners would be inside underneath the awning. The awning would fit into the recessed opening of the window. He added that no external fasteners would be seen. Mr. Almeida felt that both proposals were a huge improvement over what was originally proposed and said that he would consider either proposal.

Mr. Wyckoff pointed out that Proposal B's apron was not as large as the last proposal. He asked if the proposed awning would line up with the existing awning over the door. Mr. Dittami said it would line up and match what was currently over the door.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness with the following stipulation:

- 1) That Proposal A is the approved awning design.

The motion was seconded by Ms. Kozak. Vice Chairman Katz asked for discussion.

Mr. Wyckoff felt the two awnings over each individual window were appropriate for the building since that was what existed now for the building. Ms. Kozak agreed with Mr. Wyckoff.

Hearing no other discussion, Vice Chairman Katz called for the vote. The motion to grant a Certificate of Appropriateness with the following stipulation passed by a unanimous (5-0) vote:

- 1) That Proposal A is the approved awning design.

II. PUBLIC HEARINGS

1. **(Re-hearing)** Petition of **Hunking Holdings, LLC, owner**, for property located at **33 Hunking Street**, wherein permission was requested to allow demolition of an existing structure (demolish front porch) and allow new construction to an existing structure (construct new front and side porches, rear addition, and shed dormer) and allow exterior renovations to an existing structure (replace windows, doors, and siding) as per plans on file in the Planning Department.

Said property is shown on Assessor Plan 103 as Lot 38 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Attorney Malcolm McNeill, representing Mr. Hugh Jencks and Ms. Dennett Page, the requestors of the re-hearing, was present to speak to the application. Ms. Page gave the Commission three pages of new material pertaining to their presentation.

Attorney McNeill explained that the Commission granted a Certificate of Appropriateness for the application on June 3, 2009. He pointed out that in terms of the Commissioners present this evening, Vice Chairman Katz, Mr. Wyckoff, and Ms. Kozak were in attendance at that meeting. Mr. Almeida and Mr. Melchior were excused from that meeting and there was no record in the minutes of their participation in that meeting.

Attorney McNeill stated that a timely motion was filed on June 22, 2009. The motion for a rehearing was granted on July 4, 2009 and scheduled for this meeting date. He said that they would address the issues that were stated in the Motion for Rehearing and would supply evidence from a competent source with regard to the issues that related to the Commission's jurisdiction. He explained that Ms. Linda A. Miller, an architect from Newburyport, MA would be the main speaker. He pointed to Ms. Miller's qualifications on one of the sheets Ms. Page handed out. In addition, Ms. Miller's comments on the 33 Hunking Street property were on the second handout and Attorney McNeill's Request for Findings of Fact was the third handout.

With regards to the June 3, 2009 meeting, Attorney McNeill stated that he was not present at that meeting but he has reviewed the minutes of the meeting as well as the work session. He said that under Section 10-1004 B. of the zoning ordinance, the Commission was required to make Findings of Facts with regards to its decisions. He pointed out that the Findings of Facts in the June 3, 2009 minutes were very brief and arguably generic with there being specific reference to the criteria that was utilized in reaching their decision. He asked the Commission to make specific Findings of Facts that the applicant has met the burden of proof.

Ms. Linda A. Miller stated that she would like to speak to the architectural considerations of the proposal. She said that the character of the neighborhood was predominately 18th and 19th century two and a half story wood framed houses with low roof lines and often symmetrical facades. The house at 33 Hunking Street was an anomaly in that it was a 20th century structure. It was raised higher out of the ground, had higher eave lines and a higher pitched roof, larger floor to floor heights and openings. It was boxier in form and its proportions were quite different from its neighbors. Ms. Miller felt that the proposed addition put the east facing side in an awkward proportion. The new part extended but did not balance the existing building. She pointed out that the existing proportion of the house should be visually maintained as this was part of the historic character of the house and of the neighborhood. The open sided porch was not a feature that enhanced the architectural value of the structure and was incompatible with the proportions and style of the existing house. Also, she felt that the addition did not compliment or enhance the proportions of the building on the east side and did not satisfy the design criteria set forth in the ordinance.

