

# NASHUA HISTORIC DISTRICT COMMISSION

Monday, April 26, 2021, 6:30 p.m.

**NOTE: Due to Governor's Executive Order, City Land Use Boards are authorized to meet via Zoom meetings, until it is deemed safe to meet in City Hall. Chairwoman MacKay read an introductory statement stating that the Historic District Commission is meeting via Zoom, and indicated how the public is able to access the meeting.**

*HDC Members:*

Mariellen MacKay, Chair  
Robert Vorbach, Vice Chair  
Ed Weber  
Bill Slivinski

*Also present:*

Matt Sullivan, Planning Manager  
Carter Falk, Deputy Planning Manager/Zoning  
Kate Poirier, Zoning Coordinator

Mr. Falk called the Roll Call, the attending members indicated their presence by verbal confirmation, and everyone stated that they are alone.

## **MINUTES:**

March 22, 2021

**MOTION** by Mr. Vorbach to approve the minutes as presented, waive the reading, and place the minutes in the file.

**SECONDED** by Mr. Weber.

**MOTION CARRIED UNANIMOUSLY BY VERBAL ROLL CALL OF THE MEMBERS.**

## **OLD BUSINESS:**

None.

## **NEW BUSINESS:**

**1. One Main Street Professional (Owner) Sousa Signs, LLC (Applicant) 1 Main Street (Sheet 68 Lot 119) requesting approval to reface existing monument sign panel with new tenant panel. D-1/MU Zone.**

Voting on this case:

Mariellen MacKay  
Robert Vorbach  
Ed Weber  
Bill Slivinski

Jason Gagnon, Sousa Signs, 225 East Industrial Park Drive, Manchester, NH. Mr. Gagnon described the property location. He said that there is an existing ground sign in the front of the property that will have it's face changed. He said that the new face will be a new panel going on the existing sign, same height, same location.

Mr. Gagnon said that the new panel will be 28"x32", it will be a ½" PVC with flat cut vinyl graphics, and will remain non-illuminated. He said that the overall sign panel is 6.2 sq.ft.

Mr. Falk said that the reason why this sign is before the Commission is that several years ago, there was an Ordinance that requires face changes on signs to come before the Commission.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

**END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:**

All Commission members expressed support for the application.

**MOTION** by Mr. Weber to approve the application as submitted.

**SECONDED** by Mr. Vorbach.

Roll call for the vote:

Mrs. MacKay said yes.

Mr. Vorbach said yes.

Mr. Weber said yes.

Mr. Slivinski said yes.

**MOTION FOR APPROVAL CARRIES UNANIMOUSLY.**

**2. Anjanette Schell & Audrey Dussault (Owners) 9 Amherst Street (Sheet 67 Lot 47A) requesting approval to erect an 8’x10’ tuff shed on property. RB Zone, Ward 3.**

Voting on this case:

Mariellen MacKay, Chair  
Robert Vorbach, Vice Chair  
Ed Weber  
Bill Slivinski

Anjanette Schell, 9 Amherst Street, Nashua, NH. Ms. Schell said that they wish to erect an 8’x10’ shed on their property, in the general area by the turnaround in their driveway. She said it would be blocked by the six-foot fence which borders the property, and would only have the top of the roof visible from Amherst Street. She said it would not be seen from cross street Abbott as the property at 2 Abbott Street would hide it from view.

Ms. Schell said that the color would be white and it would have charcoal colored roof shingles to most closely match the external color of the house.

Ms. Schell said it would be about 30 feet from Amherst Street, and about 11 feet from the 2 Abbott Street property line.

Mr. Slivinski asked if there could be some kind of a buffer if the fence along Amherst Street were ever to come down, so the shed would be blocked from the view on Amherst Street.

Ms. Schell said that they would have no problem with a trellis, or shrubs or landscaping that would block the view. She said that they do not have any intention of removing the fence.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

Commission members all expressed support for the application.

**MOTION** by Mrs. MacKay to approve the request as presented. She said that for a special stipulation of approval, should the fence along Amherst Street ever be removed, the proposed shed will be protected by trees or a hedge or trellis to protect the view from Amherst Street so that the shed cannot be seen.

