

# NASHUA HISTORIC DISTRICT COMMISSION

Monday, April 26, 2022, 6:30 p.m.

The regularly scheduled meeting of the Nashua Historic District Commission was held on Monday, April 26, 2022, at 6:30 PM in City Hall Room 208 and via Zoom virtual meeting.

*HDC Members:*

Mariellen Mackay, Chair (Zoom)  
Robert Vorbach, Vice Chair  
Robert Sampson  
Maggie Harper  
Christopher Barrett  
Bill Slivinski  
Bill Quinn  
Ald. Patricia Klee (left at 7:00 PM)  
Ald. Derek Thibeault, Alt. (left at 7:00 PM)

*Also present:*

Kate Poirier, Zoning Coordinator

**All votes are taken by roll call**

**MINUTES:**

March 28, 2022

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

**SECONDED** by Mr. Sampson

**MOTION CARRIED 7-0 (Harper abstained)**

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

- 1. Diastole Holdings, LLC (Owner) Kirk Macnaught (Applicant) 53-59 Main Street (Sheet 78 Lot 36) requesting the following: 1) repair and replace transom windows on front**

**and sides of building, 2) install projecting sign on front of building. D-1/MU Zone, Ward 3.**

Voting on this case:

Mariellen Mackay  
Robert Vorbach  
Robert Sampson  
Maggie Harper  
Christopher Barrett  
Bill Slivinski  
Bill Quinn

Kirk Macnaught, Owner, 10 George St, Andover, MA

Mr. Macnaught apologized to the Commission that this is an after-the-fact request. When he looked at the requirements for Commission review, it said that replacement windows did not need approval. He didn't think he was altering the architecture by reframing them. He was replacing them because they were in poor condition. He agrees that the windows are one of the nicest features of the building. He tried to get the rebuilt, and in this day and age, a single pane leaded glass would not be the best decision. They used a newer window that would be thermal grade with a similar appearance. He wasn't trying to do anything behind the Commission's back. His goal is to make this a better building. There was some flood damage in the past, especially to the basement. So far he has made a fairly sizeable investment to keep the building as-is.

Mr. Macnaught said included in the packet are some photos of the building over the years, as well as the damage to the windows hidden by the barbecue sign. That section was destroyed. On the section that remained visible, the glass was cracked and old. He spoke with Portland Glass about replacing it with glass that had some feature, but the only similar thing they had was a shower glass, which he didn't think would work.

Mr. Barrett asked where those are now. Did they throw the windows away, or were they preserved?

Mr. Macnaught said they were falling apart. They had to start over.

Mr. Slivinski asked Mr. Sampson when the windows would have been installed.

Mr. Sampson said he doesn't know. Rice's drug store was on one side, and various other businesses on the other. The building has been there at least 70 years or so.

Mr. Slivinski said that usually staff gives the Commission a little history on the property, but staff must have been very busy with Mr. Falk being out of the office.

Ms. Poirier said that Mr. Falk has been out since last week.

Mr. Quinn asked how old the picture of the luncheonette was, it looked the oldest.

Ms. Poirier said it would have been from the 70s.

Mr. Macnaught said the windows have always been covered up.

Mr. Quinn asked when the flood was.

Mr. Sampson said it was in 1936, all the way up to the windows. Not as high as the windows on Main Street, but the southeast side of the brick. That whole section of the city was underwater. He remembers seeing a picture of someone in a rowboat on Canal Street.

Ms. Harper asked if the windows had black frames.

Mr. Macnaught said there used to be several businesses in this building, so the framing is different colors. Some sections are bronze, some are green. They are trying to go back to bronze.

Mr. Vorbach said that the elevation has been cleaned up is a positive. There's not layers of stuff on the elevation anymore. He understands the challenge of restoring what is there. He knows people that do that work, and depending on the type of window and glass it can be challenging and expensive. He knows they are not trying to go behind the Commission's back. As an architect, what he saw when he stopped in front didn't bother him necessarily. There is an attempt to bring a consistent transom line back to the building. He might have looked at replicating the original pattern versus what they have installed as an option. He gets the concept of bringing back the transom line across the building.

Mr. Macnaught said there is one section of original glass that remains, over the water. It isn't as damaged, and is difficult to reach.

Mr. Slivinski said he hates being put in this position where the work is already done. He was on the Planning Board for ten years and they would see this all the time. The owner knows he is in the Historic District, and should have known that the windows are pretty historic. You think he would have at least questioned it a little bit before ripping it out. If he had come before the Commission before he did the work, the Commission would have made him do whatever it was to design closer to what was there.