Ms. Miller pointed out that the structure abutted two museum properties and so the structure should be more sensitive to its inherent architectural integrity. She felt more consideration should be given to its proportions and less to maximizing its length to the setback line. This would help it to compliment the existing house more which would better help it fit into the context of the neighborhood. She thought that one of the defining characteristics of the structure was its openings. As a ratio, there was more wall and less opening with quite a bit of space between the openings. She pointed out that the proposed project would put ganged windows in

three locations on the east side of the structure. Ms. Miller felt these were inappropriate to the style of the house and were not compatible with the existing windows. The historic section of the house should be the emphasis and used to enhance the compatibility of the whole in relationship to the neighborhood. She felt that the integrity of the district would be adversely affected by using the ganged windows and larger openings.

Ms. Miller stated that there was an existing gable dormer on the roof. The proposal would add a shed dormer of 16 feet in length. She did feel that this shape was appropriate to the style of house. It was out of scale and would add massiveness to the roof which was lacking in the surrounding properties. She pointed out the Tobias Lear house located next door and felt that the proposed dormer would adversely affect the historic house and the district by its lack of proper scale and form. Ms. Miller said that to preserve the historic integrity of the district, some of the proposed architectural elements should not be allowed. Having a historic district in review of projects give the opportunity to enhance and preserve what is best about a property in a neighborhood. She did not feel that this project did that.

Mr. Hugh Jencks of 25 Hunking Street and the requestor of the rehearing spoke next. He pointed out that he, his wife, and daughter were direct abutters of 33 Hunking Street. He said that his home was 266 years old and he felt he did not own it but instead saw himself as the latest generation of caretakers of the house that Captain Thomas Stilson built for his family in 1742. Mr. Jencks explained that his house was the second house on the street after the Tobias Lear house which is a National Register of Historic Places property. At this point, he gave the Commission some very detailed historical facts pertaining to the neighborhood. Mr. Jencks also said that in the City's 1993 Master Plan, the State architectural historian, James Garvin, stated "in a social and a historical, as well as an architectural sense, the South End is the most valuable surviving section of any American City." At this point, Mr. Jencks quoted from Section 10-1001. He added that when he and his wife moved to Portsmouth and bought a house in the newly designated Historic District, they understood that the City would enforce restrictions on the demolition, new construction, or addition, some signs, and most alterations under the terms of the ordinance. By making their purchase, they bought into these restrictions and controls. They also expected that the City, through the agency of the Historic District Commission would follow through on its stated purpose of conserving property values by fostering Portsmouth's architectural and historic character by applying these regulations to all properties in the Historic District. He believed that the applicant, in the words of Section 10-1001 has failed to "understand and respect the Historic District and its relationship to the economic well being of the City." He did not feel the applicant has met the burden of proof required to demonstrate that the project was compatible with the historic fabric of the historic surroundings. He respectfully requested that the Commission find that the application was not appropriate for this site.

Mr. Jencks stated that he told the applicant at the beginning that this dispute was not personal. It was about principle and process; however, the construction of what some might characterize as a modern trophy house in a neighborhood of small scale homes and museum properties, diminishes the value of all of them by comparison. Introducing modern new features and a significantly greater footprint on the property destroys the fabric of the surrounding colonial homes. It also undercuts the integrity of the Historic District itself and puts pressure on the Historic District Commission to allow other inappropriate designs into the neighborhood.

Attorney McNeill read a couple of comments made at the June 3, 2009 meeting as recorded in the minutes. On page 6, it said, "Mr. Wyckoff stated that he was not comfortable with the dormer." Attorney McNeill pointed out that ultimately, Mr. Wyckoff did vote in favor of the proposal. He added that Mr. Wyckoff, after a motion was made and seconded, quoted Section 10-1004 (B) 3. and said that he felt the wood clapboard siding, the addition was appropriate for the style of the building in melding into the neighborhood and that the new front porch was a reason for him to vote in favor of the motion. Attorney McNeill also pointed out that the

Commission did not go through the various historical and contextual concerns that are contained in the ordinance on June 3, 2009. He also said that Vice Chairman Katz said "that the application met all of the requirements as stipulated in the ordinance" and he cited Section 10-1004 (B) but there was no colloquy or discussion to that generic conclusion.

Attorney McNeill stated that despite the fact that the status of this case at the moment was a rehearing, it did not remove the sole obligation of the applicant to prove compliance with all criteria contained in the ordinance. He pointed out that the abutters have no burden of proof in terms of satisfying the ordinance, it was solely the applicant. He proceeded to lead the Commission through the Requests for Finding of Facts document submitted at the beginning of the hearing. Attorney McNeill closed by saying that they did not ask that the plans be altered at this time but that the Commission issue a Notice of Disapproval.

