

**APPROVED**  
**New Castle Historic District Commission**  
**March 6, 2014**

**Amend New Castle Zoning Ordinance Section 9.3.5.1.d**  
**Work Session re Stephen & Katie Eldred, 180 Portsmouth Ave., Map 15, Lot 5**  
**Work Session re John & Elizabeth Levis, 81 Piscataqua St., Map 18, Lot 12**

**BOARD MEMBERS PRESENT:** Irene Bush; Patty Cohen; Peter Follansbee; Kate Murray;  
Elaine Nollet; Peter Reed; Rodney Rowland; Marjorie Smith

Chairman Smith called the meeting to order at 7:00 p.m.

**Amend New Castle Zoning Ordinance Section 9.3.5.1.d:**

**GUESTS:** Todd Baker; Nancy Borden; David Borden; Andy Schulte; Tom Smith; Bill Stewart  
Peter Tarlton

Chairman Smith announced this was a public hearing regarding a request to amend the New Castle Zoning Ordinance Section 9.3.5.1.d. The public hearing has been properly advertised, abutters have been notified and all fees paid. She asked for the Board's comments.

Nancy Borden, 40 Walbach St., representing the Energy Committee, is here this evening to see if the HDC will vote for the following amendment to be inserted in the zoning ordinance.

*Section 9.3.5.1.d. Activities subject to approval by HDC*

*d. Installation of generators, fuel tanks, HVAC systems, solar panels, satellite dishes, and other non-traditional devices and equipment, larger than 4 square feet, visible from any public street in the Historic District. In addition to considering cost and functionality, Property Owners must minimize visibility from any public streets when determining locations.*

The Chair believes that the proposed addition to the ordinance is not necessary. The current Section 9.3.5 covers "buildings, structures or improvements." Listing specific items could actually restrict the ability of the HDC to achieve the purpose of the HDC within the established Section 9.3.1. She listed specific objections:

1. Making a specific list of items could be interpreted to exclude any new items or technology which may come up, because those would not be on the list. Specific list can restrict the ordinance.
2. The idea of adding cost and functionality. These are things that should be decided by the homeowners. (Cost and functionality are up to the homeowner and should not be in the Ordinance.)

3. The concept of “Minimizing Visibility from any public street” conflicts with the idea “visible from any public street” in Section 9.3.5 of the ordinance. The Chair said that the change is superfluous, and could add confusion to the current ordinance.

The Chair asked for the Board’s comments.

Rowland agrees with the Chair that the proposed addition not be included to Section 9.3.5.1 in the zoning ordinance. He does not see how the HDC can do what it's charged to do in the zoning ordinance which is to protect the historic ambience of the district. If the solar panels were hidden, that would be another matter.

Bush feels the HDC has the ability to look each request on an individual basis and that, in her mind, covers the ability to approve any of these matters.

Chairman Smith said once you make a list you exclude other things. She feels it is best to leave the present ordinance open and the HDC can review each request on a case by case basis.

Follansbee disagrees with the Chair. He feels adding Section 9.3.5.1.d is not restrictive. The way the ordinance stands now is very restrictive and he feels there is a need to loosen it up a bit and allow solar panels in areas where they can be seen from a public way.

Cohen would like to hear what the public has to say before she states her comments. As a matter of clarification, the HDC had thorough discussions about this matter in 2012 and came up with guidelines specifically for solar panels installation and those guidelines are consistent with the zoning ordinance, as they are written, which is exactly what Bush referred to. The HDC was careful to say when the Board clarified guidelines that solar panels are not banned from the historic district but, rather, that they should not be seen from any road or street.

Nollet agrees with Follansbee that our ordinance is very restrictive. She does want to keep the historic district architecturally beautiful but she knows that, in this town, there are two different views and on this Board we have different opinions. She feels we should send it to the Town and let the people vote on this because solar panels are the future.

Reed said when a homeowner wants to add solar panels to their home they are obligated to come before the HDC to review this issue on a one by one basis. He prefers to look at these issues on an individual basis and he is not in favor of adding Section 9.3.5.1.d to the zoning ordinance.

Murray asked if it is possible to potentially approve solar panels with the way it is written here.

The Chair replied in the affirmative.

Follansbee replied not if it can be seen from a public street. Many cases in this town the only place the panels would be efficient is a place they can be seen from a public way. We are excluding a large number of homeowners immediately. As it exists now, it is very restrictive and it does not give this Board the option of looking at every case individually.

The Chair mentioned how few applicants have come before the HDC for solar panels. The technology is improving, and as it becomes more efficient, perhaps we will see more applicants.

Chairman Smith asked for public comments.

Nancy Borden feels the current guidelines are restrictive. She also feels there are many places in New Castle that solar panels could be seen from a public street and it would not affect the architectural landscape of the town.

The Chair asked for public comments.

