

HISTORIC DISTRICT COMMISSION
Judge Welsh Meeting Room – Town Hall
February 22, 2017

Members Present: Thomas Biggert, Marcene Marcoux, Martin Risteen, Hersh Schwartz

Others Present: Anne Howard

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

- 1. Update on Joint Meeting with BOS by-law revisions by Thom Biggert:** Proposed amendments to the General By-laws, Chapter 15, Local Historic District, regarding Historic District Commission procedures for the review of applications, including determinations and administrative review, siding and exemption from review for solar panels.

Thomas Biggert stated that two of the proposed amendments are the same as proposed by the BOS last year. Marcene Marcoux stated that last year at Town Meeting there were two amendments, one on solar panels and one on fiber cement, and the HDC went against both amendments, and importantly the town voted against both amendments. Marcene Marcoux also stated that the amendments are now being proposed again by the BOS even though voters said no last year. Thomas Biggert asked Marcene Marcoux to summarize, and she commented that the HDC has been using the by-laws after 12 years with much experience, and that the HDC has been content that the by-laws as written have worked for the historic district as well as for the town. These proposed amendments appear to be an outside attempt by the BOS to make changes even though these same changes were not approved last year.

Thomas Biggert discussed absences and that after 3 unexcused absences, a member could be voted off the board. Thomas Biggert stated that the

HDC has not been tracking absences, but absences should be tracked as it could affect quorum. Marcene Marcoux stated the need for advance notification of being absent needs to be publically stated.

The Board discussed drawings/revisions (approved and signed off on) that accompany applications should be in the minutes to answer questions that arise. Anne Howard commented on the need to be specific in motions as to who is submitting the application, address, and date of original drawings and any revisions submitted. Marcene Marcoux agreed with the need to be specific for minutes on information presented and especially for revisions. Thomas Biggert discussed posting the final drawings/revisions to agenda rather than to the minutes which would save time in posting minutes.

Thomas Biggert stated that he had asked Ginny Binder to attend the meetings to offer feedback regarding having a book with by-laws and HDC language. Thomas Biggert showed some books as an example, and the Board discussed David Dunlap's Provincetown book as a good example, and he stated that he asked Ginny Binder to help coordinate between the HDC and town professionals who could help with this project. Ginny Binder discussed need for public help with historic preservation which should be an honor, not a burden, which happens sometimes because of a lack of understanding preservation and what's involved. Ginny Binder also discussed that Provincetown is unique and exceedingly legible in it's unique form. Marcene Marcoux expressed the importance of something simple to speak to the public. Thomas Biggert stated his agreement not to discuss what is against the by-laws and why the use of wood is important. Ginny Binder stated it could be one manual and be purchased with an application, possibly including information on FEMA issues, and discussing differences between guidelines and policies. Martin Risteen shared that he likes the idea of having pictures or drawings with examples of the town. Anne Howard discussed building codes and fire safety issues. Ginny Binder shared that knowing what the rules are, and why

they are there, makes rules easier to follow. Thomas Biggert shared that David Panagore had mentioned putting small historic district signs on top of street signs to educate the public and visitors, having the pamphlet ready for the Provincetown 400 anniversary, and possibly getting a group together. Marcene Marcoux agreed with getting information out to educate the public. Marcene Marcoux also stated the need to talk about the level of planning and preliminary proposal before a group is formed to determine the level of intensity, and having Ginny Binder possibly come up with two proposals: a small one like a booklet, and a large one to go along with the Provincetown 400 celebration. Marcene Marcoux mentioned money and possible funding as well as a project date. Thomas Biggert asked about dates, and Ginny Binder stated she will send a proposal before the March 15th meeting, and Thomas Biggert will distribute to Board members for review and discussion.

Anne Howard asked board members to discuss issue of siding, solar panels, and procedures for review of applications. Marcene Marcoux stated that it needs to be discussed due to the formal complaint against o Planning Department staff. Marcene Marcoux stated that Provincetown Historic District by-laws do not stand by themselves and are in sync with the State by-laws, and that under Chapter 40C, Section 6, the Commission makes the determination. Marcene Marcoux added that in the past, staff were allowed to handle roofing and siding, but now the HDC makes these decisions. Thom Biggert stated he agreed, and Martin Risteen shared that he concurs with the HDC mandate which is clear, and he also expressed concerns regarding lawsuits. Marcene Marcoux feels the Town Council clerk should also be in this discussion. Martin Risteen stated his concern about the open complaint against the Town Planner, that the complaint is serious and that it appears the complaint has not been addressed. Marcene Marcoux agreed that the complaint is serious and needs to be addressed for closure. Marcene Marcoux also shared that she feels the HDC should vote at this time on 15-7-1 and 15-7-3. Anne Howard stated there are other issues in 15-7-1, and Martin Risteen stated he feels the need to weigh in with the Town Council before the vote. Marcene

