

Approved: September 2, 2015

Durham Historic District Commission
Thursday August 6 2015 at 7:00 pm
Town Council Chambers
Durham NH 03824

Members Present: Peter Stanhope (Chair), Andrea Bodo (Vice Chair and Secretary), Jim Lawson (Town Council Representative), Bill McGowan (Planning Board Representative), Catherine Meeking, Chip Noon and Heidi Ely

Others Present: Michael Behrendt (Town Planner), Robin Mower, Beth Ohlshansky, Mark Henderson, Lisa DeStefano

I. Call to Order

Chair Stanhope called the August 6, 2015 meeting of the Durham Historic District to order at 7:05 pm.

II. Opening remarks from the Chair

Chair Stanhope noted that there are a number of items on the agenda this evening and some of the documents associated with the items arrived late, not allowing the members as much time as normal for review. Chair Stanhope asked the members to consider if the time frame of the arrival of the documents still allowed enough time for consideration and for notice to the residents for each item. The members will be able to hold a discussion on whether or not they feel enough time was provided for consideration by all concerned as each topic arises.

III. Approval of the Agenda

Andrea Bodo MOVED to amend the agenda by moving Item VIII (Bicentennial Park Discussion) to follow Item V (the Ballard Building discussion) and also to delete Item VI (21 Main Street) from the agenda; this was seconded by Catherine Meeking and APPROVED unanimously (7 in favor and 0 against).

Chip Noon MOVED to approve the agenda; this was SECONDED by Bill McGowan and APPROVED unanimously.

IV. Public Comments

Robin Mower of Faculty Road thanked the Chair for his comments regarding procedure regarding receipt of documents and for being committed to transparency. She commented that the Town and the HDC finds itself in the position of considering last minute requests regarding the Orion Student Housing project. Ms. Mower encouraged the members to take the time they need to review the application and make a decision. She noted that a temporary certificate of occupancy may not require the approval of all of the requests and it may be helpful to determine which approvals are needed for a temporary certificate of occupancy. She noted that she is grateful that DeStefano Architect was brought on to work on the Orion project however, she feels that the professionals should have done a better job and that several of the items on the change list should have been brought before the board earlier with more time to consider them. She said one question is "how can the Town do a better job of ensuring that the recommendations of its boards and committees are implemented when the issues are aesthetics, community concerns or environmental issues". Ms. Mower noted that those do not fall under health and safety or engineering

categories but are important to many in the community. She said with regard to the proposed change of building colors, she was surprised after the concern and investigation regarding the surprising height of one of the buildings that increased inspection and oversight did not occur. Ms. Mower said it is clear that considerable thought went into choosing colors that were harmonious with the district and that the sequence of colors was deliberate. Ms. Mower also suggested that if painting the Hardie planks is to be the remedy perhaps the Commission should consider requiring an independent, third party to advise on the appropriateness, instructions for application and a maintenance plan.

Beth Ohlshansky said the HDC has worked hard on the Orion project. She noted that the project has created a number of disappointments and concerns. Ms. Ohlshansky said that some of the requests under consideration tonight for the Orion project are requests for forgiveness for things that have already happened and that concern her. She encouraged the HDC to review all the items carefully. Ms. Ohlshansky said it is her opinion that the building next to the duplex should not be white because it would not serve the aesthetic of the streetscape. She noted that some of the colors chosen have been muted and the chestnut brown seems to not fit in with the other colors and suggested that Orion consider toning down the chestnut brown to a milky muted brown. Ms. Ohlshansky said it is important to discuss the trim colors as well. She noted that the windows and mullions should be of good quality and said she is disappointed with the way their windows look now, they do not look historic. She asked the members to revisit the issue of windows.

- V. 28 Main Street/Ballard Building – Windows. Application for certificate of appropriateness to replace four double hung windows with four casement windows to provide a means of egress. Mark Henderson, property owner. Map 4, Lot 1-0.

Mark Henderson said that part of the approval for the Ballard expansion in 2008 allowed for 15 units; 7 and 7 with a one bedroom apartment in the main building (which was later split into two apartments). He said it was decided that the Ballard building would be returned to one unit and in going through that process it was discovered that an additional means of egress from the second story would be needed. Mr. Henderson suggested installing gelled, six over six windows that slide out instead of up and down and would be appropriate for a means of egress. He stated that from the outside there is very little difference. Mr. Henderson provided a brochure for the members to view and noted that a depiction of the window was also sent to the members. He said they feel it is the best choice to remain in character of the building.

The members discussed the current windows and what would be needed to legally serve as a second means of egress.

Andrea Bodo MOVED to approve replacing the two double hung windows in the front and the two double hung windows in the rear of the building with casement, six over six windows made of gelled premium vinyl casement that will meet the required building code to allow egress; this was SECONDED by Chip Noon and APPROVED unanimously (7 in favor and 0 against).

- VI. Bicentennial Park. Presentation of plans for redevelopment of park at the corner of Mill Road and Main Street (next to Pauly's Pockets). Presented by Mike Lynch, Public Works Director.