Mr. Wyckoff asked if Ms. Miller was volunteering her opinions. Attorney McNeill replied that he and Ms. Miller were paid to be here. He added that the architect for the applicant probably was as well. He further said that parties to these proceedings feel that bringing testimony before bodies are required to bring qualified experts and qualified experts indulge in spending time and effort to give testimony consistent with their reputation and their expertise. He said it was consistent with custom and practice.

Vice Chairman Katz stated that he felt the abutters were not amenable to meeting with the applicant and possibly altering the application to come more in thinking with the ideas that they hold. Attorney McNeill said that he felt grounds existed for a Notice of Disapproval. He did not think it would be impossible to having meaningful discussions with the applicant.

Vice Chairman Katz said his inclination was to try to affect some sort of compromise or interaction between the applicant and the abutter. He pointed out that he has not heard the applicant's thoughts on the subject yet so he had no reason to assume they would even consider such a situation. That was how he approached this situation and how he liked to approach all of these situations. Attorney McNeill stated that at the conclusion of the hearing, if the Commission wished to encourage both parties to engage in that process, he would speak to his clients about doing that and would hopefully also have the assistance of Ms. Miller in any discussion they might have.

Mr. Wyckoff wondered if a postponement to a work session at another meeting would be appropriate. Vice Chairman Katz asked Mr. Clum about that possibility. Mr. Clum said that the Commission would have to make a motion to proceed in that direction. Attorney McNeill interjected that in his experience, the Commission could do whatever they wanted. He said that they had great flexibility.

Mr. Almeida stated that he appreciated the comments but he felt it was a bit premature without hearing the applicant's comments. He did not want to discuss how they might rule on this application until he heard the full presentation. Vice Chairman Katz agreed and said that he wanted to hear from the applicant.

Ms. Whitney, architect for the applicant spoke next. She passed out additional information to the Commissioners. She said that she too, has been practicing architecture in the historic district for twenty years. She said she brings a sensitivity and creativity into a lot of these complicated, old structures. She referred to the sheet that she passed out and explained that she gave a vernacular to the buildings in this area. She said that generally, it was a federal district but there are also a significant number of New Englanders.

Ms. Whitney explained that over the years, there was a tradition of allowing some of the smaller properties to have additions. She said that she took issue with the abutter saying it was a large addition. She pointed out that it was a 16' x 16' addition.

Ms. Whitney also pointed out that there was a wide variety of very large structures with large yards to tiny structures with minuscule postage stamp lots. The average building coverage in the area was 29% where 30% is allowed. She said that her proposed project with the additions was at just 24%. In terms of scale, she felt they were well within the bounds of what was allowable and what has been done in the district.

Ms. Whitney asked the Commission to look at the sheet that was provided that showed other additions in the area.

Mr. Almeida asked if there were any variances required for the project. Ms. Whitney said yes and explained that originally they were looking at more of an expansion but have since scaled it back. Mr. Almeida asked that with the exception of the front porch, the remainder of the building's footprint was conforming to the zoning ordinance. Ms. Whitney replied yes.

Ms. Whitney stated that the building was a New Englander and it was not the only one in the neighborhood. She said that beyond the Federal structures, the New Englander was the second most common structure. She said in terms of the addition, she was matching the same roof detailing, roof pitch, and scaling down the size of the addition so that it did not dominate the existing structure. She felt it was in keeping with the ordinance. She added that she disagreed with Ms. Miller that the building did not have any balance. She said they worked hard to create a balance.

She explained that in this style of house, there would often be bays and so she was mimicking the bay with the use of the ganged windows. She added that she could see the argument under the porch but with regards to the one story addition, it was quite common that the porches were in filled. She said they would be happy to do that but they felt what they were proposing was enough.

Ms. Whitney felt the dormer would never be seen and it allowed for some light and air and some additional living space.

Mr. Almeida asked that Ms. Whitney go through the plans with the Commissioners.

Ms. Whitney explained that Sheet 2 of 6 showed the removal of the one story in fill porch, and the pulling it back from the street, and rebuilding a smaller scale entry porch. The vinyl siding would be removed and replaced with clapboards up to the return line. There would then be a band detail with shingles above that. The trim would be replaced. The shingles would be repeated on the entry porch. There would also be vertical board skirting down to grade.

