

**APPROVED MINUTES  
JUNE 1, 2023  
HDC MEETING**

Members Present: Chair Rodney Rowland, Vice Chair Irene Bush, Jane Finn, Kate Murray, Judy Groppa, and Ruth Zikaras

Absent: Julia Thomas

The meeting was held in the Macomber Room. Chair Rowland called the meeting of the New Castle Historic District Commission to order at 7:01 pm. Rowland asked anyone who was going to speak to sign in. All Commission members present will be voting.

1. Public Hearing for Applicant Margaret Riffe, for 4 Oliver Street, Map 16 Lot 42 for rebuilding an existing footprint porch and installing glass windows.

Guests: Margaret Riffe

Margaret Riffe stated the porch has been there since the 1800's, and she would like to save the footprint. Riffe stated there has always been screens on the porch and she would like to put windows behind the screens.

The Chair asked if there were any questions and opened the hearing to the public at 7:03 p.m.

Nancy DeLeeuw of 17 Oliver Street stated they have a porch very similar which is all enclosed with sliders; DeLeeuw is 100% in favor of the application. Laura Smith Tarbell of 96 Portsmouth Avenue is also in favor as is Jesse Ambrose of 3 Oliver Street.

The Chair closed the public hearing and asked the Commission for a vote.

M/S/P Irene Bush moved that the application of Margaret Riffe at 4 Oliver Street, Map 16 Lot 42 be approved because it is a positive impact on the district as it repeats a historical porch, the exterior design is very much as the original and it is compatible with other existing structures in the neighborhood. Jane Finn seconded. All approved including the Chair.

2. Public Hearing, continuation from the May 4, 2023, HDC meeting for Applicant Mangel DeStefano Architects, for Owners, Mary & Ronald Pressman, for property at 34 Oliver Street, Map 16 lot 40 (rear lot), to remove the existing structure & construct a new home per Zoning Ordinance 9.3.5.1.

1 Guests: Michael Cerbone of Mangel DeStefano Architects; Ian Moodie, Attorney  
2 Tim Phoenix, Russell Bookholz, Building Inspector, Curt Springer, Jesse  
3 Ambrose, Laura Smith Tarbell, Nancy DeLeeuw, and Elaine Nollet  
4

5 Jesse Ambrose asked the Chair why there was a continuation of the hearing on  
6 this property. The Chair stated there was a question of whether the view from  
7 Portsmouth Avenue was to be considered by the HDC as Portsmouth Avenue is  
8 not in the historic district. The attorney clarified that the ordinance states that  
9 visibility from any street **MUST BE CONSIDERED**. Therefore the view from  
10 Portsmouth Avenue is open to conversation and discussion for HDC process.  
11

12 Michael Cerbone of Mangel DeStefano Architects presented, stating they had re-  
13 addressed elements of the four facades after the work session and initial hearing  
14 as the Commission advised that exterior elements of the home should be  
15 resembling others in the historic district. Cerbone presented pictures of elements  
16 taken from neighbors' properties such as brackets used for garage overhangs and  
17 bay windows. Cerbone also showed a picture of a representation of the new  
18 construction from Oliver Street, down the driveway to the house on the rear lot, as  
19 the driveway itself has to be considered as part of the historic approval. Cerbone  
20 also had a picture of River Road and the house on the corner showing the gap in  
21 the trees where the house can be seen, as well as pictures of the view from  
22 Portsmouth Avenue to the right of Ian Moodie's house and another picture of the  
23 garage and a retaining wall from the other side of the Moodie house. The pictures  
24 were taken from a car window to show how it would look to those driving by.  
25 With regard to building area and size of the house, Cerbone included examples  
26 within the historic district of buildings similar in size and lot area. Cerbone used  
27 the assessor's tool and analyzed the building areas of neighboring properties that  
28 are sizable and included the lot size of the house relevant to neighboring  
29 properties and how it compares to other houses in the district.  
30

31 The closest point of this construction to the lot line is in the back of the house, just  
32 over 15' from the property line which is the minimum setback. It is at the corner  
33 of a single story covered porch and then the building comes away from the  
34 property line.  
35