Mr. Lynch presented the plan for Bicentennial Park to the members for their review. He noted that not much has changed since he last presented the plan. Mr. Lynch said the fountain that had been suggested for the park will not occur due to financial constraints. He said there will be water and electricity located in the area so that at some point down the road it will not be difficult to install a fountain. Mr. Lynch said that the historic well stone will be in the center of the park and will be surrounded by historic granite pieces.

Ms. Bodo asked if a plaque will be placed by the well stone to identify it.

Mr. Lynch suggested that the members have a site walk in the fall to discuss signage at the park. The members agreed that a site walk would be helpful and suggested including Janet Mackey and Nancy Sandburg.

Chair Stanhope asked when construction would begin and be completed.

Mr., Lynch said that construction should begin in approximately three weeks, with completion expected in the second or third week of September. He noted the other change to the park is that the two front trees (closest to the sidewalk) will now be dogwood trees. Mr. Lynch said they were originally going to be golden rain trees; but it was felt that falling pods, flowers and leaves would cause concern.

Heidi Ely asked about security of the park and if the view from the sidewalk would be clear and visible.

Mr. Lynch noted that most of the vegetation in the park will be ground cover (other than the trees) and that the grade allows for a good view of the park. He also noted that centralized lighting will be used in the park

The members discussed the use of red brick versus cobblestone for the park.

It was noted that some of the bricks are engraved bricks that were funded by individuals for the purchase of bricks that were used in the previous park.

The members did express their feeling that due to the surrounding buildings being constructed with brick it would be more aesthetically pleasing to have cobblestones.

In the end it was decided that the brick will be used for the park and that the aesthetics of that will be reviewed at a later point (after some weathering) to determine if a change to cobblestone should be made.

Mr. Behrendt will convey to the Planning Board that the HDC supports the plans as presented and will hold a site walk in October.

- VII. Orion Development, 25-35 Main Street. Application or certificate of appropriateness for amendments to earlier approval regarding paint colors, windows, doors, trim detailing, exterior penetrations, light fixtures, columns, dormers and entry stoops. Bill Fideli and Philip Wilis, Orion Student Housing, Developer, Lisa DeStefano and Adam Wagner, DeStefano Architects, architect. Map 5, Lot 1-6.

Chair Stanhope noted that some documents were received on July 27th and asked Mr. Behrendt if documents were received after that date.

Mr. Behrendt noted that two documents were received yesterday at 2:09 pm (August 5th). He said one is a corrected version of another document sent and the second document is a new drawing requesting the HDC to review the front of Building A where Orion is requesting to install a retaining wall and an iron fence.

Chair Stanhope asked the Commission members if they wish to discuss that item due to the late delivery of documents and the failure to comply with the date of submission requirement.

Chip Noon asked if this item is something that the Town would like to have happen or feels is needed.

Andrea Bodo said that there is a time frame that documents need to be submitted by in order to have them appear on the agenda. She reminded the members that these documents were only submitted yesterday and that accepting them and discussing the topic will be setting a precedent. She suggested the discussion be put on next month's agenda.

Jim Lawson said the problem is that the item may need to take place prior to the next meeting. He asked if the situation is a safety risk or if there is a temporary alternative that can take place while waiting to be discussed next month.

Chip Noon said the real issue is the fact that this is putting the Commission in a difficult position by bringing the issue up at the last minute. He noted that the height of the buildings was wrong and the Commission needed to address it after the fact; the colors of the buildings are wrong and need to be addressed after the fact; and this situation is wrong and needs to be addressed after the fact and it is a safety concern and may cause non-occupancy. Mr. Noon said the preponderance of this project has been not to be in compliance with stated objectives. He said he does not want to hold up getting the students into the buildings; but he is concerned with the issues that have occurred with this development. He said the developers have not adhered to what was approved; the Town did not catch these problems as they occurred. Mr. Noon said in this case he would not want to hold the item up if we are going to approve other items for them because they have not met our criteria. He said he is bothered by the entire project.

Mr. McCann said the fence was approved for the location and the retaining wall is needed for structural purposes.

Ms. Bodo asked if the fence was approved for in front of Building A.

Mr. Behrendt said that this is a change to the front of building A required due to a change in grade. He explained that a retaining wall with a fence on top of the retaining wall is being proposed. Mr. Behrendt noted that the same type of fence runs along the back of the property and that has been approved. This request is proposing to use the same type of fence approved in the back of the building (but not previously approved for the front of the building).

Ms. Bodo asked if it would be possible to erect something temporarily so occupancy can occur. She said there is a problem since the documents were just received yesterday. Ms. Bodo noted that many items have fallen through the cracks on this project and she is not comfortable rushing this item through quickly. She noted this is a commercial building and asked if there are tenants waiting for occupancy.