Sheet 3 of 6 showed the right side elevation. The concrete steps would be removed. The two awning windows would be removed as well. The addition would have windows smaller than the existing windows in the original structure. She pointed out that the side porch and the addition would have a continuous plane. She felt that helped to bring the scale down.

On sheet 4 of 6, the rear elevation, Ms. Whitney pointed out that the casement windows would be two over one, which was a stipulation of the Commission of the original approval. She also said they would be doing a brick shelf for the foundation.

Sheet 5 of 6 showed the left side elevation. Two windows on this elevation would be replaced. One window would be added to accommodate a half bath. Also, in the attic, a small skylight was proposed. Sheet 6 of 6 showed the trim details and window schedules.

Mr. Almeida asked if the overhangs on the new addition would match the existing. Ms. Whitney replied yes. He also asked if the eaves and the fascia details would match the existing. Ms. Whitney replied yes.

Mr. Wyckoff stated that he did express some concern with the dormer at the first public hearing. He wondered why Ms. Whitney chose that particular style. Ms. Whitney said that she felt the existing dormer was very tall and out of scale with the building. She did not want to repeat that on the other side of the structure. She felt they could possibly step the dormer back further but then they would have to go with casement windows that looked like double hung windows instead of using actual double hung windows that met the code. She said that there have been several shed dormers done in the district. She did not think one could really see it as one went up Hunking Street. Mr. Wyckoff went into detail describing a different way to approach the side porch. Ms. Whitney said that she was amendable to that approach. Mr. Wyckoff wondered if they should postpone the application to a work session/public hearing.

Vice Chairman Katz stated that there had been a lot of attention given to the criteria that the Commission was to use when coming to their decisions and giving the reasons for a decision. He said that he has been accused of a lack of specificity and he intended to do better in that regard, however, he quoted the first footnote in the Article X of the ordinance. He said that he would like to see another work session so that they could have a lively discussion concerning different views.

Ms. Whitney pointed out that there were some individuals present who would like to speak to the project and in the meantime, she could speak to her client regarding the possibility of another work session. She added that she did not feel prepared to make that decision right at this moment. Vice Chairman Katz also added that it would have to be a vote of the Commission.

Vice Chairman Katz asked if there was anyone from the public wishing to speak to, for, or against the application.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Mr. John Grossman of 170 Mechanic Street spoke in favor of the application. He explained that his property was less than 100 feet from 33 Hunking Street. He said that for six years, he attended every Historic District Commission meeting that was held and learned a great deal from the previous members of that Commission. Mr. Grossman felt that the building was not too massive for the area. As far as the street view was concerned, the addition would not be seen. He concurred with Ms. Whitney on how the renovations should be handled. He did not agree with everything but overall he thought the design was excellent. He felt Mr. Morin has respected the HDC with his past projects. He added that he would like to see the project move forward.

Mr. Michael Dater of 29 Pickering Street also spoke in favor of the application. He said that he had signed a petition supporting the applicant's project. He had been watching the proceedings on the television before he came down to the meeting and found it disturbing that a lawyer from Dover and an architect from Massachusetts have come to tell the Commission what was appropriate, what fits, and what doesn't fit. He explained that he considered the applicant and the abutter friends and it was a difficult position to be in but he felt that what he heard did not alter his first opinion. He added that he did not think the neighborhood was being listened to.

Mr. John Gregg of 69 Hunking Street spoke next. He stated that he lived two houses away from the 33 Hunking Street property. He explained that he went before the HDC to receive permission to do an expansion on his house. He also noted that the house across the street from 33 Hunking also had an addition. He also believed the Grossman's house had an addition on it. He did not feel that this project was inconsistent with what was going on in the neighborhood. He did not think it would detract from the neighborhood or decrease the property values. He felt it would add to the value of the neighborhood.

Mr. Glenn Normandeau of 15 Pickering Avenue spoke in favor of the application. He stated that he lived diagonally from the applicant's home. He said that he did not question anyone's architectural qualifications but he considered Anne Whitney to be the dean of architects in the South End for residential structures. He said that the area was very mixed with a wide variety of structures. He added that the house was what it was and the plans were in keeping with what has been done in the area. He felt the Commission should reaffirm the original decision.

