

ADOPTED

City of Keene
New Hampshire

HISTORIC DISTRICT COMMISSION
MEETING MINUTES

Wednesday, November 16, 2016

4:30 PM

2nd Floor Committee Room,
City Hall

Members Present:

Hanspeter Weber, Chair
Dan Bartlett, Vice Chair
Tom Powers, Councilor
Anita Carroll-Weldon
Joslin Kimball Frank

Staff Present:

Tara Kessler, Planner

Members Not Present:

Jim Duffy

At 3:30 PM before the meeting, Commission members conducted a site visit at 50 Washington Street. Commission members present included Chair Hanspeter Weber and Councilor Tom Powers. Tara Kessler, Planner, and Mary Louise Caffrey were also present.

1) Call to Order and Roll Call

Chair Weber called the meeting to order at 4:31 PM and Ms. Kessler conducted roll call.

2) Minutes of Previous Meeting – September 21, 2016

Ms. Kimball Frank noted a correction to the minutes on page two, third line from the bottom should read: "... in the meeting packet which showed the fence without ivy on it," as opposed to, "in the meeting packed which showed the fence without ivy on it."

Mr. Bartlett made a motion to approve the minutes of September 21, 2016 as amended, which was seconded by Councilor Powers and carried unanimously.

3) Public Hearing

- a. **COA 2016-13 – 50 Washington St. Chimney Removal** – Applicant, Mary Louise Caffrey, on behalf of owner, Fifty Washington Street LLC, requests the removal of three chimneys on the building located at 50 Washington Street. The property is Tax Map Parcel #003-02-005. The building is ranked as a Contributing Resource. The Applicant is requesting a waiver from Section XV.B.4. Roofs and Roof Features of the Historic District Regulations.

Chair Weber introduced the application and Ms. Kessler made the staff recommendation to accept the application as complete.

Councilor Powers made a motion to accept application COA 2016-13 as complete, which was seconded by Mr. Bartlett and carried unanimously.

Chair Weber opened the public hearing and welcomed Mary Louise Caffrey, 11 Algonquin Drive, Keene. She introduced her colleagues Sam Bradley, Doug Green, and Gary Kinyon.

Ms. Caffrey stated the slate roof on the building in question is in need of repairs. In the course of getting repair estimates from three different companies, each contractor noted the four chimneys on the building are in poor condition. Only one chimney is currently used. Ms. Caffrey noted that, per the suggestion of the contractors, they are seeking to remove the three chimneys not in use, repair the slate shingles, and install new copper flashing. She noted that they think the copper will be more aesthetically pleasing despite the expense. However, in looking at the Historic District Commission Regulations' standards addressing chimney removal, it became apparent they would need to apply for a waiver from these standards to conduct this work.

Ms. Caffrey continued, stating that she thinks removal of the three chimneys makes sense because it would be a significant expense to repair them and it does not make sense to fix the roof and not address the chimneys. The chimneys would be removed to roof level and covered with slate to match the historic nature of the building. She continued that it would be a hardship not to remove the chimneys because it would be a tremendous expense for a feature they are not using and do not intend to use, and the chimneys could become a hazard. She said they are trying to preserve the historic features on the building by going with the more expensive slate; they feel it is worth the investment. She does not believe it is contrary to the intent of the regulations; she said there are not any particularly interesting historical features of the chimneys. She said no identified historic features of the building are being disrupted. She respectfully requests that the HDC grant the waiver to remove the three chimneys.

Ms. Kimball Frank asked how that cost of repairing the chimneys compares to removing them and covering them with slate. Ms. Caffrey replied that removing the chimneys would cost approximately \$750-\$1,000 per chimney and that the cost to repair each chimney would be between \$4,000-6,000 per chimney. She feels it is a wiser business decision and is in keeping with the historic district to remove the three chimneys. The copper and slate replacement will cost \$16,750 in addition to the \$750-\$1,000 per chimney removal. The remaining chimney, which is currently used, will be repaired.

Mr. Bartlett asked if the chimneys are only being removed from the roof up or if they will be removed down to the basement. Ms. Caffrey replied that they are only being removed from the roof up. It is only necessary to make sure they are capped.

