

City of Keene
New Hampshire

HISTORIC DISTRICT COMMISSION
MEETING MINUTES

Wednesday, October 3, 2018

4:30 PM

**2nd Floor Committee Room,
City Hall**

Members Present:

Hanspeter Weber, Chair
Andrew Weglinski, Vice Chair
Councilor Thomas Powers
Nancy Proctor
Erin Benik
Hans Porchitz

Staff Present:

Mari Brunner, Planning Technician
Rhett Lamb, Community Development
Director/Assistant City Manager
Tara Kessler, Senior Planner

Members Not Present:

Joslin Kimball Frank, Alternate

Site Visit: At 4:15 PM before the meeting, HDC members conducted a site visit of 34 West Street.

1) Call to Order & Roll Call

Chair Weber called the meeting to order at 4:33 PM and Ms. Brunner conducted roll call.

2) Minutes of the Previous Meeting – August 15, 2018

Councilor Powers moved to accept the minutes of August 15, 2018, which Ms. Benik seconded and the Historic District Commission carried unanimously.

3) Public Hearings

- a. **COA-2018-03 – 34 West Street – Retroactive Approval for Window Replacement – applicant Greg Johnson, on behalf of owner West Street Keene LLC, requests retroactive approval for replacement of all exterior windows. A waiver is requested from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding design materials. The property is ranked as a Primary Resource and is located at 34 West Street (TMP# 575-033-000-000-000) in the Central Business Zoning District.**

Ms. Brunner recommended accepting this application as complete. Councilor Powers moved to accept application COA-2018-03 as complete, which Ms. Proctor seconded and the Historic District Commission carried unanimously.

Chair Weber opened the public hearing and welcomed Mr. Johnson (34 West Street), who said this home was built in the 1800s, was formerly a post office, and was sold to the Keene School District in the 1970s. When the school district bought the building, they added a second floor, which was placed at the break in windows and caused the upper half of the windows to look blocked off from the outside. When the building was sold to the current owners, Riley Enterprises, several updates were made to the building, including installing a new boiler and repairing the roof. The last piece of the renovation was the windows. Mr. Johnson noted that it was challenging to match the exact specifications of the previous wooden windows, so the owner worked with an architect and decided on the current installation—a metal fabricated window. Now, the windows look like a whole window from the outside despite the second floor slab division. It was cost prohibitive to replace the windows with wood and the new windows are more energy efficient.

Mr. Porchitz said the single-panes are not separated on the outside of the new windows (i.e. they are not “true divided lights”), which is a significant difference from the windows that existed before. He understands the implications for energy efficiency, but the old windows clearly delineated the different panes; the new windows give that impression from the inside but not the outside. He said it is possible to have high performance windows with exterior grids or muntins. Mr. Johnson said the owners did their best to replicate the originals; he was brought into the project after the windows were replaced. Mr. Porchitz replied that the architect should have known better.

Councilor Powers asked when the windows were replaced. Mr. Johnson replied approximately one year ago. Ms. Brunner added that staff contacted the owner in December 2017 initially, at which time some windows were already replaced.

Chair Weber agreed with Mr. Porchitz that it looks different without the pane dividers; but said he feels like it is too late, which is why the Commission likes to see these things in advance. The pane dividers are more visible on traditional windows and he knows modern windows can be made to resemble single-pane wooden windows with true divisions. He understands Mr. Johnson is not responsible for this being too late. He said the choice of upper and lower sash sizes seems logical to break at the existing second floor level; Mr. Porchitz agreed. Mr. Johnson added that the windows replaced were not original to the building. Mr. Porchitz said that is true but the windows replaced clearly delineated each pane, which was lost with choice of replacement.