Mr. Pete Morin, the applicant, spoke next. He explained that he had additional letters from abutters and a photo of an addition at the end of Pickering Street and he submitted them to the Commission. He added that they have been to the Board of Adjustment; they have had two work sessions, and a site walk. He felt they have done everything they could possibly do to make sure everything was in order. He did not believe the addition was out of character with the neighborhood and he hoped they could stay the course and move forward.

Mr. Wyckoff stated that of the two reservations he had, one concerning the dormer and the other concerning the porch, he wondered if they would be amenable to putting a band around the addition at the proper height to match the porch with an apron underneath. Ms. Whitney replied they were amenable to that. Mr. Wyckoff asked what the other Commissioners thought.

Vice Chairman Katz asked for discussion among the Commissioners.

Mr. Melchior stated that he was not present for the initial vote; however, he did not hear any evidence that would warrant overturning the initial vote. He agreed that the primary point with the application was massing and he felt the addition was designed to take the mass off of the addition. Although he was not a fan of barn dormers on New Englanders, there was a dormer there already and it created a balance effect. He felt the windows were consistent with what the HDC has approved in the past. Mr. Melchior pointed out that it was not within the Commission's purview to make the addition match. They are not freezing the building in time. It was compatible with the age and style of the New Englander. He did not feel it was overwhelming and was in fact, done quite conservatively.

Mr. Wyckoff felt similarly about the massing and the front and side porch additions. The addition on the back was appropriate for this building. He quoted from Section 10-1004 B. 3. to reinforce that. He felt the materials proposed were compatible with the building. He had no problems with the windows.

Mr. Almeida wanted to speak to context. He pointed out that Ms. Whitney passed out a handout showing the various styles of the properties in the immediate neighborhood. He said that he walked the neighborhood and did his own photographic survey. He discovered that there were a lot of New Englanders in the neighborhood. He felt about 35% of the homes in the neighborhood are of similar age and construction. Mr. Almeida said that the project needed to look at in its greater context. He was convinced that the changes being proposed were appropriate and they respected the scale that exists throughout the neighborhood. He pointed out that two New Englanders greet the street as one turns down Hunking Street.

Mr. Almeida pointed out that there was great concern for the dormer when the work session was held. He explained that they asked that the dormer not be brought to the ridge and the applicant complied. They also asked that the dormer not extend down to the fascia. That was complied with as well. He did not see anything with the project that would cause him to pause and reconsider the previous decision. He felt it was important that they heard from the residents of the neighborhood and he appreciated that. He added that he would be in favor of approving this design.

Ms. Kozak stated that she agreed with most of the Commissioners. She felt that the application needed to respect the special and defining characteristics of the properties in the District. She appreciated the chance to reevaluate the application. She pointed out that the dormer can be seen quite clearly from other vantage points. She said that she could not support the shed dormer on the gable by itself. To mix a shed dormer with a gable--she could not think of a single precedence that does that.

Vice Chairman Katz pointed out that there was everything on the face of the earth in that area. He did not feel that the values of the properties in the neighborhood would be affected. He felt what was being proposed was appropriate for a New Englander and so he saw no reason to change his opinion in this regard.

Vice Chairman Katz closed the public hearing and awaited a motion.

DECISION OF THE COMMISSION

Mr. Melchior made a motion to reaffirm the original application with the original three stipulations:

- 1) That a band line is added above the attic window on the front elevation.
- 2) That the two rear doors will be style #7506.
- 3) That the "H" windows will be a one over one casement window with a thicker meeting rail.

The motion was seconded by Mr. Almeida. There was no additional discussion.

The motion to reaffirm the original application with the original three stipulations passed by a 3-2 vote with Ms. Kozak and Mr. Wyckoff voting in opposition:

- 1) That a band line is added above the attic window on the front elevation.
- 2) That the two rear doors will be style #7506.
- 3) That the "H" windows will be a one over one casement window with a thicker meeting rail.

2. Petition of **Barbara H. Bickford, owner**, for property located at **45 Gardner Street**, wherein permission was requested to allow demolition of an existing structure (demolish existing back porch and steps) and allow new construction to an existing structure (construct new porch and steps) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 21 and lies within General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. John Schnitzler, representative for the applicant, was present to speak to the application. He explained that they would like to remove the small back porch and replace it with a larger back porch that meets current codes. He pointed out that it was very difficult for the owner to enter her house using this small porch. Mr. Schnitzler walked the Commission through the submitted plans. He explained that the porch would be widened to five feet and the railing system would include balusters. The tread size would be slightly increased and would lengthen the staircase to six feet. The material to be used would be pressure treated wood, stained and painted to match the front porch. The lattice would also match the existing lattice on the front porch.