Lisa DeStefano explained that this item came up during a site meeting on Tuesday and as soon as it came to light the engineers began working on it and then sent the information to the Commission as soon as possible. She said part of the wall and fence is on Town property. She said they can build the retaining wall without the guard but it may be a safety issue because there is a slope there. Ms. DeStefano said it would meet building code without the fence, but since this is the handicap emergency egress it was thought it would be best to move forward with the retaining wall and fence.

Mr. Lawson noted that this is Orion's responsibility; not the Town of Durham's responsibility.

Ms. DeStefano agreed and said the proposed wall and fence is their answer to make the situation safe.

Chair Stanhope said the safety of the item should not be discussed at this point, but the question of whether or not to allow the applicant to submit the amendment to their plans at so late a day should be considered. He said the members need to decide if they will allow the applicant to submit amendments to their plans two days or less before a meeting and if that violates the spirit and intent of the ordinance in terms of total transparency. He said the members need to decide if the public has been given adequate notice of the changes being requested and been afforded an appropriate amount of time to respond.

The members discussed with Ms. DeStefano how, when and why the item was being brought forward at this date. It was noted that the item was discussed at a site meeting on Tuesday where a Town official may or may not have been present.

Ms. Bodo noted that the members have made other applicants conform to the need to submit their information on a timely schedule. She said she does have concerns on how the members will react to a

fence on half the building and she does not want to be rushed. Ms. Bodo said this is very visible and we want to make the right decision. She said she cannot justify putting this on the agenda tonight when it was submitted yesterday.

Mr. Lawson said he would vote not to move this forward at this time. He said there are community members who provide thoughtful input and he is not willing to circumvent the opportunity to give people the chance to provide input.

Andrea Bodo MOVED to postpone discussion and decision on the retaining wall and fence to a subsequent meeting to allow sufficient time for members and residents to review the materials furnished as required; this was SECONDED by Jim Lawson;

Discussion on the motion:

Chip Noon said actions like this give boards like us a bad name, even though the responsibility rests with the developer. He said the Commission needs to follow procedure and the public needs to be given the opportunity to review and comment on these items.

Vote on the motion to postpone discuss and decision on the retaining wall and fence: *The motion was APPROVED unanimously (7 in favor and 0 against).*

Ms. DeStefano began review of the requested changes.

Page One: Building A: changes requested include revised location of penetration (plumbing vents, vents for washer/dryer). The previous submission had a layer of plumbing vents and additional vents have been located on the building. All will be painted out the building color. Also being requested is the addition of two exterior light fixtures.

Chip Noon MOVED to accept these changes as presented on Page One of Ten; this was SECONDED by Jim Lawson;

Discussion on the motion:

Andrea Bodo said that PVC pipes do appear on many building in the historic district. It is not a major issue and is needed.

Ms. DeStefano said they worked with the engineers to ensure there is no penetration through the roof on the Main Street side. She said they will occur on the back of the ridges on the Main Street buildings; first and second floor will have vents outside on small openings; the third floor will vent through the roof in a regular pattern and are painted the same color as the roof.

Vote on motion to accept changes as presented on Page One: *The motion was APPROVED unanimously (7 in favor and 0 against).*

Page Two: Revised location of wall penetration on far left side, removal of narrow glass on the egress door in the rear and added transom windows between the front of the building A and back of building a.

Jim Lawson MOVED to accept the changes on Page Two of ten; this was SECONDED by Catherine Meeking;

Discussion on the motion:

Jim Lawson noted that the transom windows look better and there is no issue with the change in the door design.

Vote on motion to accept changes as presented on Page Two: *The motion was APPROVED unanimously (7 in favor and 0 against).*

Page Three: Building B - eliminate narrow light on the two egress doors and add transoms to the doors. This will provide a continuous horizontal line on the front elevation of building B. Also being requested is revised spacing of the columns at the entry (bringing them closer together). Also, the revised grade on the bottom right hand corner exposes more foundation but there will be a landscape buffer there (approved landscape plan previously). Additionally, added wall penetrations to the gable end are being requested.

Chair Stanhope asked what will be visible due to the revised grade change.

Ms. DeStefano said that a concrete wall will be visible but there will be heavy vegetation in front of it.

Andrea Bodo MOVED to approve Page Three with the changes as noted of columns, transom and revised grade; this was SECONDED by Chip Noon and APPROVED by a vote of six in favor (Andrea Bodo, Chip Noon, Bill McGowan, Heidi Ely, Catherine Meeking, Jim Lawson)and one against (Peter Stanhope).

Page Four: Location of gas meters (trimmed boxes) will be removed, the dormers (third floor windows) have a difference of the location of the head of the window (4 ") due to a structural beam location, also wall penetration additions.

Chair Stanhope noted that on the view of the northwest elevation at the foundation level on the far left there is a piece of trim added to the corner of the foundation that was not in the approved plans.

Ms. DeStefano said there should not be trim at that location and she would need to determine what that line on the plan refers to. She indicated it may be an error in the drawing and that she would get back to Mr. Behrendt with the answer.

