

HISTORIC DISTRICT COMMISSION
Judge Welsh Meeting Room
January 18, 2017

Members Present: Thomas Biggert, Marcene Marcoux, Martin Risteen, Lisa Pacheco-Robb

Others Present: Anne Howard, Katherine Barrett, Ilana Quirk

The meeting was called to order at 3:30 p.m. by Thomas Biggert.

1. Work Session

a. Update on potential violations reported to the Building Commissioner

- i) 29 Allen Street – has complied with window on N elevation**
- ii) 307 Bradford Street – the fence is pending**
- iii) 34 – activity proposed on lot next door and checking to see if fence needs to be removed**

b. Mid-Fiscal year update on HDC budget

Anne will have information available for 2/1/2017 meeting

c. Discussion with Town Counsel regarding HDC decision form

Ilana Quirk (K&P Law) discussed and stated she has listed HDC deadlines on the top. A model was prepared to help with findings and guidelines. Form designed to streamline the process and would be helpful for a court case or an appeal. A power point was submitted to work with which has a checklist, definitions, jurisdictions, clarifications for exemptions, factors to consider, need to have reasons for denials, deadlines, advertising requirements, and a chart of who is present and dates. Marcene Marcoux commented that another business meeting is needed to review form, and it would be good to have Ilana Quirk's work as an available power point.

d. Determination as to whether the applications below involve any Exterior Architectural Features within the jurisdiction of the Commission; with Full Reviews to be placed on the January 18th or February 1st agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission

- i. 192-194 Commercial Street (continued from the meeting of December 21, 2016) – To install 3 steel doors in previously approved openings**
The members questioned the steel doors. Martin Risteen went to the site and doors are in the back and not in public view. Chris Nagle presented stating doors are required to be steel. Anne Howard stated that they may need a fire compression system. Thomas Biggert stated he is not sure if it is required, and Martin Risteen shared that specs were never received for the windows as there are temporary windows that will be replaced. Anne Howard stated she is waiting to hear from the engineer, there are some zoning issues, and she issued a limited permit for siding. Thomas Biggert made a motion to continue to 2/1/17 which was seconded by Martin Risteen and passed 4-0-0.
- ii. 300 Commercial Street – to remove and replace windows, siding and deck in kind**
Scott Czyoski presented. Thomas Biggert made a motion to accept as Administrative Review which was seconded by Marcene Marcoux and passed 4-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0.
- iii. 355 Commercial Street – to remove and replace an out-swinging door with a sliding door in same opening**
Thomas Biggert made a motion for a Full Review which was seconded by Marcene Marcoux and passed 4-0-0.
- iv. 7 Masonic Place – to replace existing decking with Azek decking**
Work has started on this project. Thomas Biggert made a motion to accept as Administrative Review which was seconded by Marcene

Marcoux and passed 4-0-0. Martin Risteen questioned the balusters. Thomas Biggert made a motion to approve as presented and that balusters be captured which was seconded by Martin Risteen and passed 4-0-0.

- v. **535 Commercial Street – to replace decking posts and cables on south and east elevation**

Kay McFadden presented and stated there was an engineering problem due to undersized posts. Thomas Biggert made a motion for a Full Review which was seconded by Marcene Marcoux and passed 4-0-0.

- vi. **10-12 W Vine Street – to replace a rotted fence (*request to postpone to the meeting of February 1st*)**

Thomas Biggert made a motion to approve the request which was seconded by Marcene Marcoux and passed 4-0-0. Anne Howard had time waiver signed.

- vii. **12 Atlantic Street, #3 – to add a new skylight**

Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 4-0-0.

- viii. **132 Bradford Street – to replace an existing parking attendant’s booth with a new booth**

Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 4-0-0.

- ix. **553 Commercial Street, UA – to replace 2 windows in kind and add 1 new window**

Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 4-0-0.