**SECONDED** by Mr. Slivinski

Roll call for the vote:

Mrs. MacKay said yes.

Mr. Vorbach said yes.

Mr. Weber said yes.

Mr. Slivinski said yes.

**MOTION FOR APPROVAL CARRIES UNANIMOUSLY.**

- 3. Patricia M. Thurber Rev. Trust (Owner) Tracy Turmelle, on behalf of G.M. Roth Design Remodeling (Applicant) 40 Concord Street (Sheet 67 Lot 99) requesting approval to construct an attached 12’x19’ storage room and a 22’x24’ garage and 24’x32” storage room on northern side of existing garage. RB Zone, Ward 3.**

Voting on this case:

Mariellen MacKay, Chair  
Robert Vorbach, Vice Chair  
Ed Weber  
Bill Slivinski

Tracy Turmelle, G.M. Roth Design Remodeling, 12 Murphy Drive, Nashua, NH. Mr. Turmelle went over the submitted photographs of the property, from each elevation. He said that the proposal is to add a 12’x19’ storage room, and then a 22’x24’ garage, and a 24’x32’ storage room. He said it is to be attached on the northern side of the existing structure. He said that the proposed addition will meet all yard setbacks and open space for the Zone.

Mr. Turmelle said that the addition will be one story, and will have the new garage closest to Concord Street, with the storage room directly in back of it. He said it will be painted the same color as the house, and the siding, rakes, roofing, windows and doors are to match the existing house. He referred the Commission to the attached package showing windows, garage doors, siding, roofing materials.

**SPEAKING IN FAVOR:**

Patricia Thurber, 2 Davis Court, Nashua, NH. Mrs. Thurber said that she is the owner of the property, where her daughter lives. She said that she is a former member of the Historic District Commission. She said that it is a mid-century house, and it is different than many of the houses along Concord Street, which are much older traditional homes. She said that the mid-century home is quite different. She said that the addition meets the density of the property, and the proposed design may not be favorable to someone who is used to a more traditional visual aspect, but in history, there used to be a large building on this site, exactly where the addition is planned. She said that the old building was actually a barn. She said that the design may not be favorable to those who are not used to a mid-century, more modern design, but the windows have to be the kind of windows that were in that time period, as well as the siding and the roof. She said that all the work to be done is part of that time frame of the early 1950’s, and it is an addition on the house. She said all work will be very aesthetic and will have lots of lilacs, and it will be pleasing.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

Bruce Labitt, 46 Concord Street, Nashua, NH. Mr. Labitt stated that he lives across Rogers Street from the subject property, is an abutter, and was a former Historic District Commission member. He said that the proposal is an enormous sized addition of approximately 1,500 square

feet, which is about a 66% increase in the current footprint of the home. He said that the size of the addition will appear 325% larger than the existing home, and it is totally out of character with the neighborhood.

Mr. Labitt said that according to Land Use Code Section 190-22 (2) (b-d), the Commission should consider the size and scale of the construction compared to the rest of the existing surroundings, as well as the available green space and impact on the character of the building or structure within the District.

Mr. Labitt said that it appears that what is being built is to support a business, rather than a residential use. He said that if there is a need for some storage, and there is a temporary need for on property storage, it would be far more cost effective to rent a pod temporarily rather than permanently disfigure the neighborhood. He said that when he was on the Commission, a temporary structure was approved for the Mt. Pleasant Elementary School site, and today, the need for the trailers at the school is over, and there is no permanent destruction of the school site, and the long-term character of the site was preserved. He said that the City has many storage facilities available for temporary storage as well. He said that the plans appear incomplete, as there is no driveway to the garage shown, and asked if there will be an additional curb-cut out to Concord Street.

Mr. Labitt said that eight years ago, there was an attempt to convert the property over to a four-unit apartment complex. He said that the neighbors spoke to the Commission, and it never went through. He said that at that time, Mayor Donchess was against the proposal as well. He said that he is concerned that this proposal appears to be another round to permanently alter the good character of the Historic District.