36 The Chair asked if the windows were nine light and Cerbone advised there were  
37 different sizes of windows. The Chair was inquiring of windows on the  
38 Portsmouth Avenue side and Cerbone advised there are 9 light windows on the  
39 second floor, and six over 1 on the first level. The picture window is a 20 light  
40 similar to the house at 47 Oliver Street across the road.  
41

42 Rowland also asked about the foundation fascia and was advised it will be a stone  
43 veneer similar to the existing stone wall which will be disassembled, stacked and  
44 re-used for the new stone wall. The foundation will be matched as closely as  
45 possible to the stone wall.  
46

1 Judy Groppa asked Cerbone if there is a problem with the sight itself that caused  
2 them to place the house so close to the lot line. Cerbone advised that the existing  
3 home comes very close to the wetlands and Conservation Commission approval  
4 was contingent upon moving the house away from the wetlands. In addition, the  
5 east side of the lot narrows at the buildable section, so by the time setbacks are  
6 figured in, the back of the house at the covered porch is just within the lot line  
7 setbacks.  
8

9 An abutter inquired as to whether there is going to be a generator, air conditioning  
10 system, or any propane tanks and if so, where will they be located and how close  
11 to current residents' homes. The Building Inspector said the building department  
12 approves placement however Chair Rowland stated the screening would be  
13 determined by the HDC if it's in view of the street. The Applicant has not yet  
14 determined where those items will be placed.  
15

16 Curt Springer stated he walks the neighborhood daily and is tuned to what his eye  
17 catches when walking by. He actually didn't know where the Palmer house was  
18 in relation to Portsmouth Avenue and believes that chances of seeing anything  
19 from Portsmouth Avenue are pretty slim. Springer believes you will see small  
20 portions of the house but one won't get a sense of the size because it's behind  
21 other houses. Springer stated that the Moodie house catches his eye more than  
22 anything.  
23

24 Ian Moodie stated he has presented objections to this property, criteria of whether  
25 the HDC has purview from Portsmouth Avenue, and has also made objections to  
26 the ZBA. What has come of his objections is that the view from Portsmouth  
27 Avenue is to be considered. Since the last meeting, the definition of street has  
28 been inquired of and it does include views from the end of the driveway, from  
29 down Portsmouth Avenue, from River Road and from rights of way. Moodie  
30 believes some brush cutting is going to happen on the river side so the viewscape  
31 from River Road will be more than it is now, and this monstrous house will not be  
32 hiding behind brush. Moodie presented a definition of scale: the proportionate  
33 size or mass judged to be in relation to the predominant size or mass of structures  
34 in the area or neighborhood of reference. Moodie stated that all of Portsmouth  
35 Avenue is to be considered the neighborhood. The new construction completely  
36 crowds his house and he will not see the sun in the winter; the house is placed too  
37 close to his lot line. Moodie added that larger homes are set on larger lots and  
38 you will not find a house this large in New Castle that is this close to the lot line.  
39 The ordinance clearly states that scale is in relation to relevant houses in the  
40 neighborhood and he is part of that neighborhood. Moodie added that all four  
41 sides of the house are exposed and more cutting of trees will be taking place and  
42 the house will be quite visible. Moodie objected as the house is 60' wider than  
43 his lot and is literally blocking out his lot and his enjoyment of his property. It  
44 will affect the value of the Moodie property which is why he is expressing his  
45 objection more than the average person.  
46

1 The Chair read a letter from Mrs. Moodie (a copy of which is enclosed with these  
2 minutes) wherein she states that the proposed structure is significantly larger than  
3 the existing Palmer house. She objects to the mass and scale of the new  
4 construction and adds that the applicant gave their two proposed structures plenty  
5 of breathing room, but they see no issues with imposing on direct abutters. The  
6 applicant knew when they purchased the property that it was in the HDC and they  
7 would have to follow the criteria of the historic district. Mrs. Moodie requests the  
8 HDC to deny the application.