Marcoux stated that a vote should be taken as it can be amended and there would then be a legitimate vote on record. Marcene Marcoux made a motion that the HDC is opposed to the proposed changes to the HDC by-law 15-7-1 Applications and 15-7-3 Hearings by the Board of Selectmen. The motion was seconded by Thomas Biggert and passed 4-0-0. Thomas Biggert also added that 15-7-3 has complicated language and will be discussed at the meeting next week with Ilana Quirk, and this will delay taking a vote.

Thomas Biggert made a motion to request that the Town Manager respond to the formal complaint of July 26th against the Town Planner. The motion was seconded by Marcene Marcoux and passed 4-0-0.

Anne Howard discussed some zoning aspects of 15-7-1 and 15-7-2. Marcene Marcoux recommended the HDC write their own article with Ilana Quirk's assistance which the Board discussed. Anne Howard stated that if this can be written in advance, she would send it to Town Council for review by Ilana before Wednesday's meeting. Thomas Biggert discussed differences between FEMA regulations and the HDC by-laws. Anne Howard stated some communities are opting out of FEMA, but one adverse effect would be being out of the Community Rating Service which offers home owners with federally funded mortgages a 5% discount on flood insurance as there are 900 + properties in a flood zone area. Martin Risteen stated that the risks could be brought to the community for a decision.

The Board then discussed solar panels. Marcene Marcoux discussed the proposal which attempts to take solar panels out of the purview of the HDC, and she read in 40C/Section 7 that solar panels require a certificate of appropriateness that can only be done by the HDC. Thomas Biggert stated there has been a decrease in requests for solar panels, and Anne Howard discussed this being related to rebate requirements and that there are qualifications that have to be met. Thomas Biggert will check

on the number of applications since the beginning of the year. Marcene Marcoux made a motion that as for proposed changes to the HDC by-laws 15-9-1-15 adding solar panels and 15-11, Appendices 3 Exemptions from Review proposed by the BOS regarding solar panels, the position of the HDC is to deny the proposed changes. The motion was seconded by Thomas Biggert and passed 4-0-0.

The Board discussed siding. Thomas Biggert read the proposal regarding siding, and stated his feeling that this is and should remain a wooden village. Marcene Marcoux stated that it's important for the public to know that some products are allowed by the HDC but that those requests are carefully considered, and also the importance to know that it is processed material, can be carcinogenic, and uses much energy in its production. Marcene Marcoux also commented that wood is key to an Historic District. Marcene Marcoux made a motion that as for the proposed changes to the HDC by-laws by the BOS regarding 15-11, appendices option A12 siding, and option B12 siding, the HDC position is to be against the proposed changes. The motion was seconded by Thomas Biggert and passed 4-0-0.

2. Mid-Fiscal year update on HDC Budget

Thomas Biggert stated there is currently \$4,021.00 in the budget and there are invoices pending for clerical services. Marcene Marcoux asked if some funds could be shifted for developing the brochure. Thomas Biggert stated that approximately \$15,000 would get the brochure started, and that the Town Manager is supportive of the project and will assist with locating funding. Marcene Marcoux discussed possibility of a small brochure to go along with applications, and another to educate the public regarding the Historic District.

Thomas Biggert discussed the new decision form. Marcene Marcoux stated she would like it to be used as a working document for three months, and then review and make any necessary changes. Thomas Biggert stated the need to use it was a work sheet. Marcene Marcoux made a motion to use the changed historic district decision sheet proposed by Attorney Ilana Quirk as a working document for the next three months and following that make a decision to change the decision sheet or accept it by the June 7th meeting. The motion was seconded by Thomas Biggert and passed 4-0-0.

Thomas Biggert made a decision to pay Oreana Conklin for the hours she typed minutes last year. The motion was seconded by Marcene Marcoux and passed 4-0-0.

Thomas Biggert discussed the demolition delay at 226B Bradford Street. The Board previously delayed the decision and Martin Risteen and Thomas Biggert will investigate the history of the structure and report back to the Board. Anne Howard raised the question of removal of the roof at 30 Mechanic Street, and Thomas Biggert will contact Lisa regarding the file.

Thomas Biggert made a motion to adjourn at 5:04 p.m. which was seconded by Marcene Marcoux.

Respectfully submitted:

Katherine Barrett