Ms. Kimball Frank stated that in the staff report it is noted that Gary Schneider, City Plans Examiner, stated that only one chimney on the building is in danger of a safety hazard. This chimney is at the southwest end of the building. Ms. Caffrey replied that while the other two are not in as serious disrepair as the third, she disagrees with Mr. Schneider's assessment because he did not examine the chimneys as thoroughly as the contractors did. Ms. Kessler noted that Mr. Schneider and Lieutenant Bates from the Fire Department went to look at the chimneys. The HDC Regulations require that character-defining chimneys should not be removed unless determined a safety hazard by the code inspector and repair constitutes economic hardship. Mr. Schneider and Lieutenant Bates were examining the chimneys from the perspective of a safety hazard.

Ms. Carroll-Weldon asked if, when the remaining chimney is rebuilt, the original bricks will be used. Ms. Caffrey replied they will use what they can of the original bricks and where they are not able to, they will use historic-looking brick that matches the original. Ms. Carroll-Weldon also thanked the applicants for their effort to repair the slate rather than replace it.

Chair Weber asked if the chimney they will keep using is lined. Ms. Caffrey replied she is unsure of the current condition, but when they repair it, the appropriate lining will be added to use the chimney as a furnace and to preserve the chimney for the future.

Ms. Kessler directed the Commission to the staff report included in the packet. The primary standards with regard to modifying roof features are that the historic roofline will not be altered and slate should be maintained wherever economically feasible. She noted that the applicants are choosing to repair and retain the existing slate roof and are going to match the color of slate roof that is there today. The applicant also proposes to install copper versus aluminum flashing.

The standards also state that the character-defining chimneys should not be removed unless determined a safety hazard by the code inspector and repair constitutes economic hardship. Ms. Kessler noted that it is because of this standard that the applicant is seeking a waiver. The report from Mr. Schneider is included in the agenda packet and as stated in this report, one of the chimneys does constitute a safety concern and another could use repointing. The applicant has submitted a letter addressing the waiver criteria, which are detailed on page 11 of 16 in the packet. In order for the HDC to grant the waiver, the applicant must meet the following three criteria:

- Strict application of these regulations would result in a real difficulty or undue hardship upon the owner of the affected property
- An alternative design or materials meets the design objectives stated in these regulations and in the Historic District Ordinance equally well or better than would strict compliance with these regulations
- The waiver may be granted without substantial detriment to the intent of these regulations and the Historic District Ordinance and the public good

Ms. Kessler stated the applicant brings up an interesting point about whether the chimneys are character defining, which is what the standard calls for. While the Historic Inventory Form does not list these chimneys as noteworthy historic elements, they may still be determined by the Commission to be character defining.

With no comments, Chair Weber closed the public hearing.

Mr. Bartlett noted that he is pleased the applicants have selected copper and slate as replacement materials. He said he is in agreement with removing the two chimneys that are in obvious disrepair. However, is unsure about the third chimney on the southeast side of the building because while it may not be a character-defining chimney, there is something to say for the symmetry of the two chimneys on this building. He is inclined to encourage keeping that second chimney so that the building face on the Washington Street side retains symmetry. He is not convinced that keeping the two chimneys would be that significant a percentage of the total budget and suggests considering keeping this southeast chimney. Ms. Kimball Frank agreed with both of Mr. Bartlett's statements.

Councilor Powers stated that while he thinks it would be nice to have that symmetry, he does not believe that is practical from his experience. He thinks in terms of practical application, the waiver should be granted, especially because of their commitment to the slate.

Ms. Carroll-Weldon agreed with Mr. Bartlett and Ms. Kimball Frank about the chimney symmetry. She noted the importance of proportion and pattern in historic architecture, which sets

a visual pattern of the design of the house. She would also like to see both front chimneys maintained if possible.

Chair Weber stated he also appreciates the symmetry of the building and agreed that he would like to see both front chimneys maintained. Chair Weber reopened the public hearing.

Ms. Caffrey agreed with Councilor Powers that it is great to maintain symmetry in theory, but there have been hardships and significant expenses with this building. She said in reading the terms of the waiver, she believes the applicants have met all three terms and are entitled to the waiver for all three chimneys. She said you have to be far away to even notice the chimneys. She said if they get in and the condition is not as bad as expected, they can consider it, but hope to be granted the waiver for all three. The contractors are concerned with the actual condition inside the chimney. She thinks the money would be better saved for future slate repairs. The applicant respectfully requested that keeping the third chimney come in the form of a recommendation and not as a condition of approval. Ms. Caffrey noted that the overall project will better restore the overall historic nature of the building and the neighborhood.