Peter Tarlton made comments on behalf of Craig Strehl and VJ Horgan, 62 Main St., who were unable to attend this meeting. He read their letter opposing the new amendment and request that the HDC vote NO on the proposed amendment, (Attachment A.)

Tarlton would second their position and add that the phrase “minimizing” leaves too much discretion in the hands of the homeowner and takes that discretion of preserving the aesthetic quality of the neighborhood from the HDC.

Bill Stewart, 100 Walton Road, is in favor of adding the amendment. The change represents an opportunity for homeowners to apply for energy efficiency and a variety of other things and he does not feel this takes control out of the HDC. The Board would still have an opportunity to look at each request on a case by case basis and make a determination whether it detracts from the historical character of the town, the architecture of the building.

Chairman Smith emphasized that homeowners do have the ability to come before the HDC and speak with the Board and apply on any project they want to do, including solar panels.

Andy Schulte, Main St., is against the amendment and pointed out that it was poorly written. The cost and functionality is definitely not part of the HDC purview.

Grant Drumheller, 91 Main Street, spoke on behalf of solar panels and supports this amendment to go before the town.

Tom Smith, Wentworth Road, spoke in favor of the amendment because he would like the homeowners to have more opportunity to make improvements and changes and less restriction by any of the governing boards.

Sharon Houston spoke regarding the visibility of solar panels and on what the HDC in Portsmouth has done.

The Chair said the Historic District Commission’s goal is to work with people. The HDC is not trying to stop people from doing things.

Todd Baker, 23 Main Street, said he had not read the amendment that is before the Board this evening but he would like to tell the Board about the spirit that he is coming from. He has a home that is very visible in the front and also has an extension in the back which would be a great place to put solar panels. It would be possible to see panels from some portion of Main St., during certain times of the year. He is trying to understand what the rule is that is being put into place right now because he does not feel it should be restrictive as it would enhance his home and he does not feel that the character of his home and the way it is appreciated in the town would be impacted at all.

Chairman Smith replied that the HDC's job is to keep the architectural integrity of the town and she feels if Baker has a plan for something that is unobtrusive, it would probably work. It would be worthwhile to talk with your architect and to come before this Board to discuss your project. We are not being as restrictive as some people think we are but we do have ordinances which are based on state and federal guidelines.

The Chair asked for additional public comments.

David Borden, 40 Walbach St. said there was a distinction between building materials and appliances. 1) Solar panels are appliances, not building materials and he feels they are treated as building materials; 2) the economics are working very much in favor of solar panels. He feels that over time they will become more accepted visually; 3) the current regulations are quite restrictive. Half of the buildings in the historic district cannot have solar panels.

The Chair asked if there were further public comments. There were none.

Chairman Smith feels that to add this amendment to the HDC ordinance is superfluous; it muddies the waters by opening the possibility of new interpretations. There are many ways of working, using different locations to place solar panels, and there has not been a big rush of people saying they have been denied. She emphasized that the HDC's purview is to maintain the architectural landscape of the town and having big shiny panels on Main St. does not look historic.

She asked for the Board's comments.

Follansbee said the notion that the HDC is open minded about solar panels is false. He feels that the HDC is very restrictive. We have an opportunity to open it up and still be able to say no under this proposed change. He feels the Board should go for it.

Cohen is uncomfortable about the way the proposal is written, she is not comfortable with the larger than neither 4 square feet comment nor is she comfortable with the cost and functionality wording for the same reasons that Andy Schulte brought up. She also feels that the way we have the HDC ordinance right now could accommodate someone like Todd Baker and his request.

Also, Cohen feels that the HDC is flexible and, ultimately, it is not a bad idea to bring it before the voters with signed petitions for next year. She feels that was the intention for this year but it did not work out.

The only other avenue open was to come before the land use board. That was not the original intention and she is aware of that. The HDC is charged to protect the historic district. She feels that the guidelines the HDC has established are appropriate for the Historic District Commission.

Nollet expressed her concerns about the wording “you cannot see it from a public street” in the ordinance. She feels that wording takes away a person’s opportunity to come before the Board.

Chairman Smith replied that is the HDC’s purview to keep the town looking historic.

Cohen pointed out that these are the HDC guidelines and the HDC’s purview is to keep the town looking historic.

Murray has concerns regarding the wording “minimize” in the proposed amendment, that is, minimize in the minds of the homeowners might not be the same as for the HDC.