Mr. Labitt referred the Commission to some pictures he took and indicated the visual impact of the structure on the surrounding neighborhood, and there are two of them taken from his residence, one from the second floor and one from ground level to show the extent of the change in character that the proposal would create. He said that he took the drawings dimensions and added lines that show the extent of the proposed addition to show the visual impact. He said that in the second story view, all of the green space would become invisible, as the corner of the addition would be within 9'-2" of the right side of the fence. He said that people would see a very tall grey blank wall, punctuated by three small and unattractive windows. He said at the street level the visual impact would be similar, unattractive and not a good addition to the neighborhood. He said that due to the closeness of the addition, which according to the drawing is 41' closer to Rogers Street, the impact is very high, from about 50' away from the fence to 9'-2" to the fence. He said that the bold red lines that he drew on the photo are the expected visual blockage. He said that it compares with the existing impact of a visual increase of 325%.

Mr. Labitt said that this isn't Philadelphia or Salem Mass, where one builds houses to the street or sidewalk, the City's Historic District has a lot of green space and wonderful character of the neighborhood

Mr. Labitt said that he urges the Commission to reject this proposal as it is totally out of character of the neighborhood, and whose size and scale are an affront to the existing surroundings. He said that the closeness of the proposed addition to the street will make the building appear over three times larger and will destroy his views as well as severely infringe on the openness and morning light for his neighbor at 2 Rogers Street as well.

## **SPEAKING IN FAVOR – REBUTTAL:**

Mr. Turmelle said that the structure will be completely within the setbacks that are required. He said that they are not nine feet from any fence. He said that the owner has been working with us very nicely to make sure that it will be in compliance with all the requirements that are in front of us.

John Martin, G.M. Roth Design Remodeling, 12 Murphy Drive, Nashua, NH. Mr. Martin said that they've endeavored to make the rooflines below the existing structure with some of the massing models they've may look a little bigger because of the angles, but as far as height, it would definitely be diminutive to the existing house. He said it is longer and wider on that side of the house, and window decisions were made with the owner, as there are some future plans with storage. He said that they could put in more windows if the Commission desires. He said that they have the proper amount of green space, the proper setbacks, and will do everything to fall within the zoning requirements.

Mr. Weber asked what the age is of the existing house.

Mrs. Thurber said she believes it is 1952.

## **END OF PUBLIC HEARING, BEGINNING OF PUBLIC MEETING:**

Mr. Weber said that the importance of the Historical District doesn't always dictate that it has to reflect a certain time period, this house was in the 1950's, and it's structure and design was in the 1950's. He said it appears that the house has reflected this time period, and anything changing it back to the 1850's or something like that would be a sore thumb. He said that the structure is aligning this house with its time period, and that is what the contractor is doing. He said that to change something, take this house from the 1950's and then try to put it into the 1900's would be a disservice to this house. He said that it is a historical building, because it is over 50 years old, and the addition matches the time period of the house when it was built. He said it is very well done architecturally. He said if you look at 45 Concord, it has a humongous barn in the back of it, it's a huge two-story, this is a very small footprint in comparison across the street.

Mr. Vorbach said that he's a licensed architect, and has done design in historic districts in Hollis, Lexington, Nantucket. He said he remembers the four-unit proposal that he totally disagreed with. He said he remembers the deteriorated character of the existing house. He said the existing house, in terms of detail, belonged in the Historic District, built in 1952, understood, and is well aware of mid-century modern architecture, and it was in disrepair. He said that the remodel stripped that character, it's clinical. He said that painting it a historic grey color didn't help. He said that he does not sanction the redesign at all, it is out of character, it was built in 1952, it is not a colonial, it never was. He said that there is a brick ranch not that far up the road that was also built in the 1950's. He said it was a disappointing remodel in the Historic District. He said that the design, the addition, fits the context, or attempts to. He said the total change in the character of the windows, etc. He said that the remodel some year ago was a miss in terms of design.