Mr. Vorbach said that's what they deal with, the architectural aesthetic. It would have been on par to look at the existing pattern to replicate the aesthetic. Here they are, after the fact. He has had presentations and gone to see what the work was, which totally deviated from what was presented.

Mr. Slivinski asked if anyone had problems with the sign as presented.

Multiple Commissioners said they didn't.

Mr. Barrett asked if it would be lighted.

Mr. Macnaught said they would be using the same exact type of lighting on the building, with a consistent color.

Ald. Klee said there is a picture on the website that shows this building. It was built in the 1920s. This is where you can see the glass.

*\*Audio garbled\**

Mr. Barrett asked if this is the sign that would go on the building.

Mr. Macnaught said yes.

Mr. Slivinski asked if this would be the only sign.

Mr. Macnaught said he doesn't know if this would be the only sign on the building. He doesn't know if there would be another one on the side of the building.

Ms. Poirier said if he wants anything more than what is shown in the plans, he will have to come back to the Commission.

Mr. Vorbach said he appreciates the effort. There is too much schlock going on downtown. EFIS, bland and boring. To maintain the character is very important, especially since they are across the street from the Peddler's Daughter.

Ald. Klee asked if they are taking up the whole building.

Mr. Macnaught said yes.

Ms. Mackay said it is hard to hear on Zoom. She can't hear the applicant at all. She said she remembers Rice's Pharmacy from back in the day. Does the signage and lighting need to go to the Zoning Board? She hasn't been downtown in a while because she doesn't like the way it looks. It's changed too much and the barriers are coming back. Have the windows already changed?

Mr. Vorbach said yes. New transoms have been installed.

Ms. Mackay asked if they look like this modern grid.

Mr. Vorbach said yes, that is what they look like.

Ms. Mackay asked if the Commission has to accept this. It's not in keeping with the architecture of the building or the style.

Ald. Klee said she agrees with the Chair, but throughout the years that glass has been covered through all kinds of signage. The fact that the applicant didn't know is a shame. The windows have been gone for years. She thinks that this Commission would have the right to require the applicant to remove it, but she doesn't think it's historic to cover it anyways.

Mr. Vorbach said if the original leaded glass pattern has been replicated, that would have been a better direction to go in than the grid pattern. It is consistent, but has changed in character.

Ms. Mackay said somebody who has been here a long time will notice and see it. That's how we lose historical flavor in our city, and is disappointing. She asked the Commission what their will is.

Ald. Klee said she would recommend approval. Every point the Commission has made is true, but to make the applicant remove the windows and put something in different is a huge cost. She would say to move forward with this, and be mindful. They have one little sign, and if they want more they will have to return. In past years, the windows have been hideously covered, and she has seen a variety of windows. It could be covered with signs, which is past precedence. To ask the applicant to take it out and replace it with what they think would be architecturally better is their right, but she doesn't see the benefit.

Mr. Sampson asked Mr. Vorbach if the glass is at least suggestive of the original glass arrangement.

Mr. Vorbach said yes. He appreciates that the transom line has been reestablished. In the past it has varied by signage and canopy. There is a consistent transom line now, which he appreciates. The grid pattern is not what it was. But here we are after the fact again, and they can't keep doing this. They can't design in this body. If it's not consistent or poorly designed the Commission should tell them to come back.

Mr. Barrett asked if they approve as designed, that becomes the new precedent. If someone wanted to come in with a sign they could say no, the windows need to stay.

Mr. Vorbach said yes. That is part of this, the reestablishment of this transom line, coming back to life. That he applauds. The process, not so much.

Ald. Klee recommended that be a stipulation of approval, not to cover the windows again.

Mr. Slivinski asked if all the ugly signs are coming off, and one hanging sign to remain. How those ugly signs got approved on a Historic District building, he never would know. The beautiful windows were mostly covered up by those barbecue signs. He asked if the windows would be covered.

Mr. Macnaught said there are no signs on the building right now. It's all just windows.

Mr. Slivinski asked if they will be able to see the windows completely.

Mr. Macnaught said yes.

Mr. Barrett asked if they can split off the requests and take action on the signage when they get a plan.

Ms. Poirier said yes. They can vote on each action separately.

Ms. Mackay agreed that they should. She knows that replacing the windows is a monetary cost, but it's versus a cultural cost. We are losing so much. The Commission's whole purpose is to maintain the Historic District and what it looked like back then so it continues to keep that presence. If they go ahead carte blanche, do they set the precedent that the next request is matching this request. They have had people move shed and do things in keeping with the District. What are they here to do?

