

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA

**WEDNESDAY, MAY 16, 2018**

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Historical Commission Rep.; Ted Jones (TJ), PAAM Rep.; Hersh Schwartz (HS), Alternate; Michela Carew-Murphy (MCM), Alternate.

Absent: Marcene Marcoux, Vice Chair, Chamber of Commerce Rep.

Others Present: Annie Howard (AH), Building Commissioner; Jody O'Neil (JON), Recording Secretary.

TB called the meeting to order at 3:38pm.

**1. Work Session: VOTES MAY BE TAKEN**

**a) Update on potential violations reported to the Building Commissioner.**

AH said she didn't really have an update this week, but referenced an applicant who had come before HDC at its last meeting and would now like to make a statement during Public Comments; and also the applicant of **199 Bradford St.** who, she said, is going to come before HDC regarding the look of the foundation that HDC wants but that the work would begin based on time-commitments and that they would make an application based on the facing of the foundation which is exposed for a fair amount, and that they had been in some months ago to discuss the building's chimneys.

TB asked if there had been any update from **469 Commercial** regarding the fence and curb-cut by Angel Foods. AH said it was still ongoing and concurred with TB that it was a matter of the Board of Selectmen approving the curb-cut; TB remarked that the sign was missing.

TB inquired about **17 Center St.** AH said she reviewed the minutes from that meeting as she had not attended it and also reviewed the PTV video and concluded that HDC had been concerned with the posts. TB canvassed HDC for opinions, said the pickets had gone down to 4' but they'd left the posts and he had a feeling they might be being a little spiteful, asked if HDC wanted to issue a violation or let them have an ugly fence. TJ said they were fully capable of cutting down the posts; TB added they had done 99% of the work. LD remarked that typically posts are same height.

TB made a motion that the previous applicant of 17 Center St. complete the HDC-approved renovations to the fence by June 6<sup>th</sup> or face violation. MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

TJ asked if construction of the containing wall at **394 Commercial St.** had been approved. AH said she'd have to verify with the plans; said per the highway dept. that the egress stairs on Law St. are within their property lines but they will be hit with a plow every winter; said that they took out back bollards on last Friday, or thereabouts. TB recommended HDC look at the

plans, said the wall is over 27” and the raised stairs could possibly change the steps. TJ said it didn’t look like something that would be approved.

**b) Determinations 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 June 6, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

TB made a motion to rule for Full Review on the following:

iii) 12 Washington Ave.; iv) 18 Pearl St.; v) 130 Bradford St.; viii) 259-263 Commercial St.; ix) 425 Commercial St.; x) 7 Bradford St.; xi) 34A Pearl St.

TJ seconded the motion and it passed, 5-0-0; TB, TJ, LD, HS, MCM.

i) 5-7 Point St., #3 – To replace 16 windows in kind.

TB mentioned this as the property with clip-on grills and that HDC had tasked applicant with replacing them with true or simulated divided light.

MCM said she did a site visit and noted the windows were replaced but that there were different owners downstairs. TJ sought clarification that it was only one window as the others were not visible. MCM said it was her interpretation that they had replaced this window to match and TB noted they were trying to be consistent by matching the window below with fake grills.

LD asked when the downstairs windows were installed, cited a good faith intention and that it wouldn’t be something she would recommend; asked that if HDC insisted the applicant provide a more historic window would that be more disruptive to the overall look. AH said her street file went back to 2006.

Kevin Quinn (KQ) and Alex Taratula (AT) took the mic. KC said they got an energy assessment from the Massachusetts Dept. of Energy and had given guidelines to their Provincetown contractor, who KC named but was inaudible. TB spoke of the potential for future incongruity by mandating the typically approved window for that time when the downstairs windows might all change out.

LD advised weighing in on behalf of the applicant’s desire to make a match when considering the concession.

