

**APPROVED MINUTES  
MAY 4, 2023  
HDC MEETING**

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

Absent: Judy Groppa,

The meeting was held in the Macomber Room. Chair Rowland called the meeting of the New Castle Historic District Commission to order at 7:00 pm. Rowland asked anyone who was going to speak to sign in. Rowland also advised that the Commission is working with new findings of fact and asked for patience as the Commission submits motions. The Chair then advised a slight change to the agenda advising that the work session will be first. The hearings have been published and abutters notified. All Commission members present will be voting.

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

Guests: Margaret Riffe

Margaret Riffe would like to build on an existing porch, which has always had screens. She would like to put glass windows to be able to sit there 8 months of the year instead of just four months. Irene Bush asked if the roof is staying the same and Riffe confirmed there are no changes to the roof, there will not be any skylights. Riffe is just looking for approval of changing the screens to solid windows.

The porch is attached to the side of the house and there are 4 windows that face the yard, 4 in the front, and the walkway from outside will have a slider. The old screens were heavy with black bars. There will be screens on the outside of the new windows. The new windows will slide open; one side will slide and the other side will be stationary. Riffe had a picture in her packet of the house when it was first bought and she would like to restore the look.

Chair Rowland asked if anyone had questions. Riffe was asked if she had picked out windows and informed to bring the make and model with her to the hearing, as well as any pictures of the type of window. Riffe is celebrating her 90<sup>th</sup> birthday and wants to sit out on the porch as long as she can.

The Chair advised Riffe to come back next month for a public hearing and formal vote. Rowland asked Riffe if she had a contractor and glass company, which she confirmed she does. The Chair advised the Applicant to bring information on the specific type of window, manufacturer and to bring a picture of the existing porch as it is today.

- 1  
2 2. Public Hearing, continuation from the March 2, 2023, HDC meeting for  
3 Applicants, Ellen & Randy Bryan, for 34 Wentworth Road, Map 16 lot 64,  
4 replacement of a split rail fence, adding a retaining wall, adding an awning over  
5 kitchen windows, adding a lattice/fence screen to the northeast corner of the shed,  
6 and lattice at shed base under the sill per Zoning Ordinance 9.3.5.1.  
7

8 Guests: Randy Bryan, Ellen Bryan, Philip Llewellyn  
9

10 Mr. Bryan stated that at the end of the March meeting, there were a number of  
11 open issues. The Bryans have thought about it for the past two months and there  
12 are essentially four things they are still asking for: 1. to replace the split rail  
13 fence and to have an opening in the fence at the front of their property, with low  
14 steps running down the front lawn, 2. a retaining wall, 3. a retractable awning,  
15 and 4. to add a fence panel with lattice top to screen the garbage bins on the north  
16 side of the shed, as well as lattice along the base of the shed to make it more  
17 attractive, as they currently have chicken wire at the base of the shed.  
18

19 Mr. Bryan went over the map of the property where improvements were  
20 highlighted: yellow is the split rail fence on Wentworth Road, the awning over the  
21 kitchen window is highlighted in blue, red is the retaining wall along the  
22 Llewellyn property, and green is the north side of the shed facing the street.  
23 There was also a view of the property from the street showing the shed toward the  
24 back to the left, and the house to the right, as well as where the awning would go  
25 between the porch and garage, which is recessed.  
26

27 View A on pg. 1 is a view looking down toward the river and B is away from the  
28 river, up toward the driveway. The fence is old and falling into disrepair. B  
29 shows the north section of the fence and the Bryans will replace the fence in kind,  
30 with improvements. The north section starts 3-4' feet from the road and by the  
31 time the fence gets near the driveway, it is another 1.5' from the road. The  
32 Bryans would like to straighten the fence commensurate with the property line  
33 and street so it looks better. The Chair advised that placement of the fence will be  
34 between the Bryans and the Building Inspector. Bryan added they currently have  
35 a wooden signpost at the driveway, and they would like to replace it with a 6 x 6  
36 stone post, which would be imbedded at the corner of the fence posts, to hold  
37 signs. Kate Murray asked Bryan to confirm where the post would be placed and  
38 the Bryans would like to line it up with the two corner posts of the fence which is  
39 shown in view B. The Bryans would also like to formalize an entrance and  
40 shortcut pathway in the front along Wentworth Road, with an opening or swing  
41 gate in the fence between two posts, and steps behind the gate to safely ascend the  
42 slope of the front lawn. View C is of the house and Bryan penciled in the  
43 appearance of the opening they would like in the fence. At the April meeting, the  
44 Commission criticized the Bryans' request of removing the top rail of the fence as  
45 an "opening". The Bryans liked the Commission's recommendations and propose  
46 dual posts with an opening of 32" and the possibility of a swing gate. The Bryans