Mr. Sampson said he agrees. He has been on the Commission for years. He is unhappy when the applicant comes in after they do something. In this case the only thing that strikes him is that at

least the glass is going to be suggestive of the original arrangement. It isn't boarded up. He would suggest approving with the caveat that no signs can be put over the glass in the future.

Mr. Vorbach agreed. The reestablishment of the transoms is a positive, the process not so much. The precedent is something they should consider and talk about. The previous application from 53 Concord St has cheap white vinyl windows, which is not what they were told at the application. People give a presentation and go off to do what they want. In this case, architecturally the grid pattern isn't what it was. But he believes it fits in context, and will not mandate that it be changed.

**SPEAKING IN FAVOR:**

No one.

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

No one.

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

**MOTION** by Mr. Sampson to approve the replacement of the transom windows on the front and sides of the building, with the stipulation that the windows shall not be covered again and no signs on the glass.

**SECONDED** by Mr. Barrett

**MOTION CARRIED 7-0**

Mr. Macnaught said this was an honest mistake, he didn't mean to do this.

Mr. Slivinski said he would like to know the history of the building. He is surprised that the owner didn't know.

Mr. Sampson said it was built 12 years before he was born. Rice's Pharmacy has been there ever since he can remember. He listed several other businesses that have been there. It's been a lot of uses. The cellar has been flooded. When they were rebuilding the dam, they found old safes in the river because there was a locksmith there once.

Mr. Macnaught asked what would need to be done to finish the trim around the windows. They want to power wash the building and fix the lights. Same lights, same design. There is gooseneck lighting there currently.

Mr. Slivinski said they should get an architectural plan that shows all these things. That's the way it used to be when Mr. Sampson ran the Commission. People used to have to give specced out details. They ought to be tougher. Maybe the staff needs to do that before they accept the application.

Ms. Poirier reminded the Commission that they still have the second case item to review.

Mr. Vorbach said the sign should come in to the Commission when they know what it is. They do not accept the sign as presented. Once it is accurately and correctly portrayed on that elevation, then they can approve or disapprove of it.

**MOTION** by Mr. Vorbach to table the signage request until detailed spec sheets are submitted and a clear presentation is made

**SECONDED** by Mr. Sampson

**MOTION CARRIED 7-0**

**ELECTION OF OFFICERS FOR 2022:**

**MOTION** by Mr. Barrett to nominate as follows:

Chair: Mariellen Mackay

Vice Chair: Robert Vorbach

**SECONDED** by Mr. Sampson

**MOTION CARRIED 7-0**

**DISCUSSION ITEMS**

Mr. Slivinski asked what is going on down at the Peddler's Daughter. There's scaffolding going up and it never came before them.

Mr. Vorbach said it's some kind of canopy situation, and they did come in. Per what was presented, it was acceptable.

Mr. Barrett asked if they ever fine people for not following what was presented.

Mr. Vorbach said there should be some penalty for doing something else. He was the architect for a project, did a presentation, and then the owner did something completely in a different direction. They should have some teeth. Are their packets complete and detailed? He remembers a carport where they were sitting there and designing it. They can't do that. They had a stick drawing done in CAD. He said the cheap vinyl windows on 53 Concord Street don't belong.

Mr. Slivinski asked if staff could do that more when receive applications. Can they ask for more detail?

Ms. Poirier said staff is always asking applicants for more detail. If the Commission feels that applications are not satisfactory, they always have the ability to table until they get that detail.

Ms. Harper asked if the Commission has any recourse if someone does do something different than approved.

Ms. Poirier said that would be discussed with the Building Department. The Building Dept. did go out to the Peddler's Daughter to make sure that they weren't doing something they weren't

supposed to be doing, and were ready to issue a Stop Work order if they found something amiss. That is what happened with this application. The Building Dept. saw what was going on with the windows and issued a Stop Work order, and that is how the owner ended up at my counter.

Mr. Slivinski said he remembers when applicants would come in, and the Commission wouldn't even open the application. They would just tell applicants to go back and get details.

Mr. Vorbach said he thinks that is a valid approach.

Mr. Slivinski said if they haven't gotten the detail, they should table it until they get what they want.

Mr. Sampson said then they get the same sad story from applicants.

Mr. Slivinski said that Mr. Sampson was always a tough old dog. He almost made a guy cry. He was hated by builders.

Mr. Vorbach said that's okay, it means the Commission stands for something. If you have enemies it is good, because it means you stand for something.

Ms. Harper said with all the detail, if they don't do it, what is the point?

Mr. Barrett said if they could levy a fine and adhere to it that would be great.

Mr. Slivinski said he doesn't trust builders. He asked if anyone here is on the Planning Board.