9  
10 Laura Smith of 96 Portsmouth Ave stated she is not opposed to new construction  
11 but her concern is the size, scope and scale. The next house could be a 9,000 SF  
12 home and inquired as to where the HDC will draw the line.

13  
14 Someone asked how big the house really is because there are all kinds of rumors  
15 circulating. Cerbone gave the breakdown of the building area in square footage  
16 saying the numbers he had spoken of in previous meetings relate to the living area  
17 of the house because that is the more common way of describing a home when  
18 purchasing it. Cerbone stated there is 5,758 SF of living area, in addition the  
19 garage is 1,034 SF, and the covered porches are 798 SF; the total building area, as  
20 defined in the New Castle zoning ordinance, is 7,591 SF. The applicant is  
21 allowed 9,080 SF which is dictated by the size of the lot. Cerbone previously  
22 used metric and his frame of reference was to the way houses are talked about  
23 when listing them and added that he did not mean to mislead.

24  
25 Nancy DeLeeuw of 17 Oliver Street stated the house is out of the way and the  
26 changes are not going to be seen much and thought the applicant should be  
27 allowed to build as long as it's historical.

28  
29 Moodie stated that the house has gotten smaller since last month. Cerbone replied  
30 that what is included in the building area has been clarified by legal counsel, so  
31 they now have a concrete way of answering the question, adding that they first  
32 came for a historic related discussion and Cerbone didn't have all the zoning  
33 answers when they came to the HDC meeting but the foregoing are the actual  
34 numbers.

35  
36 Attorney Tim Phoenix, counsel for the Pressmans asked the Commission to  
37 remember that this is a 41,000 SF lot and lot size drives how much building area  
38 the applicant is allowed. Phoenix sympathized with Mr. Moodie's position,  
39 however, the applicant meets the requirements of the zoning ordinance for  
40 setback. Phoenix pointed out that Mr. Moodie's setback is relatively the same.  
41 Cerbone has explained why, with wetlands and the shape of the lot, the house is  
42 placed near the setback. Phoenix stated that he understands that the issue last  
43 month was the question of views from streets in the historic district or any street  
44 that has a view to be considered. Because the location of the house is set back  
45 from Oliver Street, when considering its overall scale, you don't consider each  
46 person's lot but what does the area look like from the street. Phoenix suggested

1 that the view is not overpowering because it is so far back from Oliver Street and  
2 River Road, with the closest view being from Portsmouth Avenue, from Moodie's  
3 house and the house next door. There is work going on at that house next to Mr.  
4 Moodie's and it is unknown if they plan to put something bigger there but if so, it  
5 will block the view even more. Phoenix stated that while Mr. Moodie read the  
6 ordinance for definition of scale, the Commission's job is to preserve and protect  
7 the buildings and historic architectural landscape of the historic district to  
8 property values in the district.

9  
10 Phoenix continued, as to the definition of character, which is aggregate of visible  
11 historic and architectural traits that together form the nature of the historic district,  
12 is a distinct nature of a historic district. One has to consider the whole context of  
13 everything, which is why Cerbone showed other houses in the district that are  
14 quite large and some of them are noticeable and some are not. When one  
15 considers this building and its location far off Oliver Street, including the  
16 driveway because it is a private street, we suggest that the proper reasonable scale  
17 given the HDC purview, now exists. The abutters don't have a right to a view as  
18 long as we are complying with zoning. It seems incongruous if not improper for  
19 an abutter to request this board to consider the impact on their view when we  
20 comply with zoning. The next stage is to confirm the construction complies with  
21 zoning, but for now, given the purview of the HDC and views from streets, we  
22 comply. The issue is maintaining the integrity of the district and not protecting the  
23 claims of one abutter. Cerbone has addressed issues such as doing away with the  
24 metal roof and other architectural issues. Phoenix stated he understands the  
25 concerns of folks that live nearby but this property owner is in compliance.

26  
27 Elaine Nollet of 56 Oliver Street stated she is probably the nearest abutter from  
28 Oliver Street to the Palmer House. Nollet stated the place is a mess and a fire  
29 hazard and she is very glad they are cleaning it up and enhancing the area. Nollet  
30 strongly approves the project.