**Cohen moved that the HDC not approve the proposed amendment Section 9.3.5.1.d. in the zoning ordinance. Bush seconded the motion.**

**Cohen votes in favor to not approve the proposed amendment in the zoning ordinance.  
Rowland votes in favor to not approve the proposed amendment in the zoning ordinance.  
Bush votes in favor to not approve the proposed amendment in the zoning ordinance.  
Murray votes in favor to not approve the proposed amendment in the zoning ordinance.  
Reed votes in favor to not approve the proposed amendment in the zoning ordinance.  
Follansbee does not vote in favor of the motion.  
Nollet does not vote in favor of the motion.  
The Chair votes in favor of the motion to not approve the proposed amendment in the zoning ordinance.**

**6 votes in favor of the motion  
2 votes against the motion.**

**Approved.**

Chairman Smith closed the public hearing to amend the New Castle Zoning Ordinance Section 9.3.5.1d.

**Work Session Re: Stephen & Katie Eldred, 180 Portsmouth Ave., Map 15, Lot 5:**

**GUESTS:** Don Cook, President, DD Cook Builders

Chairman Smith announced this was a work session for Stephen & Katie Eldred, 180 Portsmouth Ave., Map 15, Lot 5.

Don Cook, Builder, is representing Stephen & Katie Eldred, 180 Portsmouth Ave., Map 15, Lot 5. The lot is 8/10 of an acre and he submitted the plans to the Board. He also submitted some photographs of the proposed home, (Attachment B.)

Cook said they propose to build a single family shingle style home with mostly gambrel roof lines on a lot which is now partially wooded. They will be working with Ambit Engineering to do all the site engineering and they will be going before the Conservation Commission but the building will not be in the 100 ft. buffer.

He asked the Board for their comments.

Rowland asked for clarification regarding the front elevation.

Cook replied when you are driving up the causeway, presently, there is a boathouse and there is a driveway that services two other homes and the front elevation would be facing off that private driveway.

Cohen noticed that the applicants are within the 20 ft. setback from Portsmouth Avenue.

Cook replied that is a type of window well/retaining wall and if that becomes an issue, we will eliminate it. They are working with the Building Inspector on this matter and they need clarification from him. Basically, it is a retaining wall less than 4 ft. and it is not considered a structure and they are not subject to the 20 ft. setback.

Cook addressed his proposal.

**Windows:** They are planning to use Andersen A Series simulated divided light windows with the grill patterns shown on the plans. Should they change to another window manufacturer, they would be using a simulated or modified divided light style where the exterior grills are not removable. As well as the factory trim on the Andersen window perimeters, they would be adding additional Azek trim per the plans with a minimum of a 5/4x4 Azek surround and a “historical” bottom sill.

**Roofing:** The roof will be shingled in a *Certainteed “Independence Shingle”* architectural shingle as shown on the plans. They may substitute this “*Shingle*” with Western Red Cedar (real wood) shingles similar to the photograph, (Attachment B.)

**Exterior siding:** They plan to install white cedar wall shingles on the locations shown on the plans in a color which is yet to be determined.

Cook asked if the HDC has purview on the color of the house. The Chair replied no.

Chairman Smith said the house had a very nice design and asked Cook if the applicants had looked at the architectural landscape, i.e., the street scape. Cook replied yes.

The Chair feels that the proposed house will not blend in with the other homes in the neighborhood. She asked for the Board's comments.

Rowland concurs with the Chair. He said if one looks at the ordinance, it states that new construction should be sympathetic and in concert with the surrounding architecture in the neighborhood. If one looks at this building, (the proposed home) and then look at the other buildings within eye shot of it, you will notice many architectural details on this building (proposed home)) that are not on anything else within the neighborhood.

Cohen agrees with Rowland and Chairman Smith. She suggested Mr. Cook read the HDC minutes of February 6, 2014 in regard to architectural streetscape.

Cohen also has concerns regarding the windows which are out of character in this design. She would like to see all the upper windows on the photograph, (Attachment B) replaced as she does not feel they are keeping at all with the landscape of the street or of the historic district.

Chairman Smith said this Board is trying to maintain the streetscape as one comes into New Castle. It is a nice design but it does not fit into the architectural landscape of the neighborhood. The Gambrel style is not in keeping with what we have in New Castle.

Cohen pointed out that this proposed home is in a highly visible location in town. She also suggested a few more work sessions would be recommended.

Cook asked the Board if Azek material was acceptable in New Castle. The Chair replied yes.

Follansbee noted the wood shingles were also acceptable in New Castle.

Cook will return for another work session.

Chairman Smith closed the work session for Stephen & Katie Eldred.

**Work Session Re: John & Elizabeth Levis, 81 Piscataqua St., Map 18, Lot 12:**

**GUESTS:** Gordon Wallace, Architect, representing the applicants

Chairman Smith announced this was a work session for John & Elizabeth Levis, 81 Piscataqua St., Map 18, Lot 12.

Gordon Wallace, Architect, addressed his proposal before the Board. He said the proposed new house for John and Elizabeth Levis is located at 81 Piscataqua St., Unit C, of the Piscataqua Condominium Association. The new house would have a nearly identical footprint to the existing house, though shifted slightly to conform to setback requirements.