Mr. Bartlett said it is the duty of the Commission to preserve what little historic artifacts remain in Keene in spite of the ever-encroaching modernity; the Commission is doing their duty in advocating for symmetry. However, he agrees that it should be a recommendation and not mandatory. Councilor Powers added that the building is well kept, has a slate roof, and thinks it's worth holding onto as much as possible.

Chair Weber closed the public hearing.

Ms. Kimball Frank made the following motion, which was seconded by Councilor Powers.

On a vote of 5-0, the Historic District Commission approves the waiver request from Section XV.B.4 of the Historic District Regulations and COA-2016-13 for the removal of three chimneys on the roof of 50 Washington Street (TMP# 003-02-005) as described in the project narrative prepared by Mary Louise Caffrey and submitted to the Planning Department on November 3, 2016.

The Commission recommends that the applicant consider the possibility of retaining the southeast chimney.

4) Review of and Discussion on the Downtown Historic District Regulations

Ms. Kessler stated that the conversation began last August about doing a thorough review of the Downtown Historic District Regulations. She and Chair Weber previously discussed the value in bringing this discussion back to the Commission. In the October meeting packet, she included three sections of the Regulations she thought might be useful to begin the review. These sections are described below.

1. The list of which projects are considered minor or major.
 - a. Minor Projects – ones that can be reviewed and approved administratively by the Planning Department
 - b. Major Projects – need review and approval by the HDC

Ms. Kessler noted that an activity that comes up frequently and is on the Major Projects list is repointing brick. She thinks the standards for repairing/repoint brick are fairly clear; specifically, that the mortar needs to be of a material type, color, and thickness which matches what is present today. Ms. Kessler asked the Commission if they feel this activity warrants full review and approval by the Commission or if it could be reviewed administratively. Mr. Bartlett said in his

opinion, it could be administratively reviewed at the discretion of the staff. Ms. Kimball Frank agreed with Mr. Bartlett. Ms. Kessler noted that applicants have been held to the standard of providing a mock-up of the brick and mortar for review by staff and the HDC Chair before continuing with any approved work. Chair Weber asked if this merges repair, replacement, and repointing of exterior masonry walls. While he thinks repair and repointing fall into one category, replacement falls into another. He suggested that brick repair and repointing are more straightforward and could be handled administratively. Ms. Kimball Frank agreed that replacement should perhaps be considered separately. Mr. Bartlett noted that in this regulation, it seems it only refers to replacing a few bricks, not an entire building wall. He said if the question is of an entire building wall, perhaps it should be included in the third regulation which reads: *rehabilitation, renovation, restoration of a building or structure*. Councilor Powers said he believes replacement to be of a few bricks in kind, whereas item three is more about significant changes to the exterior of a building. He suggested altering item five to say “replacement in kind.”

Ms. Kessler said the important thing for this meeting is to start identifying these discrepancies; the Commission has time to review and discuss issues with the regulations before rewriting them.

Ms. Carroll-Weldon asked about the administrative review process. Ms. Kessler replied that when an applicant comes in or calls with a question, she refers to the regulations list and if the building is on a major project list, she helps them fill out the application. If it is a minor project and only requires administrative approval, they still have to fill out an application and submit a project description. Ms. Kessler would then do an initial review of those documents referring to the regulations. If it is a straightforward request and they meet the standards, Ms. Kessler would move forward consulting with the Planning Director before drafting a letter of approval. If the Planning Director has questions or concerns, he will note them and Ms. Kessler will work through those with the applicant. If it is a more complex case, staff has the ability through regulations to determine if it is a minor project with special circumstances that merits full HDC review. Ms. Kessler checks-in with Chair Weber to help determine if he thinks full HDC review is necessary.

Ms. Kessler noted that the HDC regulations do not adequately address the installation of transformers. The Regulations address installation of HVAC or other equipment but the Commission has been addressing transformers as structures. The definition of a structure in the regulations has caused this discrepancy: *a functional construction made for purposes other than creating shelter such as a bridge or power plant*. She is unsure that is the most relevant definition of structure for Keene’s downtown. Mr. Bartlett asked if the definition of structure in the Zoning Ordinance could help refine this definition to be most suitable for a historic district. Ms. Kessler will compile the other City definitions of structure for further review.