1 shaded in where the steps would go and also provided a graphic drawing of the  
2 proposed steps. The Bryan family have been using the pathway across the front  
3 lawn for decades and they would like to make it safer as it can get slippery. The  
4 rise to the top of the knoll is 18" and they would install three steps, which will be  
5 made with treated 6 x 6 wood beams, and similar 4 x 4 beams on either side to  
6 support and hold the dirt back. Each step will have material to prevent weeds and  
7 will be filled in with 1/4" small brown/gray colored gravel base on top. The steps  
8 will be recessed into the ground and will be 30-32" across, going down to the gate  
9 in the fence.

10  
11 There will be a native pollinator garden around the steps and pathway to lessen  
12 the amount of lawn to mow. At the top of the rise, where the ground levels off,  
13 the garden will end. The steps will curve to the left as they go up the hill. The  
14 Bryans would like to use wood for the steps as they believe this is safer, as stone  
15 steps would be more slippery. The Chair commented that the 4 x 4's on the sides  
16 of the steps don't show up in the proposal and Mr. Bryan apologized for not  
17 including the 4 x 4's in the drawings. Irene Bush asked if they have to blast  
18 granite to install the steps and was advised that the top has some granite  
19 outcropping but the top step will be moved if they run into ledge. The rock will  
20 be made part of the rock garden and the pollinator garden will obscure the steps  
21 somewhat, which they hope will keep the area low maintenance.

22  
23 The next item Bryan discussed is the retaining wall on the Llewellyn boundary.  
24 Item 2 A shows the placement, from the outcrop on the right to another small  
25 outcrop and extending to where you can see dirt disturbed in the picture. The  
26 retaining wall is set back on the Bryans' side of the boundary. The Bryans will  
27 fill in behind the wall with dirt to plant a hedge to shield them from the Llewellyn  
28 house as the knoll is a busy social area. Kate Murray asked about the wall and the  
29 property line. Mr. Bryan indicated the intention is not to bury the outcrop but to  
30 put more soil to plant a hedge of trees. The wall would continue to the left 24'.  
31 The Bryans are proposing 15' of wall behind the Llewellyn hedge as they would  
32 like to gain more level ground to make mowing easier.

33  
34 Item C is a picture looking up to the Bryan property from Main Street, showing  
35 the knoll area to the left of the Llewellyn garage. The view is looking through the  
36 bushes next door which will fill in part of the year and obscure the wall. 1'-1.5'  
37 of wall will be seen from Main Street. The Bryans propose a faux rock with a  
38 retaining lip on the back edge to stabilize the wall; they have a retaining wall in  
39 their backyard made from the same material. Mr. Bryan pointed out that there  
40 are numerous retaining walls in New Castle, some made of stone, and some made  
41 of cement and believes their proposal is better than some of the cement retaining  
42 walls. Walls made of loose stone start to fall apart and crumble which they would  
43 like to avoid.

44  
45 Irene Bush asked about the stone wall around the driveway which is real stone,  
46 and is cemented along the back. Bryan stated that was a larger stone wall and

1 can be seen from the street, therefore they used rock that was blasted out from the  
2 knoll to accommodate the driveway. Bryan didn't believe the proposed retaining  
3 wall measured up to that level of showcasing. The Chair stated he was worried  
4 about the impact of the wall and its faux rock material. Bryan replied that it will  
5 be only 1' tall and most of it will be hidden behind shrubs. Irene Bush asked  
6 which side the stone would face and was advised that the nice stone front would  
7 face the Llewellyn's property.  
8