Chair Stanhope said he is hesitant to approve the changes on this page without the answer to the question. He noted that on the foundation level there are wall penetrations to the far left and far right in the brick itself that are new that were not pointed out.

Ms. DeStefano agreed those were also changes and indicated that they will be painted out to match the brick.

Mr. Behrendt told the members that when they approve the page they are only approving the very specific items in noted in red (application).

Chair Stanhope said he wishes to have it represented on the record that the line is not included in the approval of the changes on page Four.

Ms. DeStefano said that anything indicated across the bottom of the page is what is being requested to be approved.

Chair Stanhope asked if that includes items that are not identified in red and Ms. DeStefano indicated agreement to that statement.

Mr. Behrendt said that if there is anything not in red that needs to be approved that needs to be specifically pointed out.

Chair Stanhope said he remains concerned about the trim board noted on the plan and hopes that any motion will exclude that from approval.

Ms. DeStefano said they would provide clarification regarding that line to Mr. Behrendt.

Ms. Bodo noted that on the previously approved northwest elevation the front dormer on the far left is on the line of the ground but the "as built" plan shows that there is now a space between the dormer and the ground.

Ms. DeStefano indicated that the location is where the grade change occurs and there is now more space there than there was before. She said that previously there was a step or a retaining wall but it was built with the grade gradually changing around the front and wrapped around the corner.

Chip Noon MOVED to approve the changes indicated in red on Page Four; this was SECONDED by Jim Lawson;

Discussion on the motion:

Chip Noon said the issue that disturbs him is that the changes being requested to be approved have already been built and the developer is asking the HDC for approval after it has happened. He said his question is why this did not come to the HDC before it was built and why was it approved and built without coming to the HDC.

Mr. Lawson said that is a very good question but the discussion goes well beyond the time that we have tonight. He said it is a fair comment; but we need to discuss procedure and other items to address that question and unfortunately we cannot spend the time discussing that tonight.

Mr. Behrendt said to him the question is inferring that a Town employee oversees these projects step by step; when in reality the Building Department only inspects building issues, not architectural design and aesthetic issues. He said when these projects are approved it is the responsibility of the applicant to build precisely to plan. Mr. Behrendt said the Town inspects everything at the end of the project, prior to providing a certificate of occupancy (CO) and if anything is not built to plan it has to be addressed at that time and they will not get their permanent certificate of occupancy until those items are addressed. He noted that it is the responsibility of the applicant.

Chair Stanhope said that if the HDC chooses to not approve something that is brought before us in the as built stage tonight it will be the responsibility of the applicant to correct that and bring it into compliance with what was originally approved.

Mr. Behrendt indicated that was correct and that if the applicant does that before coming to the HDC they are doing it at their own risk.

Mr. Noon asked if the building is three feet or four feet higher than approved how is that something that the building inspector is not looking at.

Mr. Lawson said that sometimes the final grade is not obvious until you get to the point where you are creating the final grade. He said there is a possibility of encountering things like this in the future with large projects. Mr. Lawson said that as good as architects might be; architectural renderings may not account for four inch beams above windows. He said they have the responsibility to come to the Town as soon as possible; and it should have been sooner. Mr. Lawson said the Town will always be reviewing things like this and the hope is that it will be sooner rather than later.

Mr. Noon said hoping that sooner rather than later does not satisfy what we are doing here.

Chair Stanhope noted that on the southeast elevation view there are two white rectangular boxes that are not noted in red and he is not sure what they indicate. He said they appear to be larger in size than what was approved on the plan.

Ms. DeStefano said they will be painted out yellow to match the wall color, she said they are not in red because they are not a change. She noted they are meter boxes and their proportion changed somewhat due to the grade change.

Mr. Lawson indicated that if there are changes not indicated in red they need to be specifically pointed out; otherwise they will not be approved.

Ms. DeStefano indicated that the note on the page says the revised location of the penetrations are to be painted the same as the wall color; but she is only pointing out the location of one as an example. She indicated that the penetrations that are shown there are what is covered by the note.

The members indicated understanding.

Vote on the motion to approve the changes as indicated in red on Page Four: *The motion was APPROVED unanimously (7 in favor and 0 against).*

Page Five: Back of Building B (elevation faces Mill Plaza) Two dormers (one on each end) have a continuous shed roof that tie into the Gable end forms on each end (it was indicated this needed to be done due to the ceiling height issue), height change of the door in the corner (it now aligns with window heads next to it), also on the bottom right corner there is a meter bank area that is trimmed out and the wall penetration additions for mechanicals.

Ms. Bodo said the revised door height looks to be low.

Ms. DeStefano said the door is the height that is required; however the previous planned door was unusually high.

Mr. Lawson indicated that the grade next to the building is below grade and there is a walkway located there. He said this is a significant change in the dormers but there were a set of two dormers in the center; even though it is a significant change there is certain symmetry to the eye. Mr. Lawson said there may have been some cases where this would not have worked but in the context of the overall design, the symmetry makes it work in a reasonable way.