Ms. Brunner noted before and after photos on page 14 of the meeting packet. The applicant requests retroactive approval for the replacement of all exterior windows. All windows were replaced with windows of the same overall size; no new window openings were introduced and the existing openings were not enlarged or reduced to fit the stock

windows. Prior to replacement, the windows were double hung with a nine over nine grid arrangement, true divided lights, and wooden sash. The replacement windows are also double-hung windows with a nine over nine grid arrangement, however the height of the upper sash was reduced and the height of the lower sash was increased. In addition, the window material was changed from wood to aluminum with a dark bronze finish and lights are no longer true divided. The applicant requests waivers from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding design materials. The HDC criteria for granting a waiver request are listed in the meeting packet.

Ms. Proctor asked what happened to the decorative stonework shown in the photos. Ms. Brunner replied those are different window locations.

Chair Weber recognized Mike Mattel, Junior Warden at St. James Church (44 West Street). While he understands the importance of preserving the history, this work made the building more aesthetically pleasing to neighbors; the school district left it in poor shape. He appreciates the work.

Chair Weber recognized Councilor Bart Sapeta, who said he is disturbed by this situation. This situation could have been prevented a long time ago, when the applicant should have sought advice and comment from the Commission. This is a significant historical resource like few others in the country. He said it is troubling that there was an opportunity to make sure the appropriate process was followed and now this sets a precedent that anyone can make changes and ask for a retroactive waiver. He understands the style had to change to accommodate the second floor, but he thinks that could have been resolved easily with the help of the HDC. He understands things change over time but that is why there is an HDC to ensure appropriate changes are enforced. He recommends the HDC explore something to rectify this situation because he is disturbed the owners did not follow the appropriate process. Chair Weber agreed no one is entirely happy with the changes but there is no good solution.

Chair Weber recognized Peter Poanessa (36 Dickinson Road), who asked if it possible to add divided grilles now to avoid buying new windows. Chair Weber said he knows dividers can be used on the inside but is unsure about the outside. Mr. Porchitz said he thinks anything is possible but he agrees with the frustrations expressed by the public. He has been on the Commission for one year and has already heard two or three requests for retroactive approvals. He agreed there are some positive impacts, such as the improvement in appearance for neighbors.

Mr. Weglinski asked if the windows are operational. Mr. Johnson replied no. Mr. Weglinski added there are peel-and-stick muntins, but he is unsure if they can withstand weather. Chair Weber asked if the applicant is willing to explore adding a visible divider to the outside of the windows. Mr. Johnson replied he is not in the position to answer that question. Mr. Weglinski said if they are operational, sashes can be changed without changing the frame; if they are not operational, the whole window would have to be replaced. Mr. Johnson said it is a challenge because sashes are different on the second

floor because of the slab; the custom window was not easy to design. He was brought on to the project after the windows were completed and he is just trying to do his job. The owner thought they were doing the right thing; they had several different window manufacturers work on this and the old windows were impossible to replicate because no two window openings in the building are the same size. Chair Weber said the Commission is concerned with the exterior appearance which was not maintained well with the new windows. He appreciates the need to upgrade windows for energy efficiency but he would like to explore a solution to make the appearance of the new windows more similar to those which existed previously.

Mr. Porchitz said there are grills that can be applied to the exterior glass panes to enhance the 3D appearance and essentially create new muntins. He thinks this is independent of the second floor slab; the exterior appearance has nothing to do with what is on the interior. Mr. Johnson said he would speak with the owner about the possibility of adding stick-on muntins to the window exteriors. Mr. Porchitz said he assumes that technology exists; he added he will not vote to make the owners replace the windows but he does want the exterior to better resemble what was there previously.

Chair Weber suggested continuing this public hearing until the applicant is ready to return with a proposed solution. The Community Development Director said this can extend to a future meeting if the applicant agrees; the next meeting is in two weeks. Mr. Johnson said he believes two weeks should be enough time to find a solution. Ms. Brunner will add it to the agenda for the October 17 meeting. Mr. Johnson will try to bring the window manufacturer with him, who will likely be more able to answer these questions. Ms. Proctor also suggested consulting with a contractor or craftsman, who might be able to construct something if the manufacturer cannot determine a solution. Mr. Porchitz said the manufacturer is the first point of contact.

