

Minutes

July 20, 2016

The Provincetown Historic District Commission Work Session at 3:30 pm and Public Hearings at 4:00 pm on Wednesday, July 20, 2016 in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA.

Members present: Thomas Biggert (TB) Chair; David McGlothlin (DM); Lisa Pacheco-Robb (LPR); Laurie Delmolino (LD); Martin Risteen (MR).

Member Absent: Marcene Marcoux; Mark Westman.

Staff present: Gloria McPherson, Town Planner.

1. Update on potential violations reported to the Building Commissioner

- a) 15 Alden St – construction of a partial enclosure for a split unit.

Ms. McPherson spoke on behalf of Building Commissioner, Annie Howard, in stating that Staff is awaiting a Building and HDC application per contact with the owners by Ms. Howard.

- b) 4 Conant St – dormer windows in different configuration than approval.

Per Ms. Howard, the configuration of windows in the new dormer were altered after which Ms. Howard indicated a fine could be issued at the request of the HDC. TB replied that a violation needn't be passed on at this time, but said to allow for a couple of weeks to amend the situation. Ms. McPherson concurred, said the change had to do with the installation of a new refrigerator.

2. Administrative Reviews

- a) 590 Commercial St – for the installation of a fence and gate at the rear of the parking area (this work has already been performed) – *continued from last meeting for picket fence specs.*

Mr. Rivera presented, offering two styles for consideration, including a picket style which, he said, his client would prefer at same height and length, 5' high and 8' to 10' long with a gate. TB said he liked this style, as well.

Christopher Snow presented photographs demonstrating visibility.

TB made a motion to approve picket fence version #1 to replace the privacy fence currently in place. LD seconded the motion. No vote was taken.

- b) 84 Commercial St – for the installation of a 3-ft tall picket fence on the Commercial St. and Cottage St. sides of the property and the replacement of storm doors with wood storm doors – *continued from last meeting for storm door spec.*

Laurie Delmolino, owner, presented; said the pickets would be flat with 1.5" spacing.

TB made a motion to approve as presented, including the storm door. DM seconded the motion and it passed, 4-0-0: DM, LPR, MR, TB.

- c) 99 Commercial St – for the replacement of a window that was previously covered over with plywood.

LD recused as an abutter.

TB noted an in-kind replacement at Sal's restaurant.

TB made a motion to accept as presented. DM seconded the motion and it passed, 4-0-0: DM, LPR, MR, TB.

- d) [430 Commercial St #2](#) – for the installation of six replacement windows.

TB noted the application as straight forward, featuring Anderson 400 series.

TB made a motion to approve as presented with half-screens in the windows. LD seconded the motion and it passed, 5-0-0: LD, DM, LRP, MR, TB.

- e) [265 Commercial St](#) – for the replacement of wood French doors with (fiberglass?) French doors (this work has already been performed).

Ms. McPherson said she could not determine definitively that fiber glass was indicated, to which TB said he felt it was and at the water side of the property which, he felt, looked better than Azek which is appearing around Town. LPR recommended approval as per water side visibility.

TB made a motion to accept as presented. LD seconded the motion and it passed 5-0-0: LD, DM, LPR, MR, TB.

3. **335 Commercial Street** – Continuation of a discussion with Diarmuid O’Neill (or a representative, since he is in Ireland until July 21) regarding revised venting and screening of venting at the rear of the Squealing Pig.

No one presented. TB questioned the HDC’s purview in the case. Ms. McPherson said Mr. O’Neill will be able to appear at the next HDC meeting. TB tabled discussion until that time.

4. **Discussion regarding Administrative Review procedures per email and follow-up from Town Counsel**

Ms. McPherson went over e-mails from Town Counsel, Alana Quirk, with input from Assistant Town Manager, David Gardner; highlighted the Open Meeting Law and read from Bylaw section 15.7.1 wherein, she interpreted, two steps are required to proceed with determinations for Full but not Administrative Reviews. However, she said, Ms. Quirk disagreed and stated that a two-prong approach is needed for both designations. Problems with the delay in making determinations were addressed with more than two weeks added to the process including the placement of legal ads.

HDC expressed a desire to see initial Administrative Reviews as made by Staff, in this case Town Planner, and then presented before the Board for approval. Ms. McPherson related that this is also what Town Counsel has recommended. DM asked if an applicant could be inspired to file a lawsuit if it can be proven that the HDC has not followed proper procedure. Ms. McPherson said a sub-committee of three – as opposed to five - could be made to determine Administrative Reviews at a separate meeting from the Public Hearing concerning Full Reviews. DM asked why this is now an issue when he has been on the HDC for the past seven years without change to the system.

5. **Annual Organizational Meeting** – Election of Chair, Vice-chair, and Clerk

Commissioner Marcoux has requested this item be tabled to the next meeting so she can be present.

TB made a motion to table the election of officers to the next meeting. DM seconded the motion and it passed, 5-0-0: DM, LPR, LD, MR, TB.

6. **Review and approval of Minutes of the meetings of [January 20](#), [March 2](#), [May 18](#), [June 15](#) and [July 6, 2016](#)**

TB made a motion to continue approval of all outstanding HDC meeting minutes to the meeting of August 3, 2016. DM seconded the motion and it passed, 5-0-0: DM, LPR, LD, MR, TB.

7. Public Hearings

a) Case #FY16-105

Application by Ted Smith on behalf of Eric Schultz requesting to extend an existing dormer on the south elevation at the property located at **10 Washington Street, Unit 4**.

Ms. McPherson said she received a request to withdraw the application.

TB made a motion to approve withdrawal of the application at 10 Washington Street, U4. LPR seconded the motion and it passed, 5-0-0: LPR, DM, LD, MR, TB.

b) Case #FY16-106

Application by Pavel Fiodarau, on behalf of Marcus Builders, LLC, requesting to demolish a garage at the property located at **384 Commercial Street**.

TB made a motion to continue the decision of 384 Commercial Street to the meeting of August 3, 2016 at the applicant's request. LD seconded the motion and it passed, 5-0-0: LD, DM, LPR, MR, TB

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

LD stated that, according to her attorney, a Board member is permitted to present on behalf of property they own, but must then recuse themselves from deliberations. LPR and DM concurred, expressed that they have followed that same protocol in presenting their own homes.

TB made a motion to adjourn the meeting at 4:17pm. DM seconded the motion and it passed, 5-0-0: DM, LPR, LD, MR, TB.

Respectfully Submitted,
Jody O'Neil