Mrs. MacKay asked Mr. Vorbach of part c of 190-22. She said it says the general size and scale of new construction, in relationship to the existing surroundings, including such factors as the building's overall height, width, street frontage, number of stories, type of bricks, façade

openings, windows and doors, and architectural details. She asked if the width and breadth of the addition conforms to the size and scale should be according to 190-22, or is it the overall height, width, street frontage way too large.

Mr. Vorbach said that the addition does sit within the setbacks, that has to be done. He said that the package tells the story. He said that they're adding square footage almost the size of the house to the house. He said its not really out of scale in terms of height, but it does cover a lot of square footage, and does take up much more of the site.

Mrs. MacKay referred to the pictures by Mr. Labitt, she said that she has huge concerns, and the one picture where its marked in red, the height of it, it looks over top of the roof of the house, and the width of it takes up and encompasses almost that whole side yard. She said it takes away from what we're here to preserve. She asked what this will do to the neighborhood, if you have something that is mid-century or modern as opposed to the Victorian or similar homes, is it already nonconforming as to the neighborhood, and is this addition making it even more nonconforming if it's added onto.

Mr. Vorbach said that the garage has a prominent gable end towards Concord Street, with one 16-foot overhead door. He said in fairness to the design, he said he doesn't believe that the ridge will be above the existing ridge of the house, they did state that. He said that mid-century modern, what was built in 1952 was more of a ranch style house with details on the exterior that were perhaps similar to the details that you see in the Historic District, it was wood, clapboard siding, the windows double-hung, the details were quieter, the house had a quieter presence, the house, despite its disrepair, belonged aesthetically, and the remodel changed that dramatically. He said they cleaned it up to a clinical point, where it looks like a commercial project, a dental office, clinic. He said that he believes strongly in design excellence, and this is a miss.

Mr. Slivinski said that we were all excited years ago when we heard that the house was going to be reconditioned. He said it could have been something that blended very well, even though it was from 1952, much more than what was done. He said that when it was finished, there was no attempt at all to blend it into the Historic District in any way. He said that they have a blockade there, and to take that blockade and make it 69% larger, and is totally against expanding it. He said that it is a nonconforming architectural home, and is not about to expand it 69% from what has been done with it and agrees with Mr. Labitt, it's just too large and not fitting into the District, and will completely distract from the District rather than add to it.

**MOTION** by Mrs. MacKay on behalf of the owner and applicant as advertised to deny the application.

Mr. Falk said that Land Use Code Section 190-22 (2)(c) was mentioned, and asked if the denial was due to the proposed plans not meeting that section.

Mr. Slivinski said that the Commission has to state the reasons why it's being denied.

Mrs. MacKay said that based upon the reading of the code, Section 190-22 (2) (b and c), the reasons for the denial would be encompassed in both of those subsections of that section of the code. She said that this would be taking something nonconforming and making it just more nonconforming. She said her rationale is 2 b and 2 c, of Section 190-22.

**SECONDED** by Mr. Slivinski

Mr. Weber against the Motion.

Mr. Vorbach said yes, in denial of the request.

Mr. Slivinski said he votes for denial.

Mrs. MacKay said that she votes in favor of the denial.

**MOTION DENIED 3-1** (Mr. Weber against Motion).

**OTHER BUSINESS:**

**Master Plan Update**

Mr. Falk said that Mr. Sullivan gave a really nice overview of the Master Plan, and believed in the discussion at the last meeting, the Commission wanted to have a meeting with Mr. Sullivan and a couple members of the Master Plan Committee to go over what the Commission members might want to see added to the Master Plan. He said that would be discussed at the special meeting on May 3<sup>rd</sup>. He said it could entail anything that the Commissioners want to see in the Master Plan, such as buildings or areas.

Mr. Falk said that it is not a public meeting as far as the public, even though it had to be advertised, it's just going to be us and Planning staff and a couple members of the Master Plan Committee.

Mr. Sullivan said that it can be rescheduled, it's not urgent that it gets done next week.

Mr. Falk said that it doesn't have to be done next week, if the Commissioners want more time to gather information, that is fine, it's just that the Master Plan is moving along quickly, and Staff anticipates having it adopted in July or August of this year.