- x. **225 Commercial Street** – to add 2 doors and relocate 1 window on the west elevation of a structure
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 4-0-0.

- xi. **488 Commercial Street** – to replace an existing window and 3 skylights
Thomas Biggert made a motion to accept as an Administrative Review which was seconded by Marcene Marcoux and passed 4-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0.

- xii. **493 Commercial Street** – to replace existing skylights
Thomas Biggert made a motion to accept as an Administrative Review which was seconded by Marcene Marcoux and passed 4-0-0. Thomas Biggert made a motion to accept as presented with the condition that the same size is used which was seconded by Marcene Marcoux and passed 4-0-0.

- xiii. **403 Commercial Street** – to re-shingle a cottage
Martin Risteen questioned the shingles already being on before there was an approval. Anne Howard discussed the failure to follow guidelines and that the shingles will be removed. Martin Risteen commented on the unusual shutters and other arch features on the property. Thomas Biggert made a motion for a Full Review which was seconded by Marcene Marcoux and passed 4-0-0.

- xiv. **1 Duncan Lane** – to replace rotted wood and broken glass in a greenhouse
Stormy Mayo presented and advised that it is a lean-to (not a house) and will use treated lumber and replace as is. Thomas Biggert made a motion to accept as Administrative Review which was seconded by Marcene Marcoux and passed 4-0-0.

- e. **Review and approval of Minutes: July 20, August 3, September 7, September 21, October 5 and December 21, 2016**

2. Public Hearings

Thomas Biggert called Public Hearings to order at 4:06 p.m.

Members Present: Thomas Biggert , Marcene Marcoux, Lisa Pacheco-Robb, Martin Risteen

Thomas Biggert made a motion to hear Case #FY17-130 (property located at 132 Bradford Street) first which was seconded by Marcene Marcoux and passed 4-0-0.

a) **Case #FY17-130** (*postponed from the meeting of January 4th*)

Application by TMC New England, LLC, c/o T.M. Crowley & Associates, Inc., on behalf of Riley Brothers Realty, LLC, requesting to upgrade and convert an existing building façade from a souvenir shop to a CVS Pharmacy, including replacing existing garage doors with storefront windows, replacing existing storefront windows, installing new sliding entry doors and replacing existing cedar shake shingles and asphalt roofing shingles at the property located at 132 Bradford Streetd

The application was presented by Attorney Jamie Veara and Bryce Hillman of BKA Architects. Marcene Marcoux discussed need to meet with zoning and the planning board, and also that the proposed CVS triggers the Formula Business ByLaw. Marcene Marcoux read the motion from the HDC meeting of 12/21/16 that states: “Given that the property at 132 Bradford Street, which is currently Riley’s T-Shirt Outlet, is being proposed with designs for a CVS, and given that CVS is the largest pharmacy chain in the USA with 9,600 stores, and given that the Town of Provincetown passed a Formula Business By-Law in 2010, the Historic District Commission will delay considering this case until either the Zoning Board of Appeals or the Planning Board first rules on its status under the Formula Business By-Law”. Attorney Veara stated that the By-Law has nothing to do with the Historic District Commission. Attorney Veara stated that “with all due respect, we are not required to follow that pecking order”, and added that CVS representatives would be meeting with the planning board on February 9th, but had not as yet spoken with