9 The Bryans are aware that the HDC has the opinion that awnings are not  
10 historically acceptable and they wanted to refute that notion. Rowland stated that  
11 one of his pet peeves is someone bringing examples that existed before the HDC  
12 was created, explaining that many examples were not approved by the HDC.  
13 Bryan stated he feels the awning is appropriate and the Commission may feel  
14 differently and he respects that. There are historic examples of awning use from  
15 the 1800's and early 1900's on houses and buildings in distinctive places. They  
16 are installed in locations to protect from the summer heat. The Wentworth has  
17 awnings on the south and southwest. The Wentworth also had awnings coming  
18 out from the porch that folded back and were retractable, so there may be some  
19 historical significance to awnings. The Bryans also had examples from New  
20 Castle, such as the Island Café and Henry's, as well as the store next door on  
21 Main Street, and existing awnings on the Yacht Club.  
22

23 Mr. Bryan presented an older picture of their house from 1917 which they believe  
24 shows an awning being put up in front of the porch area. The Bryan blacktopped  
25 driveway generates heat in front of the kitchen, and is very uncomfortable in the  
26 summer. The proposed awning will be in front of the kitchen window, and the  
27 porch will obscure the awning except when it is fully deployed. When not  
28 extended, the awning will not be seen at all. It would be retractable and bolt onto  
29 the house. Bryan presented pictures of striped awning material and Ellen Bryan  
30 presented a solid material that matched the color of the house which would blend  
31 in. Irene Bush stated it would be very visible from Mark Lacasse's house and the  
32 most prominent view would be from the Llewellyn house.  
33

34 The next item is for a solid fence panel made of vinyl with lattice work at the top  
35 to shield garbage cans on the side of the shed. Looking up the driveway at the  
36 shed from the road, it is partially obscured by the knoll and vegetation and it is  
37 some distance from the road. The kitchen awning is approximately 120' from the  
38 road and the shed is another 20' beyond that.  
39

40 The fence panel would have a diagonal lattice at the top. The Bryans are also  
41 requesting lattice be placed at the base of the shed, however, the lattice around the  
42 base of the shed would not be visible from the street. The Bryans request vinyl as  
43 wood lattice screens are more difficult to maintain and this is so far from the road  
44 and almost out of sight, therefore the maintenance aspect of vinyl material is  
45 preferred. Ellen Bryan pointed out there is vinyl lattice on Atkinson Street but  
46 she was advised that project was not approved by the HDC.

1  
2 The Chair opened the hearing to the public at 7:54 pm.  
3

4 Mr. Llewellyn, owner of the abutting property, had prepared remarks which he  
5 distributed to the Commission, stating he opposed the retaining wall at the March  
6 meeting and was reaffirming his opposition tonight. He pointed out that the  
7 original request was for 10 feet of retaining wall and they are now requesting a  
8 30' wall. He also questioned the stated height of 1 foot as it could be higher on  
9 the Llewellyn side. Privacy between the properties can be accomplished by  
10 simply extending the juniper hedge and without building another retaining wall.  
11 Mr. Llewellyn read from his letter (a copy of which is enclosed with these minutes)  
12 and asked the Commission to deny the retaining wall.  
13

14 Rowland asked if there were other comments from the public. Mr. Bryan wished  
15 to rebut Mr. Llewellyn's objection and stated they are not certain there is  
16 sufficient soil to sustain the hedges they would like to plant. Bryan stated they  
17 would like to level out the area behind the Llewellyn's row of juniper trees and  
18 also challenged whether the wall would be visible from Wentworth Road. It  
19 would be perpendicular to Wentworth Road and would be blocked by the end of  
20 the juniper trees on the Llewellyn property. Bryan stated Llewellyn's row of  
21 juniper trees were planted for privacy of their entertaining area but they stop short  
22 of where the Bryans would like privacy. Bryan also refuted the charge that the  
23 wall would affect the health of the Llewellyn's juniper trees, stating that the wall  
24 would have to be on the Bryans' side of the property line and they would dig  
25 down only 3-6" for the wall.  
26

27 The larger knoll area had to be reshaped to install the driveway and a lot of  
28 entertainment area was lost.. The Bryans built the rock wall along the driveway  
29 and filled in behind it, making the area more level for socializing. The Bryans'  
30 concern is one maple tree left on the property and in order to put any kind of  
31 privacy screen, they have to go on the sloping edge which is why they would like  
32 a wall to fill in and level off the area. The Bryans believe it would benefit both  
33 them and the Llewellyns to have privacy between the properties.  
34