Catherine Meeking asked what the white is constructed of and Ms. DeStefano indicated that it is Azek trim.

Chair Stanhope noted that to the far right there is a ridge line and to the far left there is a ridge line as well. He said the line has an increase in height and he indicated that he will vote against the dormers and the roof line.

Mr. Lawson said that the white is above and that coloring has been added which makes it appear more bold. He said if they are checked against the previous plan they are the same height.

Chair Stanhope said he believes the left side is different.

Ms. Bodo said the roof pitch is different on the as built plan. She said she does not care for the revised dormers; the previously approved plans had a colonial affect; the revised dormers look like a dormitory affect.

Ms. DeStefano said that instead of the white panel they will use soft yellow clapboard.

Chair Stanhope said he does not want anything there.

Ms. Bodo asked if it would be possible to go back to the previously approved design with the two separate dormers.

Ms. DeStefano said there is a head height issue with getting circulation in the area and the need for a vertical wall.

Ms. Bodo asked if the revised dormers were already built and Ms. DeStefano indicated they are already built.

Ms. Meeking asked if the view is from the Mill Plaza and Ms. DeStefano indicated agreement.

Chair Stanhope indicated that there is a protrusion above the roof line on the left in the approved that is not in the as built. He asked if that is because the building is higher.

Ms. DeStefano said that indicated a piece of mechanical that is not now needed.

Mr. Lawson said in the original design half of the windows were paired up and now there is a pairing on the left and right side with more space.

Ms. Bodo asked how the dormers were built if the design was not approved.

Chair Stanhope said that anything can be built, but the developer takes the risk of needing to come before the HDC and not getting approval and then having to appeal to the ZBA. He said the dormer design is now very busy when it was clean before. He said it is unfortunate that it was not anticipated when the renderings were developed or that the developer did not come before the HDC immediately once the issue was discovered.

Ms. Bodo said she is having difficulty with this because there was so much concern about the people who live on the Mill Plaza side who are looking at the back of this development.

Ms. DeStefano noted that the tree line is very dense in that area.

Ms. Bodo said that is not true in the winter time. She said there are students everywhere and this looks like a dormitory while the other design was more colonial like.

Chair Stanhope said he wishes to step down temporarily as chair in order to make a motion and assigned Ms. Bodo as the acting chair.

Peter Stanhope MOVED to approve the revised location of wall penetrations to be painted the same as the wall color, the addition of trim, the relocating of meter banks and the revised head height of the back egress door as noted on Page Five; this was SECONDED by Jim Lawson and APPROVED unanimously (7 in favor and 0 against).

Jim Lawson MOVED to approve on the revised dormers as presented on Page Five; this was SECONDED by Bill McGowan;

Discussion on the motion:

Mr. Noon said he was on the planning board in Portsmouth (a long time ago) and he does not remember these kinds of plans with these types of revisions. He said these are major changes that were done and it may not be the planning department's purview but it is someone's purview.

Mr. Behrendt said it is the applicant's purview; any changes that depart from the approved plans, whether that be on the site plans or the architectural renderings. He said the applicant must build precisely as approved and it states that very clearly. Mr. Behrendt said if the developer does not and make the change they need to request approval afterwards at their own risk.

Mr. Noon indicated that when he put an addition on his house there was someone there from the building department every other day.

Mr. Behrendt said the Building Department inspects building issues regularly but architectural details like this they do not.

Ms. Bodo asked what if the difference dormers are a building issue.

Mr. Behrendt said he does not know if the dormers are a building issue, but said the other more minor issues like the wall penetrations and changes in panels are not inspected by the building department. He said the Building Department inspects life safety and structural issues.

Mr. Stanhope said he is reflecting back on the public comment provided about ensuring that the building was aesthetically clean and appropriate to the District as possible. He said he is troubled by any number of factors where the applicant has gone forward without any thought or expectation that they had no risk and that they could come back to the HDC at any point with changes that they never thought to consider or involve us in the approval process prior to making the changes. He said considering the number of issues that have come up, the dormer issue is a perfect place to draw the line. He said the HDC did not approve this, it is inconsistent not only with our initial discussion but with the public comments about keeping this project as consistent as possible with the aesthetics of the District. Mr. Stanhope said he hopes the other members will vote against this motion.

Mr. Lawson said he appreciates the frustration with the process and with dealing with this after the fact. He said there is part of him that would like to be punitive about it because there is no excuse for it. He said he is looking at the design as if it is the first time and as frustrated as he is with the other issues; what was previously approved by the HDC allowed over half the windows to be paired and we now have two windows that have been paired on the edges with symmetry. Mr. Lawson said he feels he would have voted in favor of this design if it had been brought to him for approval.