the ZBA. Attorney Veara described the project stating that presently it is Riley Brothers and in the past it has been Duarte Motors and a train building. He went on to state that the parking lot will remain separate, and that CVS will only have the building that now houses t-shirts and that parking for CVS will be on Standish Street. Bryce Hillman showed a poster board presentation and stated that the architecture and masonry of the building would not change. Bryce Hillman shared that the project would involve replacing the window in kind and changing the door with a 6' x 6' sliding door. The two garage doors on Standish Street would be removed and replaced with steel windows. Attorney Veara stated the plan would not add anything to the building in order to keep characteristics of the building. Thomas Biggert asked if there were any comments or letters from the public. Neighborhood resident Jackie Kelly expressed her concerns regarding light pollution, noise, and traffic in the area. Ms. Kelly stated "we are willing to recognize that a business has the right to be developed, but we want them to respect the fact that this is a residential neighborhood bordering on commercial". Town Moderator Mary-Jo Avellar sent a letter that she is opposed to the project, stating "CVS should not be allowed to open a store here. We all know what happened to Adams Pharmacy when Stop and Shop moved in. We cannot allow this to happen again". Marcene Marcoux stated that the application, with many drawings, designs, and photos, is problematic as it should have been ¼' to scale, for every elevation, which is inadequate for this application. Marcene Marcoux stated that the ¼" would allow the members to see exactly what changes would be made. Thomas Biggert shared he agrees with the difficulty in seeing the details, and that there are no pictures of the doors or windows. Board members requested pictures of what the entire project will look like, in ¼" scale, including all windows and doors. Lisa Pacheco-Robb stated it would be helpful if the formula business issue and questions from the other two boards were cleared up first, and Thomas Biggert stated he agrees. Thomas Biggert stated that he understands the use of the building is not under HDC purview, but he could not be more against this plan. I think this will

create a huge problem for the Town. Thomas Biggert went on to say that businesses like this one produce an incredible amount of lighting. It can probably be seen from a space station. And this will be right next to the Pilgrim Monument. The light pollution will be incredibly bad. Lisa Pacheco-Robb asked if the windows will be double hung on the parking lot side and questioned what material would be used. Bryce Hillman stated yes they would be double hung and would have wood around them. Martin Risteen suggested having the garage doors stay and be incorporated into the plan. Lisa Pacheco-Robb commented that it would be helpful to go through the other Boards first and clear up issues presented by the public. A time waiver is in effect until 2/16/17 as Attorney Veara refused to sign an open time waiver. Attorney Veara stated that they will present ¼ " scale for existing and proposed, one picture for each style of windows and doors, and Bryce Hillman states he will show it side by side with all elevations including what materials will be used on the windows. Thomas Biggert made a motion to accept the extension as written which was seconded by Lisa Pacheco-Robb and passed 3-0-1 with Marcene Marcoux opposed since she was against Attorney Veara determining the date of the HDC filing, instead of extending the date of the HDC decision.

b) Case #FY17-080 (request to postpone to the meeting of February 1st)

Application by Russ Crosby on behalf of Charles Westcott, requesting to remove and replace a shrub wall with a cedar wood fence on the property located at 6-8 W Vine Street

Thomas Biggert made a motion to continue to 2/1/17 which was seconded by Lisa Pacheco-Robb and passed 4-0-0.

c) Case #FY17-108 (continued from the meeting of December 21, 2016)

Application by Don DiRocco, Hammer Architects, on behalf of Jay Anderson, requesting to renovate an existing structure, including the removal of all existing windows, shingled siding, a second floor deck and an exterior stairway, to replace an existing concrete block foundation with a poured concrete foundation with a brick

façade, to construct a 14' 10" by 11' addition on the north elevation, to add a PV solar panel array on the southwest roof elevation, and to re-locate the structure approximately 18' to the north and elevate it 18" pursuant to FEMA regulations at the property located at 51 Commercial Street, Rear

Thomas Biggert made a motion to continue until 2/1/17 which was seconded by Marcene Marcoux. There is an open-ended waiver, and this case has now been withdrawn from the Board of Zoning.

d) Case #FY17-128 (continued from the meeting of December 21, 2016)

Application by Joseph T Realmuto requesting to demolish and rebuild a new elevated structure pursuant to FEMA regulations, including the addition of solar panels on the south, east and west roof elevations of the new structure located at 579 Commercial Street