35 Mr. Llewellyn has checked his property and found 12" – 18" of soil in this area,  
36 although he cannot speak exactly to what is on the Bryans' side. Llewellyn stated  
37 that if Bryan believes the foundation of the wall is only going 3" deep,  
38 Llewellyn's concern is that the wall falls over into his yard with the pressure of  
39 the soil behind it. It doesn't seem that it would hold up very well if it is installed  
40 only 3" deep. Llewellyn stated he has always held the position the neighbors  
41 should work together. Diane Llewellyn does not want to look at a wall which,  
42 because of the slope, would be more than one foot on the Llewellyn side. Again  
43 Mr. Bryan stated the wall height will be a maximum of one foot and possibly  
44 lower; in no location will it exceed 1' from the current ground level, even on the  
45 Llewellyn's side.  
46

1 The daughter of Joanne Armitage who resides at 86 Portsmouth Ave said they  
2 have used that type of rock wall before and it does hold up a lot of soil.

3  
4 The Chair closed the public hearing and advised the Commission that someone  
5 was going to have to make a motion, and possibly four separate motions would  
6 be best. The Commission decided to start with the lattice. The Chair stated the  
7 lattice at the base of the shed was not in the Commission's purview as it won't be  
8 seen from the road.

9  
10 M/S/P Kate Murray motioned to approve Ellen & Randy Bryan of 34 Wentworth Road,  
11 Map 16 lot 64, application for a white 3.5' wide by 6' high vinyl panel with  
12 diagonal lattice at the top, to screen the garbage cans at the northeast corner of the  
13 shed. The architecture of the proposed structure conforms in style to other  
14 structures within the neighborhood in the district, a traditional lattice with solid  
15 panel screening fence. Julia Thomas seconded. All in favor, including the Chair.

16  
17 M/S Kate Murray moved to approve Ellen & Randy Bryan of 34 Wentworth Road,  
18 Map 16 lot 64 application for replacement of the split rail fence as described in  
19 exhibit 1, which is to replace an existing structure, as well as the addition of a gate  
20 and wooden steps. The exterior design components are compatible with the  
21 existing structure. Ruth Zikaras seconded.

22  
23 Irene Bush stated she did not agree with the change in landscape, using steps and  
24 gravel, adding that although the Bryans would like to keep using the path, the  
25 driveway is only a short distance and to disturb that amount of landscape doesn't  
26 seem to warrant the change and several neighbors oppose it. The Chair stated that  
27 with the addition of the gate, the steps at least make more sense as they go  
28 somewhere and Rowland stated he does not see a big impact to the streetscape as  
29 the steps are built into the earth, and the gravel was also acceptable to him as it is  
30 used in the rest of the landscape. Kate Murray envisions the pollinator garden to  
31 become potentially a very nice streetscape. Ruth Zikaras asked about the 4 x 4's  
32 on the side of the stairs to get a sense of how they will fit in. They would look  
33 like broad wooden steps, 32" wide and deep. The sides will keep the gravel in.  
34 The same wood will be used for the 6 x 6's in the front and the 4 x 4's on the  
35 sides and will weather the same.

36  
37 P Irene Bush opposed; all other Commission members were in favor, including the  
38 Chair.

39  
40 Jane Finn asked if the mechanics of the awning would be visible but they will not,  
41 however, the Chair advised the awning will be visible when extended. Kate  
42 Murray asked about the material but the Commission does not have purview on  
43 the material. Jane Finn asked about the width of the awning which will be 12  
44 feet wide and approximately 10 feet deep but it will not cover the entire space.



1 M/S Irene Bush motioned to disapprove the Bryans', of 34 Wentworth Road, Map 16  
2 lot 64, request for an awning over the kitchen area, as it is not compatible with the  
3 special character of the district as a whole, and is not compatible with the  
4 streetscape. Bush added that it will be visible from Wentworth Road and in  
5 general doesn't conform to the style of typical historic structures in the  
6 neighborhood. Jane Finn seconded.