Mr. Bartlett said this raises a larger question of how technology integrates with the Historic District. He and Ms. Kimball Frank think the best that can be done is to screen technology that comes before the Commission, such as the transformers. Because there is no precedent for it, there is no historical example of how to deal with new technology. Councilor Powers suggested reaching out to other communities with historic districts for comparison. Ms. Kessler noted that Manchester and Portsmouth are going through the same situation as Keene in that they had underground utilities that are now being raised aboveground in their Historic District; she will reach out to them about how they have been navigating it. She added that in the 50s and 60s, the City chose to remove above ground poles for aesthetic purposes downtown. It is an interesting question of as technology evolves, what are the tradeoffs.

Ms. Carroll-Weldon noted these new technologies are coming to Keene piecemeal and the City is gradually approving them. She said somewhere down the line if this continues, Keene will suddenly be inundated with this type of equipment. She hopes down the line technology will evolve to the point where these things can be done at a more minor scale.

Ms. Kessler asked if additional standards should be included in the Regulations to address transformers. She agreed with Ms. Carroll-Weldon that with time, these gradual approvals can accumulate into a significant visual impact. Ms. Kimball Frank asked if that should be listed under design standards. The Commission agreed to continue researching and discussing this topic.

Ms. Kessler continued to the section of the Regulations that address windows. Specifically, the standard that *“any windows that are approved for replacement shall convey the same visual appearance in terms of overall dimensions and shape, size of glazed areas, muntin arrangement, and other design details as the historic windows.”* She suggested, at a minimum, considering different language for this because lay people have a hard time understanding this specific standard. She suggested adding graphics to illustrate the intent. She hopes the Commission will review this section and determine if it is doing what they set out for it to do when the standard was established.

Ms. Carroll-Weldon agreed a graphic representation would help clarify what these things mean. She stated that just because a historic building already has modern features added is not a reason to allow more changes; she said that is an example of the gradual erosion that happens to historic building and areas. That is why it is important as a Commission to try to keep these regulations and character defining features.

Mr. Bartlett said the issue of windows is so important and while he would like to maintain some of the wording of this regulation, he thinks it could be clarified and graphics would be helpful.

Ms. Kessler stated that she pulled out all sections of the Regulations that relate to or address change in materials. She noted that the Commission had previously discussed revisiting these sections of the Regulations. There had been a question of whether an applicant that is replacing a feature, such as trim board, in kind (same color, design, shape, texture, etc), with the exception of material type, needs to have review by the HDC. She provided the example of St. Bernard Church, which replaced the wooden louvers in the bell towers with replica louvers, except the material was not wood, but rather a plastic material made to look like painted wood. This request required HDC review and approval. She asked the Commission their thoughts on offering more flexibility with respect to material type, if everything else – appearance, color, and size – looks the same as the original. Ms. Kimball Frank said she would like to think about this more because she knows the HDC has approved vinyl in the past and she does not prefer vinyl. Mr. Bartlett clarified they were talking about a wood composite which looks like wood, not vinyl. Applicants have argued the alternatives to wood, such as Azek, last longer and require less maintenance. She thinks all sections that address material type should be reviewed. Ms. Kessler noted the regulations currently allow for alternatives, but they require a full Board review. She said the waiver criteria are another area that could be reviewed.

Ms. Kimball Frank noted she would like to have more discussion on the issue of economic hardship. She thinks economic hardship should have to be justified with evidence. Chair Weber agreed it is hard for the Commission to make an informed judgement without evidence.

5) **Historic District Commission Resource Ranking**

6) **Staff Updates**

a. **Proposed Main Street Historic District**

Ms. Kessler noted that the proposed ordinance to establish a Historic District for Main Street was defeated by the City Council.

7) **Other Business**

a. **Commission Membership**

Ms. Kessler has reached out to Nancy Proctor about her interest in serving on the Commission. She has submitted a letter to the Mayor requesting nomination. This nomination will go before City Council on November 17, 2016. Ms. Kessler will also be meeting with Katie Cassidy Sutherland, who may be interested in membership. Mr. Duffy has moved to Winchester, so he can no longer serve on the Commission.

Mr. Bartlett and Ms. Carroll-Weldon's second terms will expire in December 2016. They will have the option to stay on the Commission until replacements are found.

b. **Education and Training**

c. **Other**

8) **Next Meeting – December 21, 2016**

9) **Adjourn**

Hearing no further business, Chair Weber adjourned the meeting at 6:00 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker

Reviewed and edited by,
Tara Kessler, Planner