Ms. Bodo said her vote is not punitive at all. She said what the members need to remember is the purpose of the Historic District. Ms. Bodo said the most important things within the District are size, scale, mass, height, fenestrations and colors. She said there are problems with all of these issues; this is not something that is visually pleasing and she is concerned. Ms. Bodo said the height of this building is higher than it was supposed to be to begin with and she does think that we made the decision based on aesthetics. She said she cannot give her approval on something that she does not feel is aesthetically pleasing. Ms. Bodo said she agrees with Peter Stanhope that there has to be some point where we are not caving in to everything proposed.

Mr. Lawson said he appreciates what Ms. Bodo expressed; he said it is appropriate and well thought out. He said however, he is considering those things; size, scale, fenestration when he looks at this proposed change. He said he comes to a different conclusion. Mr. Lawson said he noted that the HDC has allowed pairing of windows; he noted that there is symmetry and that what they have done is add two windows to the roof line. He said he is applying those same objectives and reaching a different conclusion.

Ms. Bodo said she took issue with the word punitive; she said she is not looking at this as punitive.

Mr. Lawson clarified that he was saying that about himself.

Mr. Noon said as to the colors, he is not as concerned. He said his point is that there is a process and just because we are a small town with little staff this should not be allowed to occur.

Mr. Lawson said he does think that the process has been circumvented. He said the process has brought them here and the process exposes them to risk if it is not approved.

Ms. Meeking said this is one of the hardest decision to make. She said for her because the proposed change to the dormers is on the back of the building (while she understands people will still see it) it is not so displeasing to her that she finds it unacceptable. Ms. Meeking said she wishes it was not there and that the original one was built but she can live with it.

Vote on motion to approve the dormers as noted on Page Five: *The motion failed to pass by a vote of four against and three in favor (Andrea Bodo, Peter Stanhope, Heidi Ely and Chip Noon voted against the motion and Jim Lawson, Catherine Meeking and Bill McGowan voted in favor of the motion).*

Ms. Bodo said this is very difficult and puts the HDC in an awkward position since it has already been built.

Mr. Lawson said he is approaching it without the thought that it was built.

Ms. Bodo said she has sat on this project for two years and has received input from the community. She said that people trust the HDC to be thoughtful and to abide by the ordinance. Ms. Bodo said it is not an easy, casual decision, but she cannot support this.

Chair Stanhope called for a five minute break.

Ms. DeStefano said that nothing that was brought forward in construction was done maliciously or underhandedly. She said there was series of events that happened between approvals and construction drawings and implementation on site that has lead us to where we are now. Ms. DeStefano said in working with Mr. Behrendt and the inspection department here is where we are and we are doing our best to bring everything forward that we know in efforts to make it transparent. She said nothing was purposely done to disregard this board. Ms. DeStefano said when she came to the HDC two years ago the excitement for the project was such that it was not feeling comfortable to the HDC at all and within two and half weeks' time when she presented the first concept there were a lot of fundamentals that were embraced that are still there; such as the reinforcing of the street line, the pedestrian experience, the breaking down of scale between the buildings, and the hiding of the upper floor under the roof. She asked if the developer should have come back sooner and said absolutely. Ms. DeStefano said she wants to make it clear and have it on the record that there is nothing that has been done or is being done that was malicious.

Mr. Noon referred to an incident in Portsmouth regarding a building on Market Street that was built five feet over the height limit. He said the public had the perception that the building was allowed to be built because the person associated with the building had political and financial clout in the city. He said the hard feelings permeated Portsmouth for year. Mr. Noon said he is not saying there was any of that in this situation at all. He said this is the kind of situation that the public sees as occurring because the people associated with the development have the money and power to get the job done and the rest of us have to put up with all kinds of stuff because we do not have the money or power. Mr. Noon said that is the situation that the HDC is dealing with; public perception and the workings of a small town and a small committee.

Ms. DeStefano said that is why she has noted that they have been working hard to bring forward a high quality project that meets a million different building codes. She said they are doing their best to get through and have inspections frequently to get through the project. Ms. DeStefano said the team that has brought this project forward has had and still has good intentions for a high quality project and are not trying to hide anything under the rug.

Mr. Behrendt suggested having a motion to deny the dormers.

The Chair and members discussed if this was necessary and determined that it would not be necessary since the motion to approve the dormers was not approved and the previous plan that was approved still stands.

Page Six: (a corrected version has been provided)

Ms. DeStefano noted that Page Six and Seven are color studies and it is important to remember that printers can differ. She told the members that she has the actual color samples for each building. Ms. DeStefano reminded the members that they held a site visit and verified the chestnut brown color and also amended to have the C and D building colors approved and to use a trim color of khaki brown. She said that decision was issued in a summary to the project contractor; unfortunately, there was confusion as to what the C building was and what the D building was. Ms. DeStefano said the brown was applied to

the incorrect building. She said the 25 building was originally going to be teal, but are now concerned that having the teal close to the boothbay blue would not be a good choice. She said they are bringing the application forward tonight to have building 25 be a painted white building. Ms. DeStefano said they selected white because they have a photograph of the building painted white and thought it would make sense to go back to an original color. She said the rear of Building A and Building B are the softer yellow woodland cream with a delicate white trim. Ms. DeStefano displayed the color pallet; noting that Building 35 is as approved, Building C and D are the mirror image of what was presented before with the khaki color trim (which was approved at the last HDC meeting). She said both the C and D building have a dark black front door (previously approved). Ms. DeStefano said that they are requesting Building 25 be white (not as stark white) and page 6 and 7 represent building 25 as white and Building C and D mirroring the previous approval and Building 35 being as previously approved.