7  
8 The Chair asked Commission members for a discussion. The Chair stated he had  
9 an issue with the awning because it just doesn't belong in the historic district and  
10 believes there are other ways to accomplish what the Bryans want. Although the  
11 Bryans say the awning won't be out most of the time, there is no control over that.  
12 Irene Bush thought they could also extend the porch roof to provide shade. Kate  
13 Murray stated she was fine with the awning because she didn't think it will be  
14 very visible and is retractable. She also doesn't find the alternative such as an  
15 umbrella, to be attractive. Ruth Zikaras doesn't have a problem with the awning  
16 as it is retractable and sturdier than umbrella stands.

17  
18 P Bush and Finn were in support of motion to disapprove the awning; Murray,  
19 Thomas and Zikaras approved the awning. The awning is approved.

20  
21 The Chair confirmed the Bryans' amended proposal is to install a retaining wall  
22 24 feet with 15' of the wall located behind the Llewellyns' hedge. Jane Finn was  
23 concerned that the wall was to be pavers rather than natural stone.

24  
25 M/S Kate Murray motioned to disapprove the Bryans' of 34 Wentworth Road, Map 16  
26 lot 64, request to add a retaining wall as the architecture does not conform to  
27 typical styles within the district, the size of the proposed wall is not in keeping  
28 with external dimensions of typical historic structures and it is not consistent with  
29 the prevailing size of other relevant structures within the neighborhood. The  
30 material proposed is not compatible with existing structures or similar in style to  
31 other structures within the neighborhood. Irene Bush seconded.

32  
33 Jane Finn has a concern about the wall not being a natural product, adding that it  
34 should be granite or stone rather than pavers. The Chair agreed material is the  
35 issue as there is a natural stone wall on the property, particularly that the retaining  
36 wall would be visible from the street and abutting property. Julia Thomas  
37 believes the wall affects the neighbors more than the Bryans. Kate Murray's  
38 concern is that the wall becomes a scar across the landscape, there will be a  
39 straight line to nowhere and there is a randomness to this line that doesn't make  
40 sense in terms of the neighborhood. But Julia Thomas pointed out that stone  
41 walls were random. Rowland thinks with natural outcroppings, it's a man made  
42 structure and should be a natural material.

43  
44 Mr. Bryan asked if they could continue the hearing on the retaining wall to  
45 amend the proposal and was advised he would have to file a new application.  
46

1 Ruth Zikaras stated that based on the discrepancy about how much soil is  
2 available for planting of a hedge, the Applicant should investigate the amount of  
3 soil and whether junipers can be planted. Also to Julia Thomas' point, stone walls  
4 are random so it would be better to not build a long continuous wall, and in  
5 keeping with the outcropping of granite, use more natural materials.

6  
7 P All members of the Commission were in favor of the motion to disapprove,  
8 including the Chair.

- 9  
10  
11 3. Public Hearing, continuation from the April 6, 2023, HDC meeting for Applicant  
12 Maugel DeStefano Architects, for Owners, Mary & Ronald Pressman, for  
13 property at 34 Oliver Street, Map 16 lot 40 (rear lot), to remove existing structure  
14 & construct a new home per Zoning Ordinance 9.3.5.1.  
15

16 The Chair advised the public that the Commission had a work session and public  
17 hearing last month and have also done a site walk.

18  
19 Guests: Michael Cerbone of Maugel DeStefano Architects; Iain Moodie, Joanne  
20 Armitage

21  
22 Cerbone advised that the Pressmans could not make it for tonight's hearing. This  
23 property is the rear lot at 34 Oliver Street, which is behind where the tennis court  
24 was on Oliver Street. Cerbone said there were some details of the house that were  
25 out of the comfort zone of the Commission so he and the Applicant went back and  
26 took a visual survey of Oliver Street and incorporated some details into the  
27 design. The first set of elevations include the three neighboring properties, calling  
28 out certain details from various properties being incorporated into this project,  
29 such as the bay window on the corner of Oliver Street and River Road which is  
30 echoed on the east elevation of the Applicant's three side bay window. The  
31 property across the street utilizes garage overhang and brackets which are being  
32 carried over to the Pressmans' design and the shallow gable entry roof, as the  
33 earlier design had an eyebrow window which the Commission did not believe  
34 appropriate for the historic district. Wood garage doors with lights at the top and  
35 square cut fascia boards are also borrowed from the house across the street.  
36 Larger bay windows and a mix of window sizes are seen along Oliver Street.  
37 There are copper accent roofs to break up the roof surface and the main roof has  
38 been changed from a metal roof to asphalt shingle roof. The building will be  
39 natural cedar shingle and warm gray clapboard siding. Cerbone had an overlay of  
40 what the house will look like from Oliver Street which also included the house on  
41 the front lot. Rowland asked what the distance from Oliver Street to the house is  
42 and was advised 250', from River Road 375', and from Portsmouth Avenue  
43 approx. 100'. There is also a picture which shows the house in context to the  
44 building on the corner of Oliver Street and River Road, where you see a small bit  
45 of the house through landscape buffers to the east of the house on River Road.  
46 There is also a drawing showing the house in context to Portsmouth Avenue