Mr. Wyckoff asked if the applicant had gone to the Board of Adjustment. Mr. Schnitzler replied yes and they received approval for the project.

Mr. Almeida asked if any work would be done on the front porch. Mr. Schnitzler answered no.

Hearing no other questions, Vice Chairman Katz asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Mr. Almeida. There was no additional discussion.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (5-0) vote.

3. Petition of **Susan P. Menzel Revocable Trust, owner, Susan P. Menzel, trustee**, for property located at **187 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove wood gutters, replace with aluminum gutters, cover fascia board and soffit with aluminum) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 103 as Lot 1 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Susan Menzel, owner of the property, was present to speak to the application. She stated that she would like to replace the gutters as indicated on her submitted plans. She passed around a sample of the gutter that Nickerson Remick would be using. She explained that her gutters would have a matte finish and would be painted pearl gray.

Ms. Menzel provided the Commission with a list of properties in the neighborhood that have aluminum gutters.

Mr. Almeida asked if she would be replacing the downspouts. Ms. Menzel replied no and explained that the downspouts were already aluminum and painted gray.

Ms. Kozak stated that the application included plans to cover the fascia and soffits with sheet aluminum. Ms. Menzel said that it would match the gutters, siding, and window trim. She pointed out that the paint was peeling in those areas.

Ms. Kozak asked about the drip edge and the window cap. Ms. Menzel stated that it was not part of the project.

Mr. Wyckoff pointed out that he presumed there was a bit of frieze underneath the soffits and there was a bed molding in the corner of that particular material. He stated that he had a concern with the covering on the top of the house. Ms. Mennel said that if there was rot it would have to be repaired before they covered it. Mr. Wyckoff stated that he was mostly concerned with covering up detail with aluminum. He felt they would probably put up a diagonal piece of metal underneath the soffit. He was not comfortable with that. Mr. Melchior agreed and felt they needed more detail. Ms. Kozak stated that she would not like to see any aluminum on the soffit on that important street front.

Vice Chairman Katz stated that a work session would be helpful for the next meeting. He added that it would also be helpful to have the contractor come. Mr. Melchior stated that maybe a work session was not needed, but the Commission definitely needed more detail.

DECISION OF THE COMMISSION

Mr. Melchior made a motion to postpone the application to the September 2, 2009 meeting so that the applicant could submit additional information concerning fascia and soffit details. The motion was seconded by Mr. Almeida. The motion passed by a unanimous (5-0) vote.

Ms. Mennel asked for clarification as to what was needed. Mr. Almeida stated that a cross section of how the gutter was fastened to the fascia would be helpful for the Commission to review. Mr. Melchior also pointed out that the contractor will know what the Commission needs to see.

4. Petition of **John A. and Sandra S. Dika, owners**, for property located at **333 Marcy Street**, wherein permission was requested to allow exterior renovations to an existing structure (remove two windows on rear elevation, replace with three smaller windows) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 102 as Lot 13 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. John Dika, owner of the property, was present to speak to the application. He explained that he would like to change a window arrangement on the back of the house to accommodate a kitchen renovation. He would like to remove the two existing windows and replace them with three shorter windows to accommodate the internal counter. The windows would be three over three with simulated divided light. Mr. Dika added that he would like to propose an all wood window instead of the aluminum clad window originally proposed. The windows would be a custom window in order to match the window within close proximity on the south side of the house.

Ms. Kozak asked about the sill on the new windows. Mr. Dika said that it would just be the sill. There would not be an apron underneath it.

Mr. Almeida noticed the thicker sills on the front of the house. Mr. Dika explained that the rear of the house had did not have the same thickness and the new windows would have the same sill thickness as on the rear of house. He said that it would not be seen from the street.

Mr. Wyckoff asked if there would be flat casings around the windows. Mr. Dika replied yes and said there would not be any molding.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Mr. Melchior.

Mr. Wyckoff stated that the project fits with the other structures in the neighborhood. He cited Section 10-1004 B. 1,2,3,4.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (5-0) vote.