31  
32 The Chair closed the public hearing at 7:42 pm

33  
34 M/S Kate Murray motioned to approve the Pressmans' application, 34 Oliver Street,  
35 Map 16 lot 40 (rear lot), to remove the existing structure and build a new house  
36 per zoning ordinance 9.3.5.1. The proposed activity is compatible and has a  
37 positive impact on the special character of the district. The exterior design and  
38 architectural components, and the materials proposed are compatible with existing  
39 structures. The proposal will have a positive impact on the setting and will  
40 preserve qualities of the historic district and community. Irene Bush seconded.

41  
42 Murray stated it's always nice to get everybody to yes and the goal of land use  
43 boards is to get everyone to yes. But that requires compromise on everyone's part  
44 and for the most part we get to yes, but sometimes we don't. Murray appreciates  
45 the work that was done to add historical elements to this house. Preservationists  
46 might say it's not historic but she believes it fits into the neighborhood

1 sufficiently with regard to the historical touches they've added stating that she  
2 appreciates the Pressmans' effort with the changes made.

3  
4 Groppa echoed Murray's statement and believes the applicants have worked on  
5 the project since it was first presented, they have made it better and more  
6 cohesive, paying attention to historical details and it's a much better house than  
7 when the process started. The Chair added that he has stated at every meeting that  
8 this is a unique lot, in a unique place that puts its impact on the historic  
9 streetscape unlike any other as it is such a distance from any streets and one is not  
10 going to see the size from any one vantage point. For that reason Rowland stated  
11 he is comfortable with the massing, and the applicant has incorporated elements  
12 from this area of the historic district and for that reason he can support it.

13  
14 Jane Finn thanked Cerbone for all the extra work and pictures and information  
15 provided at each meeting.

16  
17 P All approved including the Chair.

18  
19  
20 3. Public Hearing, for Applicants, Ellen & Randy Bryan, for 34 Wentworth Road,  
21 Map 16 lot 64, constructing a stonewall wall.

22  
23 Guests: Randy Bryan, Ellen Bryan, Philip Llewellyn

24  
25 The Chair stated this is a new public hearing for the Bryans, for constructing a  
26 stone wall on the property pursuant to zoning ordinance 9.3.5.1. Mrs. Bryan  
27 presented documents to the Commission that had not been submitted with their  
28 application. Rowland asked the Bryans if they were planning on using natural  
29 stone or the same materials presented at last month's meeting. Mr. Bryan stated  
30 they thought to use two types of materials as a compromise. The Chair stated the  
31 Commission made very clear that the wall was denied because of the material the  
32 Bryans proposed, adding that if they are still using this material, there's no need  
33 for a discussion. But if they were proposing to use a different material, a natural  
34 material, the hearing could move forward.

35  
36 Mr. Bryan stated that much of the wall is not visible from any street and asked if  
37 that particular part is subject to natural materials. Bryan added that they built a  
38 wall in the back yard which is out of view, with the faux stone. Bryan stated they  
39 intend to build extensions that will be seen from the street and will be made of  
40 natural stone but areas hidden from street view, he was hoping to use the more  
41 stable, faux stone. The Chair asked Bryan what he considered not visible. Mr.  
42 Bryan and Mrs. Bryan proceeded to show the Commission on their submission  
43 materials, the visible portion from Main Street, and point various things out.  
44 However, the members of the public could not hear or see what they were  
45 referring to and objected. The Chair stated he doesn't like the idea of a wall in  
46 two different styles and the Commission would have to do another site walk to



1 see the view from the Llewellyn property and from the street. Rowland then  
2 asked Bryan if the dimension had been changed and Bryan confirmed it is now a  
3 20' wall with 5' extensions on either side, maybe a 10' extension on one side.  
4 Kate Murray asked what Bryan meant with extensions, adding that the wall is  
5 either 20 feet or 30 feet; Bryan pointed out with the extensions the wall could  
6 possibly be up to 35'.  
7