1 homes which are not in the HDC purview, but Cerbone wanted to show how the  
2 house will look from Portsmouth Avenue.

3  
4 Jane Finn asked where all the copper roofs will be placed and Cerbone showed  
5 the copper will be on the entry roof, the stair tower top and bottom over the door,  
6 the cupola roof, over the bay window and over the peak of the master bedroom.

7  
8 There were questions from the Commission about the screen porch, and Cerbone  
9 explained the porch will have double thickness screen at the bottom for safety. In  
10 response to a question about the garage, Cerbone advised the exterior dimensions  
11 have not changed.

12  
13 The Chair opened the hearing to the public at 8:54 pm.

14  
15 Joanne Armitage stated she spoke to the Building Inspector about excavation and  
16 he advised that blasting is legal in New Castle. Armitage wanted to know what  
17 the excavation and possible blasting would consist of. She also wanted to know if  
18 the existing barn is staying, which it is but it is part of the front lot. Cerbone  
19 advised that exploratory digging will be done to determine whether the ledge is  
20 loose or solid and to also determine what is the best way to remove it. Armitage  
21 was told by the Building Inspector that the excavator is ultimately responsible for  
22 any damage and was also advised to take many pictures of the walls, fireplaces,  
23 windows, ceilings, etc. before any blasting is done.

24  
25 Laura Smith Tarbell of 96 Portsmouth Avenue was also concerned about blasting  
26 as they are quite close to the property and have many things on their walls. This  
27 home also looks quite large and may be the largest home in New Castle. The  
28 Chair told abutters to keep in touch with the Building Inspector. Cerbone said his  
29 clients are very reasonable and the neighbors should have a discussion with them.  
30 The blasting company will give neighbors warning, advising when and what they  
31 will be doing.

32  
33 Iain Moodie presented an objection letter and photos which are enclosed with  
34 these minutes. The photos showed relevant properties used as a comparison. The  
35 first property is on Oliver Street & River Road which is about half the size of this  
36 house, approximately 4300 SF and more central to the lot, not imposing on other  
37 properties and is set well back. Moodie referenced another house on Oliver Street  
38 for size, adding that it got a lot of pushback from the HDC but it still is less than  
39 half the size of this property. Moodie showed the Tarbell property which is quite  
40 large but about half the size of the proposed house on this lot adding that he  
41 doesn't believe anyone is getting the actual size of this structure and how  
42 imposing it will be on the landscape.

43  
44 Moodie was asked if he was talking about square footage or mass and scale.  
45 Moodie was referring to building calculation to determine the mass of a structure,  
46 so though the HDC has limitations on style and there is a zoning ordinance for the

1 ZBA to preclude these massive structures, Moodie doesn't believe the house has  
2 been accurately portrayed. He also believes the first house on the front lot may be  
3 over its building calculation and wanted it on record that if the house on the front  
4 lot needs a variance, Moodie hopes that it gets kicked back to the HDC. Moodie  
5 showed another property on River Road, the largest home, which is about 4300  
6 SF adding that there are no examples of houses this size, as this house will be the  
7 largest house in the HDC by far. If you follow the Portsmouth Avenue property  
8 line, it is in total 150' long. From the driveway on Oliver Street you can see  
9 Moodie's house and other properties on Portsmouth Avenue. The Pressmans are  
10 cutting down 38 trees so there will be very little left to hide behind adding that a  
11 house this size cannot hide behind brush. The view from River Road of the  
12 existing property is very visible and Moodie then presented the Portsmouth Ave  
13 viewpoint.  
14