Marcene Marcoux stated that everyone was involved with the site visit. She explained to presenters that if they go forward tonight, they will need a unanimous decision from the three board members as Thomas Biggert recused himself. Lisa Pacheco-Robb stated that she is in favor of demolition if it is rebuilt exactly. Martin Risteen stated that repairs could be done as opposed to demolition in the historic district, that there is opportunity there, and he would vote to repair which would follow the guidelines. Marcene Marcoux commented that there are guidelines in place regarding demolition, and this would go against the HDC guidelines. Marcene Marcoux stated that plan for demolition could be withdrawn without prejudice. Presenters will do repairs and will withdraw demolition plan. Presenters stated there will be an amendment to the application and demolition request will be withdrawn. The presenters stated drawing will be the same, will comply with FEMA, and the difference will be how pilings will go under the house. Marcene Marcoux stated the board needs to know specifically what is not being demolished. Lisa Pacheco-Robb asked for further clarification and a narrative with feedback from the engineer as to what aspects will be preserved and how will it be done. Martin Risteen stated that the outside of the building will not change, and questioned what aspects of the exterior of the house will

remain. Anne Howard read the definition of demolition stating that 25% of the structure needs to remain. The presenters will write a short note stating that they will withdraw demolition part of the application. Marcene Marcoux made a motion to accept the amendment of the application to withdraw the demolition aspect of the application which was seconded by Lisa Pacheco-Robb and passed 3-0-0 (Thomas Biggert recused himself). Marcene Marcoux made a motion to accept the extension of Case #FY-128 for 579 Commercial Street to 2/1/17 which was seconded by Lisa Pacheco-Robb and passed 3-0-0. A waiver has been signed.

e) Case #FY17-117 (*postponed from the meeting of January 4th*)

Application by Hal Z Katzen requesting to replace a hedge and painted wood fence with a cedar privacy fence at the property located at 307 Bradford Street Case presented by Hal Winard who stated that Mr. Katzen had the fence work done by Landmark Fence, the fence is now complete, and needs to be approved by the Board. Thomas Biggert stated that according to guidelines the fence can be no higher than four feet. Martin Risteen commented that he feels the current fence needs to be removed and the fence be replaced with a picket fence in kind. Marcene Marcoux read the fence policy, and stated that there is now a built privacy fence which goes against the policy, and she agrees with Martin Risteen that it should go back to being a picket fence. Marcene Marcoux stated that she would like to review older photos of the fence to see height size. Thomas Biggert asked for a plan showing the height of the original fence. Martin Risteen stated that he will review and provide information, and that he will send a cover letter along with the fence policy to the owners. Martin Risteen asked that Mr. Winard convey to the owners that removal of the current fence will be required. Thomas Biggert made a motion to accept the extension which was seconded by Marcene Marcoux and passed 4-0-0. Thomas Biggert made a motion to continue this case until 2/1/17 which was seconded by Marcene Marcoux and passed 4-0-0. A time waiver was signed.

f) **Case #FY17-127** *(continued from the meeting of December 21, 2016)*

Application by Tom Thompson, on behalf of Hal Z Katzen, requesting to construct new dormers on the east and west elevations and a 4' addition on the south elevation of the structure located at 307 Bradford Street

Thomas Biggert opened Case #FY17-127. Tom Thompson presented and handed out changed elevations for the Boards review. Mr. Thompson shared that the N Elevation was not changed and handout shows the 2nd floor egress window and the changed double-hung on the 1st floor; on the W Elevation, the small indent was removed and replaced with a single window and it is the same size dormer with the same window pattern on the new dormer; and on the S Elevation, French doors act as a slider, and above there is a Juliet balcony with French doors with extension of railings. There were no public comments or letters. Thomas Biggert stated he is not a fan of the Juliet balcony and prefers two windows. Martin Risteen prefers the original windows in place of the Juliet balcony, but he does like the modifications on the W elevation. Marcene Marcoux concurs with Martin Risteen. An open-ended time waiver has been signed. Thomas Biggert made a motion to accept with the condition that the Juliet balcony be replaced to match the original windows which was seconded by Marcene Marcoux and passed 4-0-0.

