

TOWN OF PROVINCETOWN
HISTORIC DISTRICT COMMISSION
REGULAR MEETING MINUTES OF
October 7, 2015 3:30pm
MEETING HELD IN THE CAUCUS HALL

Members Present: Martin Risteen, Marcene Marcoux, Thomas Biggert, Mark Westman,
Members Absent: Laurie Delmolino, David McGlothlin, Lisa Pacheco Robb
Staff Present: Gloria McPherson, Town Planner

Meeting called to order by Mr. Thomas Biggert at 3:38pm

1. Administrative Reviews

- a) [480 Commercial Street](#) – replace 9 windows in kind – continued from September 16 – approved with all window replacements to be 2 over 1 double hung windows except windows E and F (kitchen windows) to be replaced with new casements and bay window to be replaced with new bay window
- b) [116 Bradford Street](#) – amend previously approved decision-reconfigure stair, remove door and window - approved
- c) [350A Commercial Street](#) – replace 12 windows in kind - approved
- d) [83 Commercial Street](#) – replace windows, siding and second floor deck in kind - approved

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

Mr. Biggert read letter from Polly Burnell regarding the demolition of buildings in town. Ms. Marcoux mentioned that the issue we have on the Demolition Delay that 48A still has to hear a legal decision from Kopelman and Paige before the demolition goes forward. Ms. McPherson agreed to pass on this information to the Building Commissioner and Building Inspector.

3. Public Hearings 4:08 Thom opened the public portion of the meeting.

- i. [Case #FY16-13 \(Continued from September 16\)](#)
Application by Deborah Paine Inc. requesting to install an enclosure around an externally mounted condenser unit at the property located at **555 Commercial Street, Unit D.**

Attorney Jay Murphy appeared before the commission to present the proposal. He stressed that the application is not for the condensers that were installed, but for the lattice screening around them. He noted that a lot of condensers have been installed on the sides of buildings within the Historic District. He cited 15-9-1-7 as an exemption for the equipment.

Ms. McPherson read from the General Bylaws and questioned whether condenser units were “similar equipment” to satellite antennas, as is stated in the exemption.

Linda Longo, representing residents at 557 Commercial, stated that at a prior town meeting, some language was struck regarding color, trim and other things, but the HDC did not have a similar agreement to strike language about exterior condenser units, which would not be exempt from review by the HDC. She thinks the installation is problematic, although she said that she thought Ms. Paine tried to relocate them in a reasonable location. But because it's located in sitelines from the street, it should have HDC review.

James Matarese, 555 commercial, spoke against the application. He thinks the lattice will just be a bigger mess, and the condensers should be taken down. There is enough space in the front of the house on the ground for them to be placed.

Deborah Paine, contractor for the owner, explained that she and Eric meads have installed many of these units in the historic district. They are located on the wall because the association asked them to take it off the ground. She had also spoken with Anne Howard and was told that this is not under the HDC's purview.

Mr. Biggert, Ms. Marcoux and Mr. Westman read 5 letters into the record, all against the proposal, one from Mr. Matarese who had already spoken, and three from non-abutters.

Ms. Marcoux said she thinks this is a complex case for the HDC. She agrees that this application is just for the lattice enclosure. The placement and location of condensers is not one that they have really dealt with. That's more for the Building Commissioner to determine.

Mr. Biggert stated that this does not fall under the window air conditioner unit exemption. He is concerned that this is not a temporary structure, and is permanently installed on the wall.

Mr. Biggert cannot support the lattice enclosure because he cannot support the installation of the condensers on the wall. He noted that the Building Commissioner and Building inspector work for the Commission, not the other way around and the HDC will be telling them that these units are not exempt.

Mr. Westman agreed with Ms. Marcoux that this is complicated, but he also agrees that the condensers should not be exempted from review based on the bylaw. The application is about the lattice work, not the larger issue. Not ready to take a larger stand at this point.

Mr. Biggert disagreed. If the units are not appropriate, how can the Commission approve something to cover something that is not appropriate? The view is significantly blocked. The HDC is supposed to protect the public, and they heard clearly that the public doesn't want these units installed on walls. If these are approved, they will be installed all over town.

Mr. Risteen said he needs more information. There is a gap in communication between the Commission and the Building Department. He cannot support the lattice enclosure because he cannot support the installation of the condensers. He stated that they do come under the jurisdiction of the HDC.

Ms. Marcoux's interpretation of the guidelines is that there is more ambiguity. She is taking a more narrow interpretation of the application, which is for a lattice enclosure.

Motion made by Marcene Marcoux to approve case FY16-13 as presented and was seconded by Mark Westman. The motion failed 2-2-0. Thomas Biggert and Martin Risteen opposing.

Mr. Biggert asked Ms. McPherson to invite the Building Commissioner to the next meeting.

- ii. [Case #FY16-21](#)
Application by George Tagaris requesting approval for the redesign of the previously approved street front and beachfront structures, extend certifications for demolition of existing beach front structures and review and extend any other associated certificates at the property located at **143 Commercial Street**.

George Tagaris appeared before the commission to present the proposal regarding the two structures. He is back before the Commission after the ZBA requested changes to the plans that the HDC had previously approved. There are changes to the front building, which include the removal of dormers, and to the cottage in the rear, which was reduced in width and height.

No public comments. No letters in the file.