Ms. Harper said she is.

Mr. Slivinski asked about a specific developer, and whether he still comes before the Board.

Ms. Harper said yes.

Mr. Slivinski said you had to watch him like a hawk. It was always a joke when he came in, that he was trying to put five pieces of sausage in one casing. He was funny.

Ms. Mackay asked staff if there is a way to have applications come before the Board instead of being mailed. Should they meet to look over applications and decide as a Commission whether they consider them to be complete before the applicant comes before them? Have they heard from the Historical Society about anyone coming on to the district?

Ms. Poirier said she would answer the questions out of order. No, they have not heard from the Historical Society. They held a meeting a few months ago with the Certified Local Government Program to see if the Commission was interested in continuing with their grant program. Staff made sure to re-up so that if the Commission decides they want to pursue grants they will have the ability to do so.

Ms. Poirier said as far as the applications go, that would merit a conversation with Mr. Falk. He is the reviewer of the applications, and if the Commission thinks that staff should be reviewing applications more stringently, we may be able to accommodate that.



Ms. Mackay said she thinks they do. They keep going back and trying to reinvent someone else's wheel. They should be doing other people's designs. Is there a way to have their voices heard without the applicant in the room, so that they can tell them it isn't complete without anyone taking any blame or feeling uncomfortable. It would give the Board more freedom.

Ms. Poirier said any Board meeting that meets quorum would have to be notified and public.

Ms. Mackay said that's fine, but if it's not the actual process where somebody has the option to come through and listen to what's being said and understand that these are points that may or may not be requested.

Ms. Poirier said the Conservation Commission has something similar. They have a preliminary review of the proposal, conduct a site walk, and then make a final decision.

Ms. Mackay said that is something the Commission should consider at the next meeting. They should think about what makes it easier for the Boards to make decisions.

Mr. Vorbach said if he had seen in this packet the actual elevations before and after, that would be better than showing him just the window itself. Architecturally, how does it fit in? This packet just shows him windows and an inaccurate sign. If they raise the standard just a little bit.

Ms. Harper said she doesn't know what the applicants are being told is required to come before the Board. What are the actual instructions?

Mr. Vorbach said that should be profoundly clear.

Ms. Poirier said it's on the front page of the application. She will email it to the Commission.

Mr. Vorbach said this is time that they give. This is valuable time. It's important time for him as an architect. He wants it to mean something for all of them to be a part of this, where they are watching over the architectural history of our city. Not adversarial or egotistical, but people have to understand that they have standards and want them held.

Mr. Slivinski asked what would the Historical Commission if the applicant from Annapolis Maryland had brought in that applicant.

Mr. Vorbach said they wouldn't be heard. You go to Lexington, Mass, and you have to print out the book of standards. If he's going to give his time, it's important that they do good work.

Mr. Sampson said they could draw up a further comprehensive statement about detailed drawings and detailed specifications to be given to applicants to be clear that they can't just come in and say they want to put up some nice windows and go away.

Mr. Sampson said the Historical Society had a meeting, and right now he is the representative. He does not propose to be a member of this Board after this year. His term expires, and for another term he would be 95 when it ended. He said he would be in touch with Eileen Herring, secretary for the Historical Society, and remind her that they should be thinking about a new representative next year.

Mr. Slivinski said he is a member. They have their annual meeting coming up in May.

Ms. Poirier said they will also have the opportunity to speak with them here, as they are putting in an application for the May 16<sup>th</sup> meeting.

Mr. Slivinski said the best thing about the Historical Society is that they are flush with cash. What doesn't the Commission have? Cash to start a program for signs and lamp posts.

Mr. Sampson said if he wins the lottery, he will remember the Historic District Commission.

Ms. Mackay asked Mr. Vorbach if he would be willing to work with her on a statement with Mr. Falk and Ms. Poirier to work on a statement to present to the Commission.

Mr. Vorbach said absolutely. He has been looking at different Historic District publications. He is familiar with that realm and would be willing to put something together.

Ms. Mackay said she will send an email and see if they can put something together. Mr. Sampson brings up a good point and it needs to be acted upon. They are only going to get what they ask for. She thinks that sometimes people don't hold the same respect for the Historic District as they would for the Planning Board, and yet this Board does carry a lot of weight. It monitors the historical presence of the city and should be afforded more respect. Maybe they need to demand it.

Mr. Vorbach agreed. They need to have some teeth. Applicants need to have some respect for the district, present to them accordingly, and do what's approved.

Ms. Mackay said new year, new board.

**MOTION TO ADJOURN** by Mr. Vorbach at 7:31 p.m.

KP/kp