g) **Case #FY17-067** *(postponed from the meeting of January 4th)*

Application by Marlene Sawyer requesting to install two stockade fences on the property located at 152 Commercial Street

Marlene Sawyer and Michael Potenza presented. Marlene Sawyer stated the two stockade fences are 4' high and one would be 36' long and one would be 37' long. The 36' long fence would be vertical along the cottage side (rotten fence has been removed) between the hedge and the cottage, and the 37' long would be in the backyard. There were no public comments and one letter from an abutter was supportive. Marcene Marcoux asked if the fence was 10 feet back from the front property line. Lisa Pacheco-Robb stated the need to have a picket fence extending 10' back from the property line which could then be followed by a privacy

fence. Thomas Biggert made a motion to accept the application as presented with the condition that the fence be a picket fence 10' back from the property line, followed by a lattice fence, and a stockade fence in the rear of the property. The motion was 2nd by Marcene Marcoux and passed 4-0-0.

h) Case #FY17-124 (postponed from the meeting of January 4th)

Application by Todd Westrick, on behalf of John C Roettger, requesting to modify and add to an existing picket fence and replace two side elevation portions of it with a solid board privacy fence at the property located at 82 Commercial Street. Todd Westrick presented the plan, and a detailed handout was given to the Board to review. Todd Westrick explained that the new owners are developing gardens on the property as renovations, including a master suite, are being completed. He stated they are cutting the large parking space down to enclose the gardens, and he discussed solid fencing and gates being requested. The handout shows how fencing is attached to retaining walls and includes height and scale. On the Commercial Street side they are proposing a 6' privacy fence which will be anchored into the ground, but it is not 10' from the front façade. There were no public comments or letters regarding the project. Martin Risteen discussed blocking the street scape view which is against guidelines. Lisa Pacheco-Robb is aware of the property, but it is inconsistent with the 10' guideline. Thomas Biggert stated his concern about a 5' fence being put on top of a 4' wall. Anne Howard added that zoning may need to be involved. Marcene Marcoux reviewed the fence policy, and stated she also has concerns about the height. Anne Howard will go to the property to review proposal and report back to the Board. An open-ended time waiver was completed. Thomas Biggert made a motion to continue to 3/1/17 at 4:00 p.m. which was seconded by Marcene Marcoux and passed 4-0-0.

i) Case #FY17-132 (postponed from the meeting of January 4th)

Application by Paul Kelly/Manitou Architects, on behalf of Neil Korpinen, requesting to replace several windows and remove and replace an addition on the rear of a structure and to re-locate a shed on the property located at 23 Watson's Court

Paul Kelly presented and a set of ¼" drawings, a site plan showing configuration of the lot, and photos of the building in summer and winter was given to the Board for review. Paul Kelly first discussed the site plan regarding the shed (wants to slide it back 6') and questions whether it is a zoning issue and would the HDC approve the move. Lisa Pacheco-Robb stated it is a question for zoning. Paul Kelly also asked that, if in the future, changes were proposed to be made on the cottage in the rear of the property would that need to come before the HDC. Marcene Marcoux stated it would need to come before the HDC and would be under the cottage policy. There were no public comments or letters. Thomas Biggert questioned the age of the addition on the back, and whether it was over 50 years of age. Paul Kelly stated he did not know the age, but it was being done in the same footprint. Thomas Biggert asked if any of the skylights were being removed, and Paul Kelly stated that one would be removed. Martin Risteen made a motion to accept the plan as presented which was seconded by Thomas Biggert and passed 4-0-0.

j) Case #FY17-133 (postponed from January 4th)

Application by Joaquin Wheeler, on behalf of Tammy Jo Walton, requesting to add two double-hung windows to the east side of a structure located at 153 Commercial Street, #1

