

OK
Thomas Biggert

HISTORIC DISTRICT COMMISSION
Judge Welsh Meeting Room – Town Hall
March 1, 2017

Members Present: Thomas Biggert, Marcene Marcoux, Martin Risteen, Laurie Delmolino, Lisa Pacheco-Robb, Hersh Schwartz

Others Present: Ilana Quirk, Anne Howard

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

1. Work Session

- a) Discussion with Town Counsel in regard to HDC by-law amendments**
- b) Update on potential violations reported to the Building Commissioner**
- c) Determination as to whether the applications below involve Exterior Architectural Features with the jurisdiction of the Commission, with Full Reviews to be placed on the March 15th agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission**
 - i. 16 Court Street – To replace 5 windows in kind**
Thomas Biggert made a motion for an Administrative Review with the condition that trim is wood and windows are 6 over 6 which was seconded by Marcene Marcoux and passed 5-0-0
 - ii. 27 Court Street – To remove and replace a sliding door with an out-swinging French door**
Russell Perry, Contractor, presented the plan and included a picture. Thomas Biggert made a motion for an Administrative Review which was seconded by Marcene Marcoux and passed

5-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 5-0-0

- iii. **52R Point Street – To replace existing windows and doors in kind
Marcene Marcoux made a motion that 52R Point Street be an Administrative Review which was seconded by Thomas Biggert and passed 5-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 5-0-0**
- iv. **244 Commercial Street – To replace sashes in 4 windows in kind (name) presented the application. Thomas Biggert made a motion for an Administrative Review which was seconded by Marcene Marcoux and passed 5-0-0. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 5-0-0**
- v. **609-611 Commercial Street – To install PV solar system consisting of 39 panels on a roof
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0**
- vi. **288C Commercial Street – To remove a door on the east elevation of a structure and install 2 skylights on a south-facing roof
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0**
- vii. **309 Commercial Street – To install new doors and windows on first floor retail spaces
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0**

- viii. **58-60 Bradford Street** – To renovate and raise an existing multi-family structure and cottage pursuant to FEMA regulations and to reconfigure an exterior rear stairway and to reconfigure windows and doors on all elevations of the principal structure (plans)
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0
- ix. **192-194 Commercial Street** – To build a second and third floor egress on the east and west elevations of a structure
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0
- x. **306 Commercial Street, UB** – To replace 2 windows on the east elevation, replace a door with a window on the north elevation and add a bathroom 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 5-0-0
- xi. **82 Commercial Street** – To amend a previously approved project by replacing an existing triple-gang double-hung kitchen window with 2 existing double-hung windows, replacing French doors with a triple-gang double-hung window unit and retaining an existing entrance door in its current location all on the north elevation of a structure
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0
- xii. **9 Atlantic Avenue** – To build a second story addition over 16' of the existing first floor and to add a 7' rear deck with a stairway for a second means of egress from the structure
Marcene Marcoux made a motion for a Full Review which was seconded by Thomas Biggert and passed 5-0-0

(?) Cabral representing 309 Commercial Street (John's Footlong) presented the project and asked the Board for some direction.

Thomas Biggert made a motion to open the discussion on 309 Commercial Street which was seconded by Laurie Delmolino. Marcene Marcoux asked if photos were available, and photos were presented to the Board for review. Lisa Pacheco-Robb stated that the plan appears to follow the by-laws.

Thomas Biggert stated that Attorney Murphy had asked to make some comments regarding 58-60 Bradford Street, and he made a motion to open up discussion. Attorney Murphy stated that he realizes it is a full review and advised that the building needed to be raised as it is in a flood zone.

Anne Howard stated that there were no potential violations, but read a letter from MA Historical Commission questioning work approved for 4-6 Fishborne Court (Fine Arts Work Center). The letter states that the property is listed in the register of Historic Places and that the work approved does not appear to be in kind replacement. They are questioning if the material being used in kind is the same as what is presently there. Lisa Pacheco-Robb stated that the Commission rules on their own by-laws, and Marcene Marcoux stated the letter is more addressed to the Fine Arts Work Center. Anne Howard will send copies of letter to all members for review.

Thomas Biggert discussed a potential violation at 469 Commercial Street, stating that it has a fence made of found materials which has been modified and moved back. Board members will look at the fence and discuss the potential violation.

d) Review and approval of Minutes: July 20, August 3, September 7, September 21, October 5, 2016 and January 18 and February 15, 2017

2. Public Hearings

Public Hearings were called to order at 4:09 p.m.

Public Hearings will be held for the following applications requesting a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown

Case #FY17—124

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 solid board privacy fence at the property located at 82 Commercial Street

Todd Westrick presented. Anne Howard stated that she had not as yet reviewed the property for the fence height. Marcene Marcoux questioned the height of the fence and requested that the review be done due to the location of the fence and the fence policy. Todd Westrick stated that the fence is under code and that raising it would meet requirement, and that the contractor is waiting to start the project. Anne Howard will meet with Todd Westrick tomorrow to view the property and plan. Thomas Biggert questioned a 5' section on top of a 4' wall, and Anne Howard stated that the grade of the property determines height. Another time waiver was signed. Thomas Biggert made a motion to accept the time waiver which was seconded by Laurie Delmolino and passed 5-0-0. Thomas Biggert made a motion to continue Case #17-124 until the meeting of March 15, 2017 at 4 p.m. at Town Hall which was seconded by Marcene Marcoux and passed 5-0-0.

