

HERITAGE COMMISSION
Special Meeting Minutes
October 19th, 2023

The Heritage Commission held its regular monthly meeting at Council Chambers, 37 Green Street, Concord, New Hampshire, on Thursday, October 5th, 2023.

Attendees: Chairman Richard Jaques, Vice-Chair Jim Spain, Councilor Jennifer Kretovic, Members Dr. Bryant Tolles Jr., Mike Dunn and Carol Durfee Brooks, and Alternate Althea Barton

Staff: Heather Shank, City Planner
Krista Tremblay, Administrative Specialist II
Matt Walsh, Deputy City Manager – Development
Tim Thompson, Assistant Community Development Director

1. Call to Order and Seating of Alternates

The meeting was called to order by Chairman Jaques at 4:30 p.m. Chairman Jaques stated that they will not need to seat an alternate as they have a quorum.

2. New Business

- a) Mark Ciborowski presenting RSA 79-E request regarding demolition of the E&P hotel building at 56 N. Main Street.

Chairman Jaques stated that this is a continuation of the meeting that occurred on October 5th, 2023. Mr. Jaques made sure all commission members had received all documents for a decision to be made this evening. He then read the staff memo:

As it relates to the Heritage Commission, the applicant is before the Commission to request a determination under 79-E that the structure on the property has determined that the replacement of the existing structure “does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement.”

Mark Ciborowski was present along with Anthony Mento from SMP Architecture.

Mr. Ciborowski explained the E&P building and CVS building are taxed as one lot and one building. He explained the fire in 1956 demolished the CVS portion of the building for the southern half and two thirds of the northern half of the building. There has been no access, plumbing or wiring since 1956. If they could have saved the building they would have saved the building. Mr. Ciborowski explained from the October 5th, 2023 meeting what his consultant shared about the building. The historic value of the building has been marginalized due to the removal of most of the original character defining features. The metal sign dating to the early 1900’s is worth retaining and incorporating into the new construction on the site. The space above the CVS next door to the right of 54\56 S. Main St would be considered a hole in the street scape. The loss of the continuity of the street scape has degraded the historic value of that area. Mr. Ciborowski advised that today they are looking for a determination from the Heritage Commission that the benefits of the project far out way the marginal loss of the existing building at 54\56 S. Main St, Concord.

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Anthony Mento (SMP Architecture) explained the goal was to get Phenix Hall up and running again. However, the other buildings can be used to tie in to Phenix Hall and will be positive for downtown. Mr. Mento explained there is one lot in question, the E&P 54/56 N Main St and CVS 44-52 N. Main St. He showed the proposed structure they will install. This will provide access to Phenix Hall. They will re-utilize the cap on the E&P building now and put it on the new building. There are other materials they will re-use as well with the new building. This project will be seven stories with retail, office, apartments, and a roof top venue with a restaurant. Phenix Hall will be offices, a theater and a restaurant. This is the vision of what they would like to do for this area on Main St. They feel this will have positive economic impact to area along with cultural impacts by redeveloping these buildings.

Mr. Ciborowski explained that the existing first floor of E&P and CVS is 11,645 square feet. If this project moves forward there will be 130,000 square feet. This will put density in the core of downtown where they will be using existing infrastructure and preventing sprawl. He feels this project meets three out of five of the criteria and he pointed out he only needs one of the criteria. He pointed out that this is one lot and taxed as one lot. Mr. Ciborowski pointed out a decision needs to be made that these buildings do not possess significant historical, cultural, or architectural value, and that the replacement of the qualifying structure will achieve one or more of the public benefits.

Ms. Brooks asked about the features for the E&P building to save the top. She mentioned keeping the signage and items in the building. She asked if they would save the school house lights. She asked for clarification if those are the types of items they will save and incorporate in the new building?

Mr. Mento responded those are items they are looking to save. Along with those there are old timbers that are a part of the frame which could be used for many purposes. They will keep what ever they can to keep with the character of the old building.

Ms. Brooks explained she is struggling with the term “significant”. Ms. Barton said that determining historical significance under RSA 79-E is not subjective and suggested there is a member in the audience, Liz Durfee Hengen, that might be able to help answer questions the Commission might have about the building.

Mr. Jaques agreed he would like to hear from Ms. Hengen about the historical significance of that portion of the building.

Elizabeth Durfee Hengen is a consultant in historic preservation with nearly fifty years of experience in the field. She is here today as a private citizen. She is not going to weigh in on the overall benefits of this project. Ms. Hengen is here to discuss if the E&P building is historically, architecturally, or culturally significant. She explained that this is the first finding the Heritage Commission needs to make. There is a clear process in 79-E. She then went on to explain the E&P building was built in 1868 as a business block. The building's original appearance was heavily Italianate with arched windows, ornate window heads and cornices. The adjacent Phenix Hotel went up a few years earlier than the E & P building. About thirty years after it was built, the hotel took over the upper two stories of the E & P for hotel rooms and also, some of the space in the next block to the north, the ‘Hills Block’. In the early 20th century the upper floors of the façade of the E&P were renovated and that is when they received the sign E&P Hotel Company. Another thirty to forty years later in 1940's the store fronts were remodeled with aluminum frames and recessed entrances. Then ten to fifteen years ago the store fronts were remodeled again. Ms. Hengen explained that Mr. Ciborowski restored the older iron columns and introduced the multi faced transom windows. This was a sensitive approach. Ms. Hengen explained this is typical of all buildings going up and down Main St. She explained she would argue that these buildings, E&P and CVS, were built as two separate buildings even though they are taxed as one lot. The E&P building and the former Phenix Hotel were built separately and for different purposes. It wasn't until 1888, more than twenty years after E&P was built, that its upper

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two stories were taken over by the hotel, just as it took over space in the next block to the north, the Hills Block. These two buildings are not the only ones on N. Main St. that share a tax map lot. Across the street, all seven commercial buildings between Warren and School streets occupy just two tax lots. Ms. Hengen feels the E&P building does have significance. Ms. Hengen also stated that the E & P building is on the National Register, which is one of the definitions of a ‘qualifying building’ per RSA 79-E. She further stated that for the purposes of 79-E, it is immaterial whether a building is a contributing building within an historic district or is individually listed.