5. Petition of **Jane M. Donovan and William E. Hess, owners**, for property located at **54 Rogers Street**, wherein permission was requested to allow an amendment to a previously approved design (change door style and expose original sidelights and transom) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 116 as Lot 44 and lies within the Mixed Residential Office and Historic A Districts.

SPEAKING TO THE PETITION

Mr. William Hess, owner of the property was present to speak to the application. He stated that he would like to remove the existing six panel aluminum door and replace it with a wood door. He provided the cut sheet showing the proposed style of door, Brosco #F117. Mr. Hess also explained that during current renovations, they discovered the original sidelights and transom in between two pieces of wood around the front door. He has since restored them and wanted to put them back in place.

Mr. Almeida commented that the door that was chosen was very common on Rogers Street and was an appropriate choice.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Almeida made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Mr. Melchior. There was no discussion.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (5-0) vote.

6. Petition of **Robert and Laura M. Gunning, owners**, for property located at **43 Humphrey's Court**, wherein permission was requested to allow exterior renovations to an existing structure (install two new windows with new configurations, replace attic vent with new window) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 40 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE COMMISSION

Ms. Anne Whitney, filling in for Mr. David Witham, architect for the project, was present to speak to the application. She explained that Mr. Witham was on vacation and asked Ms. Whitney to present the project.

Ms. Whitney showed the window changes to be made to the structure. She said that a kitchen renovation would be taking place which was the reason for the changes to the rear elevation. She pointed out that the lower windows would be off set because of what was taking place inside. On the rear elevation, a 3' x 3' operational awning window along with matching trim and louvers beside it was being proposed to simulate an in fill window.

Mr. Almeida asked if these windows would be the beginning of other window replacements or were they matching windows already in the house. Ms. Whitney said that the existing windows are all old windows.

Mr. Wyckoff commented that it was a clever idea to use a dummy window to help off set the window pattern on the rear elevation.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Almeida made a motion to grant a Certificate of Appropriateness for the application as presented. The motion was seconded by Mr. Melchior. There was no discussion.

The motion to grant a Certificate of Appropriateness for the application as presented passed by a unanimous (5-0) vote.

7. Petition of **51 Islington Street, LLC, and Arthur E. and Joan T. Jones, owners**, for property located at **51 Islington Street**, wherein permission is requested to allow an amendment to a previously approved design to foot print, changes to various patio doors, addition of patio doors to replace windows, and a new design for a pergola. Plans on file in the Planning Department. Said property is shown on Assessor Plan 126 as Lot 33 and lies within the Central Business B and Historic A Districts.

8. Petition of **Pier II, LLC, owners**, for property located at **10 State Street**, wherein permission was requested to allow modifications to an approved design, as per plans on file in the Planning Department. Said property is shown on Assessor Plan 105 as Lot 4 and lies within the Central Business A and Historic A Districts.

SPEAKING TO THE PETITION

Ms. Lisa DeStefano and Mr. Rob Harbeson, both of DeStefano Architects, were present to speak to the application. Ms. DeStefano stated she would highlight the changes and updates since the work session that was held last month.

Ms. DeStefano stated that page 4 of 16 showed what would be seen on the roof. The plan showed the railing system that would be used on the Juliet balconies.

Ms. DeStefano explained that there were no changes to the elevations from the previous presentation.

Mr. Almeida asked if the awning at the entry was new. Ms. DeStefano replied no, it was presented at the last meeting.

Mr. Wyckoff asked if there was a cross section of the window treatments since they have changed since the first approval. Ms. DeStefano pointed out that page 8 showed the details.

Page 9 showed the detailing of the fence and the Juliet balconies. Page 10 was a new drawing showing the detailing of the entry way awning.

Ms. Kozak asked about the material of the leaning rail on the roof. Ms. DeStefano said that it would be a powder coated metal that would be green to match the window trim.

Mr. Wyckoff commented on the roof awning over the front entry way. He felt that using galvanized tie rods made them stand out more than he was comfortable with. Ms. DeStefano pointed out page 10 of 16 for a better view of the tie rods. There was considerable discussion concerning the structural reasons for the use of the tie rods. Mr. Almeida commented that he initially focused in on this feature, but he felt it was a very contemporary feature and it looked like it belonged when you look at the building as a whole. Ms. Kozak pointed out that what was missing from the rendering were the plates that would attach to the building. Mr. Almeida said this was similar to the awning that was approved at 10 Pleasant Street. Vice Chairman Katz recalled that that awning was received enthusiastically by the Commission.