TB made a motion to allow the replacement window as is; LD seconded the motion and it passed, 4-1-0; TB, LD, HS, MCM in favor; TJ, opposed.

ii) 592 Commercial St. – To replace roofing shingles and 10 windows in kind.

No one presented.

AH mentioned the decision was awaiting new specs. HS noted everything looked exactly as it did before.

TB made a motion to continue the decision to the meeting of June 6th, awaiting a new windows spec-sheet; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- vi) 336 Commercial St. – To replace plastic sheeting with a folding French door.

No one presented.

TB said he wasn't sure what the applicant meant in its wording. AH said it was the sheeting from the restaurant awning; TB noted a folding French door.

MCM said that as No. 336 is a restaurant, perhaps HDC could consider hearing the case now, but TB said it had to be noticed out to abutters and was already on the agenda for June 6<sup>th</sup>.

TB made a motion to consider the case for Full Review; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- vii) 214 Commercial St., #A – To reduce the size of a deck, add Azek decking and stainless steel railing and cables.

No one presented.

TB noted the deck is being made smaller and MCM said they were changing the railings. LD pointed out that the location was across from, not on, the bay.

TB made a motion to consider the case for Full Review; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

## 2. **Public Comments:** On any matter not on the agenda.

### 337 Commercial St.

Christopher Russell (CR) spoke, said he is taking over repairs at his father's place, True Value Hardware, and is tasked with repairs following the past two winter storms; rubber roof, clapboards have been flipped up. Applicant wants to replace with wood shingles in the back and Hardie Board as 95% of other building parts have used it and which, he said, will hold up well to storms; said his father is tired of having to go back up and put up shingles.

CR said that his second request, which had not yet come before AH, concerned the area between the Squealing Pig on Town Landing where he is doing repairs on the roof above the dormers and trim needs work – only part of the store that has not been touched in 30-plus years and is all mush; requests to replace trim and corner-boards to resemble the rest of the store which was approved about 15 years ago; will pull an additional permit for work on the beach side later; asked to replace with Hardie plank the sidewall between the Pig which is currently shingled and that just the top section where the dormers are along a roof line is to be replaced.

TJ asked if this had been previously discussed. AH said it was approved but that the rear siding not be HardiePlank. CR said the HardiePlank was approved 15 years ago on the other part of the building and has held up pretty well, rest of the building has been replaced with Azek trim. LD remarked that there is a class-action suit against HardieBoard in high moisture areas in the north; said she'd be willing to revisit and review the new area. CR said the rotting is beyond repair.

TB said HDC could discuss sections that had been previously seen, but agreed with LD for a site visit of newly requested area. CR showed photos from phone. TB said his inclination would be to approve HardieBoard for the back; MCM agreed. LD said she was fine with it, as the vast majority of the building has this material, but suggested it won't last as long as cedar shingles. CR said he

respectfully disagrees, that he's trying to make it as water-proof as possible, as they saw 5' of water in basement after last year's summer storm.

TB made a motion to allow HardieBoard on the water side and Azek trim on 3<sup>rd</sup> floor east, to maintain cedar shingles on the trim for the property at 337 Commercial St. MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

### 353 Commercial St. ,

Joseph Butler (JB) approached the mic, on behalf of Adam Sloane at Unit 21, Angel's Landing; said he was on the May 2<sup>nd</sup> agenda and that the decision would be heard at this meeting, however he doesn't see his application on the agenda.

TJ apologized to the public for not having a quorum on May 2<sup>nd</sup>. AH said she didn't see it as May 2<sup>nd</sup>; JB said it showed on the website; that the application was for putting in a sliding door facing the water rather than a door/window.

JB approached the panel and HDC reviewed his application. JB confirmed to MCM that he had done the abutter's list. AH instructed JB to check downstairs with Ellen Battaglini, Permit Coordinator, and report back.