Mr. Biggert questioned whether the windows remained the same.

Mr. Tagaris stated that the windows were the same, but where the dormers were removed, they added skylights. Ground level basement windows will have to be enlarged to meet egress requirements and the plans will have to be revised to reflect the larger windows. The glass connector in the cottage has also been extended in size.

Mr. Biggert stated that he was in favor of the application because the changes reduce the size of the structures.

Ms. Marcoux found it difficult to read the application and determine what they approved and what is changing.

Mr. Tagaris said it's an overall reduction with dormers being removed from the front structure and the beach cottages are being reduced in width.

Mr. Biggert commented that the west side of the roof is very skylight-heavy and recommended removing some of them.

Mr. Tagaris offered to remove the middle skylight on the west side.

Mr. Risteen said that he would rather see the front two skylights removed so the more visible part of the roof is more historic.

The HDC and the applicant negotiated the number and location of skylights.

Thom moved to accept with the condition that 2 of the 5 skylights on the west side of the structure will be removed and plans will be revised to show the new locations as well as the enlarged basement windows, and a picket fence as in the historical photo provided shall be installed on the front of the property. Mark seconded. Motion passed unanimously.

Motion made by Thomas Biggert to approve case FY16-21 with the conditions that 2 of the 5 skylights on the western roof plane be removed, and a picket fence as shown in historical photos be constructed along Commercial Street and was seconded by Mark Westman. The motion passed unanimously 4-0-0.

iii. [Case #FY16-22](#)

Application by Michael Czyoski on behalf of Elizabeth Brooke requesting to remove a window on the south elevation and replace with a bay window, construct a second floor deck on the south elevation and remove a window on the south elevation and replace with a French door with sidelights at the property located at **104 A Bradford Street**.

Mike Czyoski appeared before the commission to present the application.

No public comments. No letters in the file.

Mr. Biggert asked for clarification about the bay window, whether there were any others in the complex that it was similar to.

Mr. Czyoski said no, but the windows are 6 over 6 for the side windows and a 20 light center window.

Mr. Biggert asked what the railings would be like.

Mr. Czyoski said captured balusters.

Motion made by Thomas Biggert to approve case FY16-22 as presented and was seconded by Marcene Marcoux. The motion passed unanimously 4-0-0.

iv. [Case #FY16-23](#)

Application by Cotuit Solar on behalf of Patricia Bruno requesting to install 37 solar panels at the property located at **17 Alden Street**.

Joe Hackler appeared before the commission to present the application. Mr. Hackler stated that he put together other options for the arrangement of solar panels, with more located on the flatter and less visible portion of the roof. He also showed the HDC a black on black solar module that he brought for them to see.

No public comment. Mr. Biggert and Ms. Marcoux read three letters of support in the file.

Mr. Biggert wondered if all the panels could be located behind the dormers.

Mr. Hackler said that the best roof plane is the less flat one, which would allow the owner to get most of her electricity throughout the year through solar.

Ms. Marcoux would like to see some edge of the roof, left as roof and would like to see the solar panels pulled back from the edge.

Mr. Biggert said that the structure in the back is not visible, so he doesn't have a problem with it.

The HDC discussed the options presented with the applicant and decided that either one of the new proposals would be fine, and deferred to Joe's recommendation.

Motion made by Thomas Biggert to approve case FY16-23 as presented and was seconded by Mark Westman. The motion passed unanimously 4-0-0.

- v. [Case #FY16-24](#)
Application by Cotuit Solar on behalf of Wayne Powell requesting to install 22 solar panels at the property located at **426 Commercial Street**.

Joe Hackler, of Cotuit Solar, appeared before the commission to present the application. Mr. Hackler showed the HDC another solar module that is a little more visible than the black on black previously shown, but it would be not visible.

No public comment. No letters.

The commission discussed the array and found its placement and arrangement appropriate

Motion made by Thomas Biggert to approve case FY16-24 as presented and was seconded by Marcene Marcoux. The motion failed pass unanimously 4-0-0.

- vi. [Case #FY16-25](#)
Application by Cotuit Solar on behalf of Charles Mayo requesting to install 23 solar panels at the property located at **1 Duncan Lane**.

Joe Hackler, of Cotuit Solar, appeared before the commission to present the application. Additional panel layouts were explored to be less intrusive on the roof.

No public comments and no letters in the file.

Mr. Biggert laments this particular case because the house is historic and pristine and the roof is very visible, but noted that the HDC supports solar.

Charles Mayo stated that he did not have a preference for layout, whatever the HDC prefers, as long as it works.

The commission reviewed the various solar panel arrangements that Mr. Hackler presented.

Motion made by Thomas Biggert to approve case FY16-25 as presented and was seconded by Marcene Marcoux. The motion failed pass unanimously 4-0-0.

At approximately 5:40 pm, Mr. Biggert closed the public hearing portion of the meeting and reopened the work session.

Ms. Marcoux left the hearing.

The HDC signed plans

4. Review and approve Minutes of the August 5, September 2, and September 16, 2015 hearing

Thom moved to accept the minutes of Aug 5th as written, martin seconded. 3-0-0

At 6:12, a motion to adjourn was made by Thomas Biggert and seconded by Mark Westman. Motion passed unanimously 5-0-0.

Respectfully submitted,
Thomas Biggert
Chair