Mr. Johnson noted there were no changes to the window patterns. Mr. Porchitz agreed but said he is concerned with the exterior appearance of the muntins.

Mr. Porchitz moved to continue the public hearing for COA-2018-03 until the October 17 HDC meeting, which Councilor Powers seconded and the Historic District Commission carried unanimously.

Ms. Benik said she is also concerned about retroactive waivers and asked if there is a better procedure for dealing with these applications. Ms. Brunner said, in this case, as soon as staff learned of this violation they contacted the owner, informed them they needed permissions, and asked them to come before the HDC. At that time, the owner declined to comply with the request and did so subsequently multiple times until staff worked with the Code Enforcement Officer to issue a violation letter; there is an enforcement mechanism that can impose fines if someone does not comply. In the letter, the owner was notified that the City would start issuing fines, which is when they began working with staff.

Ms. Benik asked how to prevent this in the future. Councilor Powers replied this is worth

discussion but thinks this is a larger issue that will require increased staff action if people think they can just ask for forgiveness after the fact. He added there are processes to take people to court to show that this is a serious matter. He suggested Chair Weber and the Community Development Director look at the problem holistically, not just this case. He said it is hard to keep abreast of changes happening in the Historic District, but the regulations need to be enforced. This case is interesting because the owners got a building permit for the rest of the work and thus were informed about HDC requirements. The owners say they did not know, but they were clearly informed by the City. Chair Weber agreed and added this is one of the finer historical resources in the City so it is unfortunate; Commission members need to be more vigilant at noticing when changes are occurring under the radar.

b. Amendments to the Keene Historic District Commission Regulations – The Keene Historic District Commission proposes to amend their Regulations to update project classification and application procedures for minor and major projects, revise the design standards for renewable energy systems and masonry, and update the definitions section.

Ms. Brunner said the HDC began reviewing their regulations a few years ago to identify how they could be streamlined to make the process more efficient for applicants. In April 2018, the current members of the Commission began reviewing each section of the regulations and identified areas to improve, clarify, or streamline. Ms. Brunner referenced the regulation changes beginning on page 23 of the meeting packet. She summarized the amendments to the following sections of the Keene Historic District Regulations, which were all revised through removal of language that has been stricken out and adding the language underlined in boldface:

- 1) Revising Section III.C “Minor Projects” (*Allows masonry repair or repointing that does not change material or appearance to be review administratively*)
- 2) Revising Section III.D “Major Projects” (*Adds clarifying language*)
- 3) Revising Section V.C “Information Required” (*Adds requirement to describe cleaning products and submit samples of replacement mortar when requesting a Certificate of Appropriateness*)
- 4) Revising Section VII.D “Information Required” (*Adds requirement to describe cleaning products and submit samples of replacement mortar when requesting a Certificate of Appropriateness*)
- 5) Revising Section XV.A.7 “Renewable Energy Systems” (*This section was rewritten entirely to be clearer and concise. Project design standards were also reorganized as well as minor changes to be clearer for applicants*)
- 6) Revising Section XV.B.2 “Masonry (walls and architectural trim)” (*Clarifies that unpainted concrete masonry can be painted on; unpainted brick masonry can only be painted if the project meets the seven criteria added to the regulations; if the applicant cannot meet all seven criteria, they need a waiver*)
- 7) Revising Section XV.B.5 “Windows” (*Replaced the link for window replacement resources*)
- 8) Revising Section XV.C.2 “Masonry (walls and architectural trim)” (*Clarifies that unpainted concrete masonry can be painted on; unpainted brick masonry can*

- only be painted if the project meets the seven criteria added to the regulations; if the applicant cannot meet all seven criteria, they need a waiver)*
- 9) Revising Section XVI “Definitions” (*Adds a definition of Mural as well as photos; adds details to the Repair definition; adds a different definition for Structure*)

Ms. Brunner noted written public comment in the meeting packet, as well as letters provided to the Commission at the meeting, which are available for review in the Community Development Department. These comments include a petition from residents supporting the project.