15 Moodie read "Activities subject to the Historic District Commission" ordinance  
16 9.3.5 which states in part "except as provided herein it shall be unlawful for any  
17 person . . . to construct, alter, move or demolish any building or structure that lies  
18 within the historic district and is visible from ANY street." Moodie stated that  
19 the language does say ANY street and it stipulates earlier in the regulations that  
20 language is common use language so views from Portsmouth Avenue are very  
21 much to be taken into consideration. There's also other language in the  
22 ordinance that states "Relevant structures in the neighborhood" – it says within  
23 the district and the neighborhood. Moodie stated that this is his neighborhood and  
24 he objects strongly as it imposes on other properties. Moodie had a picture of the  
25 former Golden Egg on Sagamore Ave in Portsmouth which is now being  
26 constructed as a condominium and is 80' long. He superimposed his house next  
27 to the new structure saying it's more than a little imposing. Moodie again stated  
28 that other houses are not shown on any applications for this house, to show the  
29 comparison of how they are affected. It's going to be a big, solid house, which  
30 fills in all the gaps, stating that we cannot fill in the sky with buildings.  
31

32 Jane Finn asked if he had volume numbers and Cerbone advised that the entire  
33 house with garage, is 8115 SF.  
34

35 The Chair asked the Commission members for their thoughts on whether the  
36 Commission can make a decision based on its viewshed from Portsmouth  
37 Avenue. Rowland stated if there was any uncertainty, the Commission needs to  
38 get legal advice. Kate Murray stated that the massing has come up numerous  
39 times and it seems that the Commission is hearing things both ways. Is the house  
40 within regulation or do you need to go to the ZBA for variances - there seems to  
41 be a gray area. Cerbone stated they are within zoning requirements and Murray  
42 asked about numbers to back it up. Cerbone advised that the calculation is based  
43 on lot size and essentially the larger the lot, the larger building volume permitted.  
44 The lot is a 42,000 SF lot which allows a building of more than 8200 SF. The  
45 applicant is not including the area for the right of way which gets split between  
46 the front and back lot to calculate, which is 6000 SF, so they are still below

allowable zoning regulated building volume. The porches are all factored in although it is outside area, as is half the basement which is not typically included in a real estate listing, and the area over the garage is included, the entire garage is actually included, so it is still below allowable area per lot size.

Iain Moodie had a copy of the plan of the house which states the proposed building is 5216 SF. Moodie doesn't believe everything has been presented in a truthful and factual way. The subdivision has been so well postured and structured through the boards as to slightly misrepresent it to get it through the Planning Board and get approval.

Elaine Nollet stated that if anyone is going to be affected it would be her property as she lives in front of the Pressman lot. Nollet stated the Pressmans have wanted to talk to all the neighbors about the project, adding that she was embarrassed at the last meeting when many people spoke about the Pressmans who have the right to build a house on their property that meets code. Nollet added that everyone has the right to their opinion, but she doesn't believe the Pressmans misrepresented anything. Nollet stated that the whole area is ready to go up in fire with trees down and limbs everywhere.

Chair Rowland stated he was going to ask for a continuation to get advice from legal counsel on whether the Commission has purview from Portsmouth Avenue.

Cerbone asked the Commission to give him a sense of what else they might want but the Chair said the impact on the historic district is minimal given the distance from Oliver Street and River Road but if the HDC has purview from Portsmouth Avenue, it may be entirely different because of the massing and design. The Chair stated he couldn't answer Cerbone's questions until he spoke with legal counsel.

M/S/P Irene Bush moved to continue, Jane Finn seconded. All in favor including the Chair.

4. Approve minutes from April 6, 2023

Irene Bush moved to approve the minutes of April 6<sup>th</sup> as amended; Jane Finn seconded. All approved including the Chair.

There was some discussion about asking the Building Inspector to come to the next meeting and advise if the massing is appropriate. Also discussion as to whether Applicants should go to the ZBA first or the HDC first, and this was to be clarified.

1 M/S/P Ruth Zikaras motioned to adjourn; Irene Bush seconded. All approved including  
2 the Chair.

3  
4 Adjourned at 9:34 pm

5  
6 Respectfully submitted,  
7 Diane L. Cooley, Recording Secretary