Ms. Barton explained to the Commission there are three things they as a group need to determine. Ms. Barton handed out a document to the commission. Ms. Barton read RSA 79-E:4.IV.(a)

Members discussed the definitions of the terms “significant” and “historic” with respect to the 79-E criteria and how they should be applied. Several members felt there was a subjective component to the determination. Ms. Barton felt the determination was not subjective and that the inventory forms completed by consultants provided clear answers.

Ms. Barton said the Historic Inventory commissioned and paid for by the City of Concord in 1999/2000 to establish the Downtown Concord Historic District found that the E & P building is eligible for the National Register under the Criterion A as a named contributing building in the Historic District. The Historic Inventory commissioned by MR. Ciborowki in 2003 confirmed that the E & P building is eligible under the Criterion A, and added that it is also “marginally eligible” under the Criterion C. Ms. Barton said that if the City-hired consultant, the owner-hired consultant, and the NH Division of Historical Resources all agree that the E & P building is eligible/listed on the National Register, then, the building fits the RSA 79-E definition of “historic structure” and is therefore “historically significant”.

Mr. Walsh offered the 2009 Sanel/Smile project as a precedent. Ms. Barton noted that the Sanel project had several older buildings on the development site, but they were determined not to be eligible for the Register, so it is not comparable. Mr. Walsh agreed that the Sanel buildings were not eligible/listed and the area was not in the Historic District. Councilor Kretovic pointed to the Bindery/Love Your Neighbor project. Ms. Barton said there were two eligible buildings there, but the owner opted not to apply for 79-E, allowing for the demolition of the buildings.

Mr. Jaques asked what would happen if the Commission decides the E & P building is significant. Mr. Walsh said the 79-E request would not go to Council; Council cannot grant 79-E tax relief to demolish and replace a building deemed historically significant.

Mr. Walsh said the consultants who prepared the Inventories checked the “Eligible, only in district” box but not the “Eligible” for individual National Register listing box, and suggested this could be used to determine “no significant historical value”. Ms. Barton clarified that the 1999 and 2023 consultants were hired to determine district eligibility, not individual eligibility. When asked to comment, Ms. Hengen stated that no consultants assess individual eligibility if resources are part of the nominated district.

Collectively, the Heritage Commission decided to take up the three parts of the Staff Report in three separate motions.

On the first action: Councilor Kretovic made a motion, amended by Ms. Brooks, the structure located at 44-56 North Main Street (the CVS building and E & P building) contributes to the Downtown Historic District as the District is listed on the National Register of Historic Places, but is not significant individually, as noted in the 1999 and 2023 inventories; and therefore, does not possess significant historical, cultural or architectural value per the requirements of RSA 79-E:4

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Discussion: Ms. Barton stated that both consultants indicated the building is significant as a contributing building to the Downtown Historic District. She, therefore, feels that the determination of significance is clear, as the building doesn't need to be individually significant to be determined significant. She does not agree that the 79-E requirements make any distinction between a contributing building or an individually significant building. Ms. Barton said the City has never granted 79-E tax relief for the demolition and replacement of a National Register building like the E & P Hotel. She is concerned that by finding the E & P building "not significant", the Commission would be setting a precedent for granting 79-E tax relief for the demolition of all other contributing buildings in the Downtown Concord Historic District, and financially incentivizing the demolition and replacement of Register-listed buildings across the City.

Mr. Ciborowski stated that there is a great disparity in the degree of significance or value that the buildings on Main Street have individually, or that they contribute to the overall Historic District. He notes that Phenix Hall and the single-story Christian Science Reading Room both have the same designation on their respective inventory forms of being contributing buildings to the downtown Historic District, though they clearly have very different levels of value or significance. He notes that Phenix Hall is also not listed as individually significant on the 1999 form though it clearly would be considered so. He does not feel that the Commission is setting a precedent since every 79-E application must come before them to be discussed. Each application should be reviewed thoughtfully to determine how much significance a contributing building has.

With no further discussion, Chairman Jaques called for a vote on the motion and the second. All were in favor. The motion passed.

On the second action: Ms. Brooks made a motion to determine that the replacement of the qualifying building will enhance the economic vitality of downtown; increase residential housing in the downtown; promote the development of the municipal center; and restore architectural integrity by restoring the site lines of downtown to a greater degree than renovation of the existing structure. Mr. Spain seconded. All were in favor. The motion passed.

On the third action: Councilor Kretovic motioned that historic, cultural, or architectural resources of the community will not be adversely affected by the replacement. Mr. Dunn seconded. All were in favor. The motion passed.

3. Adjournment

With no other business to address, Councilor Kretovic. motioned, seconded by Ms. Brooks, to adjourn the meeting. All voting members were in favor. Motion passed unanimously at 6:45 p.m.

The next regular monthly meeting will be held on November 2nd at 4:30 p.m.

Respectfully Submitted,
Krista Tremblay
Administrative Specialist II