Chair Weber asked Ms. Brunner to list the seven criteria proposed for painting a mural on an unpainted brick surface, which she read:

- 1) The mural will enhance or complement the historic or architectural features of the structure or site, and
- 2) The mural will enhance or complement the historic character or context of the surrounding area, and
- 3) The mural will showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region, and
- 4) The mural will be designed by a professional mural artist or sign painter, and
- 5) The mural is not located on the primary elevation of a Primary or Contributing Resource, and
- 6) The mural will not cover more than 40% of the surface area of a building or structure façade, and
- 7) The applicant has demonstrated that the proposed surface treatment is appropriate for historic brick or stone masonry materials. Waterproof coatings shall be prohibited.

Chair Weber opened the public hearing and recognized Councilor George Hansel, who stated that he supports these thoughtful changes that speak to the intent of the regulations to preserve history. He noted that the community is facing an increasing loss of history and these changes are an opportunity to give the community something back it might have had in the past. He encouraged the Commission to adopt these changes.

Chair Weber recognized Mr. Poanessa, who is one of the organizers of the Walldogs mural project. Mr. Poanessa stated that he has given a lot of thought to this issue and has spoken with experts about preservationists’ concerns with damaging masonry by painting on brick. He learned waterproof products are not appropriate for use on these surfaces and can be quite damaging. He believes, with appropriate cleaning and products, the walls can be painted without damaging them. A historian he spoke with said the right kind of paint could protect the brick. An alternative to painting on the brick is to paint on sheet metal panels; however, in his opinion this option is less appealing because the metal panels will not hold up over time as well as the brick. In addition, they will not look as authentic and will be less aesthetically pleasing. The brick murals age gracefully whereas the metal will show wear within a few decades. He supports the protections the regulation amendments would put in place because they protect history, while allowing for future

murals that meet this limited size, scope, and professionalism. He hopes the Commission will adopt these changes.

Ms. Proctor asked if most Walldogs murals across the country are painted on brick. Mr. Poanessa said it depends on the City; he has seen some of each, but artists prefer to paint on brick because it includes the building architecture in the artwork instead of covering it.

Chair Weber recognized Councilor Sepata, who thinks these amendments are positive changes to create new history for Keene and enhance downtown. He does not like painting on brick, but thinks murals are a special situation. The seven new criteria will prevent abuse and foster proper use of paint on brick. He questioned if the regulations were written to prevent businesses from self-advertising on their buildings in the future. He thinks that situation should be clearly prohibited. He supports these changes in the context of the Walldogs particularly. Ms. Brunner noted applicants would need a Sign Permit from the Community Development Department to paint business signs on their buildings.

Chair Weber recognized Councilor Carl Jacobs, who said these changes allow us to celebrate the wonderful things that have happened in Keene's history. He is excited to work on this window into the past and learn more about the City history the murals will bring to life. He is glad primary resources can be protected while brightening them as beacons of knowledge and beauty. He hopes the Commission will adopt the amendments.

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Chair Weber closed the public hearing. Mr. Weglinski said the Commission has worked on this for a long time and he thinks they are ready to vote; Councilor Powers agreed.

Ms. Proctor moved to adopt the proposed amendments to the Historic District Commission regulations as presented in the document, "Proposed Changes to HDC Regulations for Public Hearing on October 3, 2018," included in the Historic District Commission agenda packet posted on September 26, 2018. Councilor Powers seconded the motion, which the Historic District Commission carried unanimously.

4) Advice & Comment

- a. **Walldogs in Keene: Magical History Tour – Peter Poanessa and Judy Rogers will present on this multi-day event. Walldogs are a group of highly skilled sign painters and mural artists from across the globe. Once a year, a team of Walldogs gather in one community to paint multiple murals and old-fashioned wall advertisements. Keene has been selected to host the 2019 Festival.**

Chair Weber welcomed the Walldogs organizers, Mr. Poanessa and Judy Rogers (50 Woodbury Street). Mr. Poanessa spoke about two public meetings where citizens were invited to vote on mural themes. The Walldogs organizing team worked with the Historical Society to reduce the theme choices to 26, and over 450 people came to the first meeting to vote on those themes; the second meeting will be held October 5. Black and white posters of the themes are presented with paragraphs about the historical topics. People engaged with the photos and descriptions and spent time reading. He met an 80 year-old resident who lived here his whole life but did not know some of the history included; this is an educational opportunity for the City.