Ms. Meeking said she prefers the original color scheme. She said she thinks the white is jarring and it does not blend; but the two blues have a better unity.

Ms. Bodo said she agreed with Ms. Meeking. She said she thought the original colors suggested were beautiful and had a lovely rhythm. Ms. Bodo said that Number 25 is the most significantly historic house and has been blue in the past, so the teal blue with the cider door is lovely. She said the blue is nice next to the brown (even though the brown is an odd color and was not her favorite choice). Ms. Bodo said her concern about white on Building 25 is that it emphasizes the large building which she does not want to do. She said the brown on building C would be good; it becomes a focal point and makes the building less noticeable. Ms. Bodo said she would vote to keep the original colors that were approved because they work best.

Catherine Meeking MOVED to reject the colors as presented this evening on Pages Six and Seven (as built/proposed); this was SECONDED by Andrea Bodo;

Discussion on the motion:

Mr. McGowan asked if the owners decide to paint the buildings in the future do they need to come back to the HDC for approval.

Mr. Behrendt explained that the way the ordinance works now is that when a property owner proposes to change the paint color they need to alert the HDC prior to doing it and give the HDC the opportunity to request that it come before the HDC.

Ms. Bodo said this is a project we were excited about and can be excited about again. She said the approval of the color pallet on April 2014 was beautiful and the proposed ones are not.

Mr. Lawson said he thinks the colors that were previously approved were historically appropriate but they were also engaging in a nice and pleasant way. He said the colors proposed now are not engaging, they seem to be a hodge podge and he agrees with Ms. Bodo that it puts the focus on Building A. Mr. Lawson said he does not see any reason to deviate on the color scheme that was thought out.

Ms. DeStefano said that the color scheme was previously approved on 4/14 and a revision was made two months ago. She said there needs to be clarification that the trim changes were accepted.

Mr. Lawson said if the current request is not approved; what was last approved holds true.

Andrea Bodo MOVED to extend the August 6 2015 Durham Historic District Commission meeting beyond 9:30 pm to finish with the Orion application and postpone discussion on certificate of appreciation, the ordinance amendments and other business until the next meeting; this was SECONDED by Catherine Meeking and APPROVED unanimously (7 in favor and 0 against).

Vote on motion to reject the colors as presented this evening on Pages Six and Seven: The motion was APPROVED unanimously (7 in favor and 0 against).

Page Eight: The brother/sister building – northwest elevation of building C previously had two basement windows – they have been removed (due to final grade); northeast elevation bottom right hand corner – originally going to reuse entry stoop (concrete) it was determined the stoop was not in good enough shape to retain we are asking to place granite steps that match building at 35 main street.

Jim Lawson MOVED to approve the changes as presented in red on Page Eight; this was SECONDED by Bill McGowan and APPROVED unanimously (7 in favor and 0 against).

Page Nine: Building D – there was a northwest elevation grade change so we removed the basement windows and due to the use of the interior of the building needed an egress door. We are proposing a side entry door and installing a granite stoop in place of the precast stoop.

Chip Noon MOVED to accept the changes on Page Nine as submitted: this was SECONDED by Andrea Bodo;

Discussion on the motion:

Mr. Lawson asked if the egress door is needed because it is residential.

Ms. DeStefano said there is a use in that building that requires an egress door.

Vote on motion to accept the changes on Page Nine as submitted: *The motion was APPROVED by a vote of six in favor (Andrea Bodo, Peter Stanhope, Chip Noon, Bill McGowan, Heidi Ely and Catherine Meeking) and one against (Jim Lawson).*

Page Ten: Building 25: remove the cast in place stoop and replace with granite; correct dormer size to reflect the actual size, new Brosco column system in place of restoring the existing columns, window sashes above will be removed and replaced with vertical mullions (six over six), windows below have the grill pattern but not the six over six (due to the size of the window the six over six would have been too thin and tall).

Chair Stanhope asked if the issue with the thin window was known when the original rendering was prepared.

Ms. DeStefano said it was not known because they had not been able to get in to the existing building to measure the existing window opening.

Chair Stanhope said there is a degree of balance; the narrowness of the windows bothers me.

Ms. DeStefano said the upper windows are wider and therefore they are able to get a more aesthetic look, the lower windows are an issue due to the thinness.

Ms. Bodo said the narrow windows and the four over four on Building 25 is bothersome to many people.

Mr. Noon asked why the frame is so much wider.

Ms. DeStefano said due to the age of the building things were constructed differently than they are now; she noted the replacement windows are a clad window and that adds to the size.