8 Groppa stated she didn't understand how this right of way works with the wall  
9 and asked Bryan if he was building into the right of way. He stated that no, they  
10 were not building into the right of way but it was very unclear to Commission  
11 members as to where the right of way was and where the wall was going. The  
12 Llewellyns have an access easement so the Bryans cannot put any structure in the  
13 easement area. Bryan pointed out on the map where the pins in the lot line are.  
14 The Llewellyns have an access easement which means the Llewellyns have the  
15 ability to transit across the Bryans' property and the easement goes up the Bryan  
16 driveway and crosses the Bryan property. It is a vehicle access and utility  
17 easement which was given as it was originally thought the Llewellyns garage  
18 may not get access to Main Street.  
19

20 The Chair stated the use is not allowed by the easement, it is a private matter and  
21 not something for the HDC to make a decision on, adding that the town attorney  
22 has reviewed the easement and opined that this is a private issue between the  
23 Bryans and Llewellyns and does not constitute a basis on which the HDC can  
24 rely.  
25

26 Mr. Bryan stated that based on the conversation, he was requesting a continuance  
27 and asked the Commission do a site walk. Irene Bush pointed out that it's hard to  
28 read things brought into a meeting which were not submitted for review before  
29 hand.  
30

31 Mrs. Bryan stated she sent a letter to the Llewellyns after the May meeting and  
32 asked them to get back to her about an extension of their juniper trees. Mrs.  
33 Bryan thought they would continue the same type of landscaping.  
34

35 The Chair stated the hearing will have to be continued and the Commission will  
36 schedule a site walk so they would know the exact location of the easement and  
37 the proposed wall. However, because three members of the Commission are  
38 resigning, he didn't know when the site walk would be scheduled nor did he know  
39 who would be on it.  
40

41 M/S/P Jane Finn moved to continue the hearing; Irene Bush seconded. All in favor  
42 including the Chair.  
43

44 Irene Bush asked Russ Bookholz about Todd Baker's house on Main Street being  
45 taken apart as she didn't think Baker had come before the HDC but it was

1 approved 2 years ago. The Building Inspector said he got his permits and they're  
2 doing it right.

3  
4 Mr. Bryan told the Commission that he hated to see three members leaving and  
5 thanked them for all their work, as did the Llewellyns.

6  
7 Bush stated she didn't understand and questioned whether the HDC has purview  
8 from any street. Rowland explained that the entire building is open to the  
9 jurisdiction of the HDC because it is within the historic district and visible from  
10 any street. Bush stated the question is, can we say this is not historic from  
11 Portsmouth Avenue and was informed that yes that would be possible. Finn  
12 stated that's why the ZBA remanded the front lot back to the HDC, because the  
13 Commission hadn't considered Portsmouth Avenue, it only considered the view  
14 from streets within the historic district as Moodie argued that the front lot was  
15 visible from Portsmouth Avenue. There was no one from the HDC at the ZBA  
16 meeting to speak, but the Chair was advised not to attend.

17  
18  
19 4. Approve minutes from May 4, 2023

20  
21 M/S/P Irene Bush moved to approve the minutes as amended; Jane Finn seconded. All  
22 approved including the Chair

23  
24 5. Any New Business (transition)

25  
26 It was advised that the Commission now has three members resigning, including  
27 the Chair. Rowland advised the HDC could put together a quorum with Julia  
28 Thomas being made a member. Jane Finn stated she heard Thomas was also  
29 leaving.

30  
31 Curt Springer stated he respects all of the HDC members. Rowland responded  
32 that the difference is that Springer went through the process, a decision was made  
33 and we continue to see each other and are cordial and civil. But Rowland stated  
34 that he has not been able to walk in town without people being rude and that has  
35 changed why he chose not to sit on the HDC any longer.

36  
37 M/S/P Kate Murray motioned to adjourn; Jane Finn seconded. All approved including  
38 the Chair.

39  
40 Adjourned at 8:14 pm

41  
42 Respectfully submitted,  
43 Diane L. Cooley, Recording Secretary