The group has not started fundraising yet, but they have already reached 25% of the fundraising goal from donors who have offered. Keene State College is a major sponsor. Eleven of the 15 designers (including some really impressive ones) have agreed to participate; the artists are excited because the City has worked so hard on this and international visitors are planning to travel here for the unveiling. The themes will be finalized in the two weeks after this meeting. There will be more historical research on the themes which are chosen. Designers will be matched with a wall and provided with information about the theme to work from. As the artists submit their designs throughout the winter, there will be events to share them with the community. Ms. Rogers added that with respect to the mural locations, many building owners are in agreement and some are challenging to reach because they are not local. Final selections will be made based on the HDC regulation changes made at this meeting.

Councilor Powers asked if the applicants will need to apply for a waiver. Ms. Brunner replied they will not need a waiver if they meet the seven criteria related to painting on masonry which were just adopted. They have already submitted five mural applications for the October 17 meeting. Murals will need to be approved per location; if, for example, there are two murals at the same address, they can be approved in the same application.

Ms. Benik asked if there will be more than the 15 businesses that have already agreed. Mr. Poanessa replied there are more than 15 but the preferred buildings have been confirmed. Ms. Rogers added several of the proposed mural locations are on buildings that are already painted or on surfaces the HDC is not concerned with. They will only bring forward the murals proposed on unpainted brick surfaces that are in the Downtown Historic District.

Chair Weber asked for clarification on the time period the murals will represent. Mr. Poanessa said the Walldogs only paint the history of the City they are in but each town chooses specific themes. Keene chose to focus on historical themes that are more than 50 years old. Ms. Rogers added a potential theme is the Keene Sentinel, which is still in existence but has no competition and has been around since 1799. Mr. Poanessa said that the logic behind not choosing current business owners is to avoid giving a competitive advantage to one business over another, however, in the case of the Keene Sentinel this is not an issue because they have no local competitors.

Chair Weber noted the Keene State College murals are still visible and aging in some

locations and asked about the plan for them. He recognized Rosemarie Bernardi (51 Cottage Street), who agreed some of the paper paste murals are very faded and they will be working to take them down soon; all are meant to be temporary.

5) Staff Updates

Ms. Brunner suggested discussing Commission membership at a future meeting because only 6 out of 7 regular positions and 1 out of 4 alternate positions are currently filled. There are two other alternates in name only, who have asked to be called only in emergencies. Full Commission membership helps ensure quorum (four members). She asked the Commission to think of others in the community appropriate to invite to join.

Mr. Porchitz noted the artists will submit their designs by spring and asked if the Commission approves them now, or after the design is received. Ms. Brunner replied as long as the HDC knows it will be a historic mural the Commission can approve before the final design; the artists need details about the specific locations and space before designing. She suggested making it a condition of approval that staff review the final design to ensure it depicts local history.

The Commission discussed the issue of requests for retroactive approval for changes that were made without first consulting the HDC. Ms. Brunner will follow up on this issue with the Community Development Director. Ms. Proctor noted that the Commission has standards but there is no way to enforce them. Councilor Powers said there is a process, which is to take the property owners to court; he thinks these matters should be taken to court more often to show people it is important to follow the appropriate process. The Commission agreed to discuss this further at a future meeting.

6) Next Meeting – October 17, 2018

Ms. Brunner anticipates quorum but will send a follow-up email. There are several items on the agenda.

7) Adjournment

Hearing no further business, Chair Weber adjourned the meeting at 5:54 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

Reviewed and edited by Mari Brunner, Planning Technician