Joaquin Wheeler presented and stated that the window in the bathroom will not be done at this time, the window that is being done is an egress window in the bedroom, and Marvin integrity windows will be used. There were no public comments and there was one supportive letter. Thomas Biggert questions the pictures, and Joaquin Wheeler stated there

is a handout with a scale. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0.

k) Case #FY17-137 (*postponed from the meeting of January 4th*)

Application by KA Bazarian Construction, on behalf of Jennifer Realty Trust, requesting to construct two 18' dormers, one on the east elevation and one on the west elevation, construct a 10' farmer's porch and raise a center ridge approximately 3' on the north elevation, extend a 14' ridge over a flat roof on the east elevation and to replace windows, doors, roofing and siding, on the structure located at
12 Cudworth Street

Thomas Biggert made a motion to continue this application as requested until 2/1/17 at 4p.m. at Town Hall. There is a waiver until 2/1/17.

l) Case #FY17-138 (*request to postpone to the meeting of February 1st*)

Application by KA Bazarian Construction, on behalf of Rob Santos, requesting to remove and replace all windows, add two windows on the east elevation and remove and replace all siding on the structure located at **14 Standish Street**

Thomas Biggert made a motion to continue this application as requested until 2/1/17 at 4p.m. at Town Hall. There is a waiver until 2/1/17.

m) Case #FY17-141

Application by Eric Martin, on behalf of Vince Edwards, requesting to add a skylight to the structure located at **12 Atlantic Avenue, #3**

Eric Martin presented the application. There were no public comments or letters. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0.

n) Case #FY17-144

Application by Riley Brothers Realty, LLC, requesting to remove and rebuild an existing parking lot attendant's booth on the property located at **132 Bradford Street**

Steve Riley presented and stated the booth would be a little larger, the plexiglass window would be changed to glass, the shed will be built and secured to the ground, and will have a barn style sliding door as well as a double hung window. Marcene Marcoux stated this had been an old railroad site. Lisa Pacheco-Robb stated there is a discrepancy in the application as to the siding and whether it will be wood or vinyl. Steve Riley stated that it will be wood. Thomas Biggert made a motion to accept as presented with the condition that the siding be wood. The motion was seconded by Lisa Pacheco-Robb and passed 4-0-0.

3. Any other business that shall properly come before the Commission

The minutes from 12/21/2016 were approved.

Anne Howard stated that the property on Race Road is not over 50 years old and will come down.

Anne Howard stated that 553 was listed on the Administrative Reviews and previously was assigned as a Full Review to have better pictures of the windows. Thomas Biggert made a motion to consider as an Administrative Review which was seconded by Marcene Marcoux and passed 4-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0.

Thomas Biggert asked for feedback from Ilana Quirk. Ilana Quirk complimented Board members on sharing and discussing information in making decisions. She also suggested using the boilerplate form for decisions, using open-ended waivers when possible, and always state the reason when making an exception to guidelines. Ilana Quirk stated that the statements, votes may be taken and that votes are expected on Administrative Reviews, be added to the agenda. Marcene Marcoux asked that if there is not a quorum, does someone need to be at the meeting. Ilana Quirk stated that the person attends the postponed meeting simply to inform the public of the continued meeting and this

follows due process, and the meeting has to have a date, time, and place to be continued. There can be no deliberation without a quorum.

Anne Howard discussed setting a date for the next business meeting and the need for an agenda. The next business meeting was set for 2/22/17.

Marcene Marcoux questioned the two vacant positions on HDC. Anne Howard stated one position has been filled, and that Hersh Schwartz was appointed as an alternate.

Thomas Biggert discussed the submission for town report which is due on 2/26/17. Marcene Marcoux stated she will work with Thomas Biggert on the report which should include the numbers of administrative and full reviews, the numbers of applications that had been received, and the number of application approvals.

The meeting was adjourned at 7:37 p.m. by Thomas Biggert

Respectfully submitted:

Katherine Barrett