From Main Street, the rear façade of the existing, single story, 1950's ranch house sits back approximately 105 ft. and can be viewed up a short driveway, between numbers 108 and 116 Main St.

This section of Main Street is one of the densest groupings of substantial, period houses in the Historic District, and is certainly not enhanced by the presence of this squat, shallow-pitched roof house. Basically, it is 105 ft. from Main St., and 230 ft. from Piscataqua St.

To respect the rhythm and architectural style of the adjacent properties, the new house will have a 28 ft. wide by 30 ft. high, two story block, with a classically detailed and symmetrical arrangement of windows and doors to match the facades of the Main Street houses. In essence, the new elevation facing Main Street will be the formal front of the house. In keeping with the formality of its neighbors, this Main St. façade will be clad in clapboards with 5” corner boards, and include brick chimneys and foundation facing, and with all windows and doors traditionally proportioned.

Although the house has a Piscataqua Street address, it sits back approximately 260 ft. from the street, on a bluff 30 ft. above road level. As the accompanying photographs show, the existing house has minimal visual impact from Piscataqua St., reading as a squat, single story line. With the incorporation of a two story central block, this vertical architectural element will help restore a more traditional massing balance to this view.

Unlike the houses adjacent to the Main Street side of the project with their nearly uniform massing and detailing, the Piscataqua Street side of the project is bound by houses of various styles, most with porches.

Wallace pointed out that many of these houses are quite substantial and typically are not as close to their neighbors as are the houses on Main Street. In the case of many colonial houses with classical principal facades, often the other facades are less formal. The Piscataqua St. façade of the project, while incorporating many of the same proportions and design elements as the Main St. façade, will be less formal overall, including a porch like its neighbors, and having an exterior clad in cedar shakes with 5” corner boards.

Currently, part of the view of the water from No. 116 Main St. is over the single story garage of No. 81 Piscataqua St. The proposed modified siting of the new house still provides an essentially identical view, also over a single story structure.

Wallace referred to photographs he provided the Board showing the location of the Levis house, (Attachment C) and also the HDC Application Check List describing the roofing material, siding material, windows, trim, doors and foundation façade, (Attachment D.)

The Chair asked for the Board’s comments.

Reed referred to Wallace’s statement that the proposed house would have a 30 ft. height. He questioned the height of the current house.

Wallace replied the current building has a height of 15 ft.

Cohen said it would be helpful if the architect were able to superimpose the structure photographically on his depiction for the Board.



In this case, Cohen is much more concerned about scale and the general size and its impact because of the height of the hill. She appreciates the architect's comments about the homes on Main Street and in that area but this one particular site being on the hill is going to make more of an impact overall.

Cohen realizes the applicant is not going to 32 ft. and knows the proposed house will be at 30 ft. but this site is sensitive to scale. She hopes that Wallace will take a photo and superimpose.

Chairman Smith asked if the Board had further comments.

Follansbee likes the plans, it is a nice symmetrical design and, conceptually, he likes it.

The Chair noted that shifting to conform to setback requirements makes a lot of sense and it will change the impact.

Bush questioned the driveway and wondered if it will be from Piscataqua.

Wallace replied they are presently looking into that matter.

Chairman Smith asked for public comments.

Andy Schulte questioned if Wallace had looked into the common land. Presently, that driveway goes up to it. He pointed out that each of the other three condos own 1/3 of a right to that common land. He asked if the other people have agreed to this driveway.

Wallace replied the other condo owners have no problem with this driveway.

Rowland likes the design of the house but his concern is with massing, that this is going to be over powering in a vertical sense, to this neighborhood.

Wallace replied he will give the Board a photo montage when they return for a work session.

Murray asked if there were three units on this condo complex. Wallace replied yes.

Nollet likes the design of the house.

Follansbee questioned the trim details and asked if the applicant would have crown moldings under the eaves.

Wallace replied they plan on having Azek trim and plan on having crown moldings under the eaves.

The Chair pointed out there is a need for another work session, during which details can be discussed.

Wallace agreed and will return for another work session.

The Chair closed the work session for John & Elisabeth Levis.

**Review of HDC Minutes of February 6, 2014:**

**Nollet moved for the HDC to approve the minutes of February 6, 2014, as amended. Bush seconded the motion. Approved.**

**New Business:**

Cohen discussed the HDC Website and the need to have it reviewed and updated.

**Adjournment:**

**Follansbee moved for the HDC to adjourn the meeting. Rowland seconded the motion. Meeting adjourned at 8:30 p.m.**

Respectfully Submitted,

Anita Colby  
Recording Secretary

Attachment A: Letter from Craig Strehl & VJ Horgan opposing the proposed amendment  
Attachment B: Photographs submitted for the proposed home of Stephen & Katie Eldred  
Attachment C: Photographs showing the location of the Levis house  
Attachment D: HDC Application Check List for the Levis project