Mr. Slivinski said that he thought we were going to have a meeting between ourselves.

Mr. Sullivan said that some of that feedback might need to go into the Master Plan, longer term, so we started as part of in the context of the Master Plan discussion, that we agreed to have a broader discussion about future actions of the HDC, so we're noticing it as a Master Plan discussion, but in the end it's a broader discussion about strategy about this group moving forward, hopefully some of which can be incorporated into the Master Plan. He said that it has to be a public meeting, even to discuss business of the HDC only, internal business.

Mr. Weber said that there are many historical houses throughout the City, and even if it means that we have satellite places that cover these historical buildings/houses, throughout the city, that we're not restricted to just the current district boundaries.

Mr. Sullivan said that perhaps we can have an initial meeting to get an idea of what those things are that the Commission would like to do, and then have a subsequent conversation about the legality of it. He suggested bringing this to an opening bid conversation of potentially what those items are that would like to potentially do in the future, and we'll do it as part of a public meeting, but just in more of a conceptual and considerate manner, and staff can take that to Corporation Counsel and see about the legality.

Mrs. MacKay suggested pushing this out just a little bit, just to give people a little more time. She asked about the May meeting, and perhaps we could use that time slot.

Mr. Falk said that as of right now, there are no applications for the May meeting, but we could use that date, it's May 17<sup>th</sup>. He said it's not a typical meeting date, it's earlier due to the holiday.

Mr. Weber asked for the requirements that hold us, the language that says that we cover just this geographical area. He asked about the wording that would be changed jurisdictional wise, that binds us to the geographical area.

Mr. Sullivan said it may be good to review this groups charter, more globally. He said that staff can provide this information to the Commission, to start a conversation about how jurisdiction may be expanded, the benefits, drawbacks, and process.

Mr. Weber asked if it would be possible to have Legal on hand for that night.

Mr. Sullivan suggested that would be better addressed in a second meeting. He said that we need to have an honest conversation about extension of jurisdiction, because it may seem like an easy thing to do, but then we introduce discretion into what structures are done and what are not.

Mr. Weber said he was going to talk to Natalie Miller, up in Concord, the Historical Preservation Officer, it might be a good idea to get some input from her.

Mrs. MacKay asked if we could do that on the 17<sup>th</sup>.

Mr. Falk said that the 17<sup>th</sup> is a regularly scheduled meeting night.

Mrs. MacKay asked who would put something out, from Carter or Matt or Kate, about what we're trying to do on the 17<sup>th</sup> meeting, or if she should send out an email, as she'd like to alert Chris and Bob that this is coming.

Mr. Falk said that the Minutes will be done within the next 5 days, so he could send a copy of them to everyone early.

Mr. Sullivan said that we could include a basic "ask" to come with ideas about what members would like to see in the HDC.

Ms. Poirier said that if anyone can't make the meeting, they could at least send in comments.

### **Bylaws revisions:**

Mr. Falk said that staff made some minor revisions to the Bylaws, and said that the first paragraph shows the updated dates of the Land Use Code, the Municipal Code, the RSA's, they were from 1982 and now they reflect present day. He said that staff added a section at the end, number 6, which is for Alternate Members voting.

Mr. Falk said that in the Bylaws, number 2 says that Bylaws may be amended in any meeting, provided there is a two-thirds vote of all the members present. He said that at least two-thirds of the members present need to be ok with this.

Mr. Falk said that the By-laws can be changed at any time, at least every year.

**MOTION** by Mr. Weber to accept the Bylaws as revised.

**SECONDED** by Mr. Vorbach.

**MOTION CARRIED UNANIMOUSLY 4-0 PER VERBAL ROLL CALL VOTE OF COMMISSIONERS PRESENT.**

Mr. Falk said that he can email a copy of the second page to the officers for signatures, and it can be emailed back and then distributed.

**MEMBERS COMMENTS:**

None.

**MOTION TO ADJOURN** by Mrs. MacKay at 8:23.

CF/cf