Case #FY17-155 (continued from the meeting of February 15th)

Application by RKM Property Management on behalf of Marc Levin, requesting to re-shingle a cottage on the property located at 403 Commercial Street

Rich Mills presented. Martin Risteen questioned details that had been on the top of the building. Rich Mills stated that aesthetically nothing has changed. Marcene Marcoux stated that there had been some orange shutters and other

art work around the structure, and that she would provide photos for Mr. Mills to review. A time waiver was completed. Thomas Biggert made a motion to accept the time waiver which was seconded by Laurie Delmolino and passed 5-0-0. Thomas Biggert made a motion to continue Case #17-155 until 4/19/17 at 4 p.m. at Town Hall which was seconded by Marcene Marcoux and passed 5-0-0. Thomas Biggert made a motion to approve the application to re-shingle with the condition that detail documentation is presented to the applicant which was seconded by Marcene Marcoux and passed 5-0-0.

Case #FY17-164 (continued from the meeting of February 15th)

Application by Peter McDonald, on behalf of Jay Anderson, requesting to raise a building, to up-grade stairs and re-locate to the north elevation, to re-locate an existing entry door on the north elevation to the east elevation, to remove glass block and basement cellar sash windows and replace with new windows on the east elevation, to add and replace windows on the west elevation, to re-configure windows and doors on the south elevation, to remove two skylights and a rear hip roof, to add shed and gable dormers on the east and west elevations and to remove a chimney on the structure located at 137 Commercial St Peter McDonald presented and had dropped off revised elevations that were distributed by Anne Howard. Peter McDonald discussed the changes and Thomas Biggert stated that the changes make it more historically accurate, and Martin Risteen read the by-law requirements. There were no public comments and one letter that was not supportive and asked for an alternative plan. Board members discussed the changes regarding the front door with an open porch and the dormers. Thomas Biggert made a motion to accept Case #17-164 with the following conditions: north elevation – porch small with center window on the street; west elevation – dormer pushed so that the roof line shows below; south elevation – as presented; east elevation – approved same as west elevation. The motion was seconded by Marcene Marcoux and passed 5-0-0. Peter McDonald asked if the owner could appeal. Martin Risteen stated that if the owner had not approved, the Board should not make a decision, and Marcene Marcoux stated that it might be better to continue. Marcene Marcoux made a motion to reconsider which was seconded by Thomas Biggert in order for Mr. McDonald to talk with the owner and present another option. Thomas

Biggert made a motion to continue Case #17-164 until the meeting of 3/15/17 which was seconded by Marcene Marcoux and passed 5-0-0.

Case #FY17-165

Application by Papetsas Building Co., Inc., on behalf of Tom Penque, requesting to remove a rear deck and rebuild in the same footprint with a new post-and-rail-style system and to replace the roof under the deck with a rubber membrane and to remove and replace a block chimney with a red brick chimney on the structure located at 18 Franklin St., #2 Mr. Papetsas presented. There were no public comments or letters. Thomas Biggert expressed concern about the post and rail system. Mr. Papetsas stated it is a composite system that has been approved in the past, and that it is white in color. Marcene Marcoux and Thomas Biggert stated that they feel wood should be used. Martin Risteen read the by-law. Marcene Marcoux stated the need to continue until Board members could review the material on other properties. Thomas Biggert made a motion to continue Case #17-165 until 3/15/17 at 4 p.m. at Town Hall which was seconded by Marcene Marcoux and passed 5-0-0.

3. Work Session

Continue discussion with Town Council in regard to FEMA regulations and HDC decisions

Ilana Quirk discussed looking at a proposed article that may appear on the warrant before Town Meeting. Attorney Quirk stated the need to conform to Chapter 40C, Section 11, Paragraph 1, and that the motivation for the article was to assist the Commission.

1) Regarding 14 day determinations, Ilana Quirk commented that the work session before the regular session to make determinations was very effective, as well as cost and time efficient, and follows statute. It was proposed that staff make that determination, but that creates two possible issues:

a) A potential for conflicts

b) If challenged, under 40C, Section 11, Paragraph 1, the statute says that the Commission shall make this decision so the proposal probably will be taken back to conform with the statute.

2) Commission decisions without a public hearing under Chapter 40C, Section 11, Paragraph 4. Ilana Quirk read from the statute and recommended:

a) Use boiler point language to say why it is being done

b) Applicant waives a public hearing in writing

When making a finding, it doesn't take effect under 10 days

Re-numbering – non-applicability would not be deleted

Give notice of public hearing

The siding issue has been withdrawn

The solar issue – statute says the Commission is aware that the State supports energy saving

Anne Howard read oppositions to changes from the previous meeting including solar.

4. Executive Session: Motion by the Historic District Commission to vote to go into Executive Session pursuant to Open Meeting Law, G.L. c. 30A, Section 21(a), Clause 3 for the purpose of:

Discussing strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (regarding 97 and 99 Commercial Street). Votes may be taken.

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

VOTES MAY BE TAKEN ON ANY OF THE ABOVE AGENDA ITEMS

Respectfully submitted:

Katherine Barrett