Mr. Melchior pointed out that one of the design challenges was how to identify the entry in its location. He stated that he did have concern about the location of the plates but it was a secondary concern. Identifying the entry was the first concern. Mr. Wyckoff said that he only hoped that they could make the tie rods go away.

Vice Chairman Katz stated that he was struck by how well this structure lives with Harbor Place.

Ms. Kozak said that she wished they would have just used one railing system. She wondered if they were using a round pipe section or a square section that matched the Juliet railings. Ms. DeStefano replied that they were proposing square sections.

Ms. Kozak asked if the poles that supported the sail awnings were permanent. Ms. DeStefano said some would be but some of the supporting structures would come down when the sail was not in use.

Ms. DeStefano indicated that the owner expressed a desire to have the metal railing system on the glass side of the structure match the windows so the rail would be a green, powder coated rail. It was determined that it might weather better. She said she would like to amend the application to have the metals all be the same color on that side of the building.

Mr. Almeida asked how the windows would sit in their openings. Ms. DeStefano said they would be at least a full brick width back in the openings. She added that there would be a brick mold trim.

Ms. DeStefano stated that at the last meeting, there was a concern about the weight of the garage doors. She said that she confirmed with the manufacturer that they can support the weight with the fasteners that they were proposing. Mr. Almeida asked if the garage doors would be a flat or beaded panel. Ms. DeStefano said that it would be a flat panel. Mr. Wyckoff said that he would

have preferred to keep the vertical lines like bead board. Mr. Wyckoff commented that they have done a very nice job with the design.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness for the application with the following amendment:

- 1) That the rails on the glass railing system on the water side of the structure will be powder coated with the color to match the window system.

The motion was seconded by Mr. Almeida. Vice Chairman Katz asked for discussion.

Mr. Wyckoff stated that he felt the project met the criteria and he cited Section 10-1004, B. 1,2,3,4. He especially thought it met #4, the innovative use of technology.

Ms. Almeida felt the project was a huge improvement to what was previously approved. He felt it would be a beautiful project for the city.

Ms. Kozak said that she was very excited to see this happening and developing in this way. She felt this was a great example of how a building can be a building of its own time but still look back at its history and represent that faithfully without mocking it.

The motion to grant a Certificate of Appropriateness for the application with the following amendment passed by a unanimous (5-0) vote:

- 1) That the rails on the glass railing system on the water side of the structure will be powder coated with the color to match the window system.

9. Petition of **David E. and Kristen E. White, owners**, for property located at **127 New Castle Avenue**, wherein permission was requested to allow an amendment to a previously approved design (increase footprint of deck) as per plans on file in the Planning Department. Said property is shown on Assessor Plan 101 as Lot 54 and lies within the General Residence B and Historic A Districts.

SPEAKING TO THE PETITION

Mr. David White, owner of the property, was present to speak to the application. He explained that he was requesting to amend an existing approval for a deck. He would like to expand the size by 2' 8" in one area of the deck.

Mr. Almeida asked if there would be a railing around it. Mr. White said yes, he would be using the previously approved railing.

Vice Chairman Katz asked if there were any more questions for the applicant. Hearing none, he asked if anyone from the public wished to speak to, for, or against the application. Seeing no one rise, he declared the public hearing closed and awaited a motion.

DECISION OF THE COMMISSION

Mr. Wyckoff made a motion to grant a Certificate of Appropriateness of the application as presented. The motion was seconded by Mr. Melchior. There was no discussion.

The motion to grant a Certificate of Appropriateness of the application as presented passed by a unanimous (5-0) vote.

WORK SESSIONS

A. Work Session requested by **Unitarian Universalist Church, owner**, for property located at **292 State Street**, wherein permission is requested to allow exterior renovations to an existing structure (fence **Request To Postpone** stall for **Postpone** cage). Said property is shown on Assessor Plan 146 as Lot 8 and lies within the Central Business B, Historic A, and Downtown Overlay Districts.

Mr. Almeida made a motion to postpone the application to the September 2, 2009 meeting. The motion was seconded by Ms. Kozak. The motion passed by a unanimous (5-0) vote.

III. ADJOURNMENT

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

Respectfully submitted,

Liz Good
HDC Recording Secretary

These minutes were approved at the Historic District Commission meeting on October 7, 2009.