Ms. Bodo asked if this was a private home would you have saved the old windows and redone them.

Ms. DeStefano said they would have investigated that but remembering the condition of the two buildings these were not windows that were historic. She said they did not have the integrity.

Ms. Bodo asked if it would be possible to get casement windows for the building.

Ms. DeStefano said she is not sure more flexibility would be provided with a casement window. She said she has concerns with casement windows; noting that they open out and are therefore more visible and when the wind blows become a sail and do not close tightly. Ms. DeStefano said her concern with putting in a casement window is that they do not have the control to ensure they are a good solid window and they are more likely to break.

Ms. Bodo asked if shutters will be placed on Building 35.

Ms. DeStefano said Building 35 will be painted and shutters installed.

Chair Stanhope said that the shutters may mitigate some of the narrowness of the window. He said the new windows appear narrower but the shutters will define the opening in a more consistent fashion.

Ms. DeStefano said that the shutters may add some dimension and focus. She suggested that she could come back in September with a design for shutters and a shutter color but her concern is that it would have to be a stipulation to allow us to get the students in the buildings before that occurs.

Mr. Noon said he believes the shutters would be helpful.

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Chair Stanhope said he thinks the shutters will define the window and help a lot to eliminate the narrowness. He said he does not believe that if the HDC agrees to the windows with shutters that it will hold up the CO.

Ms. DeStefano said if it is a stipulation that we have spoken about then Tom Johnson said he would look at the stipulations and see that some movement has made toward moving in that direction (such as putting in a purchase for the item stipulated). She said the challenge will be returning with a color for the shutters to be approved.

Mr. Behrendt said she would need to discuss this with the HDC because you are looking for a temporary CO before their next meeting. He said for all of these changes we have the applicant sign an agreement so it is legally binding about what they need to do and place a financial surety to cover changes and improvements. He said it would be useful tonight if there is some understanding about what they need to do and most likely the changes will occur after they get their temporary CO.

Ms. DeStefano said the buildings that we have shutters on are beautiful wood shutters, correct proportions and louvered. She said they could be ordered and finish them with the color selected in September. She said she does not want to rush the approval of a color for the shutters. She said they could order the shutters to have and that might meet the needs for Tom Johnson.

Mr. Behrendt said if the HDC can provide some parameters that we are all comfortable with; we would have financial surety and they can come back in September.

Ms. Bodo asked if the shutters can be installed with the students living in the property.

Ms. DeStefano said that would be possible. She said they can meet again in September to pick a color and then order the shutters. – see each other in September, pick color and then order the shutters.

Mr. Lawson asked if shutters were originally thought of for 25 Main Street.

Ms. Bodo said they were not because the original design was for six over six windows.

Mr. Lawson said he does not have an issue with the narrow window on a historic structure, but he does think there is a potential of it looking even nicer with shutters installed.

Chair Stanhope said he can live with the four over four because the space is too small for six over six. He said the shutters will help.

Ms. DeStefano said that Building 35 was approved with shutters; which have been ordered.

Andrea Bodo MOVED to approve the items in red on Page Ten regarding Building 25; as well as replacing the four over four shed dormers with six over six; the addition of shutters with a color to be determined at a later meeting; the installation of the revised stoop entry and the column to be replaced with a Brosco wood column; this was SECONDED by Catherine Meeking and APPROVED unanimously (7 in favor and 0 against).

Building 35 (Page Ten) – shutters to be added, four over four windows, corner boards are six inch corner boards, restored entry, right of the door will be a fire department equipment location (electric bell).

Catherine Meeking MOVED to approve the changes for Building 35 that consisted of shutters to be added, fire department connection of electric bell next to the front door, six inch corner boards, existing entry reused and restored, windows remain four over four, original fascia will be used; this was SECONDED by Andrea Bodo and APPROVED unanimously (7 in favor and 0 against).

Mr. Behrendt noted that in terms of the temporary CO (which the applicant would like within two weeks) the Town will have the developer sign an agreement that lists everything outstanding, have them give us financial surety (to be negotiated). He said there will be no permanent CO until everything is completed.

- VIII. Certificate of Appreciation. Discussion of proposed certificate of appreciation for owners of historic properties. Discussion of this item was DEFERRED.
- IX. Historic District Ordinance – Amendments. Discussion of numerous proposed amendments to Article XVII – Durham Historic District Overlay District. Discussion of this item was DEFERRED.
- X. Other Business:
Discuss whether to have a table for the HDC at Durham Day. Discussion of this item was DEFERRED.
- XI. Approval of minutes: July 2, 2015; July 20, 2015 special meeting. Discussion of this item was DEFERRED.
- XII. Adjournment

Andrea Bodo MOVED to adjourn the August 6, 2015 meeting of the Durham Historic District Commission at 10:30 pm; this was SECONDED by Catherine Meeking and APPROVED unanimously (7 in favor and 0 against).

Respectfully submitted by,

Susan Lucius, Secretary to the Durham Historic District Commission