### **3. Public Hearing: VOTES MAY BE TAKEN**

TB opened the Public Hearing at 4:08pm

#### **a) HDC 18-056 (continued from the meeting of May 2<sup>nd</sup>)**

Application by **Don DiRocco of Hammer Architects**, on behalf of **Jay Anderson**, requesting to demolish an existing three-story structure and construct a new two-story structure on the south elevation of the property located at **53 Commercial St., Rear**.

AH presented a signed time-waiver. TB said he wanted to get a consensus that this would be the last time HDC would grant an extension, citing that the application has gone on for well over a year and Certificate of Appropriateness (COA) was only good for a year; said the applicant could always withdraw without prejudice.

TB made a motion to accept the time-waiver extension; LD seconded the motion and it passed, 3-0-0. TB, LD, HS.

TB made a motion to continue the decision to the meeting of June 6<sup>th</sup>; LD seconded the motion and it passed, 4-0-0. TB, LD, TJ, HS.

#### **b) HDC 18-107 (continued from the meeting of May 2<sup>nd</sup>)**

Application by **KA Bazarian**, on behalf of **509 Commercial Street, LLC**, requesting to raise a structure 9' to meet FEMA regulations, to remove and replace a deck and enclose the area beneath it on the south elevation and to construct a stairway for egress on the west elevation on the property located at **509 Commercial St.**

Lester Murphy presented; said he had a signed time-waiver requested in order to do some re-design on the façade of the building and see if it might be possible to move it back.

TB made a motion to accept the time-waiver; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

TB made a motion to continue the decision to the meeting of June 6<sup>th</sup>; LD seconded the motion and it passed, 4-0-0. TB, LD, TJ, MCM.

- c) **HDC 18-160** (continued from the meeting of May 2<sup>nd</sup>)  
Application by **Steven Cook**, on behalf of **Matthew Metvier & Ricardo Gessa Abreus**, requesting to demolish a one-bedroom cottage at the property located at **7 Bradford Street** due to rot, deficient framing and lack of a foundation.  
No one presented.  
AH distributed drawings. TB read request to withdraw the tear-down and re-build; a new historic application has been applied to the June 6<sup>th</sup> meeting based on a design change. AH said HDC does not need a time-waiver in this case, noted that 7 Bradford had two buildings.  
TB made a motion to accept the request to withdraw; LD seconded the motion and it passed, 5-0-0 TB, LD, TJ, HS, MCM.
- d) **HDC 18-201** (continued from the meeting of May 2<sup>nd</sup>)  
Application by **Lisa Pacheco Robb**, on behalf of **Richard Berry**, requesting to add a front porch and an addition on the west elevation of the structure located at **10 Whorf's Court**.  
Lisa Pacheco Robb (LPR), Dick Berry (DB) and Jean Berry (JB) presented. MCM and TJ apologized to the applicants for not being able to hear the case at the last meeting due to lack of quorum.  
LPR said original drawings done by someone else had not shown a railing on the front porch, but that everything else in the revised plans was the same, distributed new drawings. LPR said she cut down the size of the columns and added the proper piece to the column, hoped that the current drawings answer all concerns. TB and MCM remarked that the changes as improvements looked very good.  
LD noted that now it was an asymmetrical look but the house was symmetrical, asked if LPR would consider going full length. LPR said they couldn't due to the property line and are extending the porch as far as they can without requiring a variance TB said he thought a three-quarter porch looked good.  
LD remarked on the distance between the windows, asked if applicant would consider losing one of the windows and rearranging them so there is a look similar to the original building; two windows instead of three, or a skylight, as it strikes her as very modern. LPR replied that the spacing is identical to the rear addition, but owners were fine going down to 2 windows.  
TB made a motion to approve as presented for plans dated May 2, 2018; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM. .
- e) **HDC 18-224** (continued from the meeting of April 18<sup>th</sup>)  
Application by **Attorney Lester J. Murphy**, on behalf of **Cape Cod Pilgrim Memorial Association**, requesting to construct a funicular and make other site improvements, including adding an entryway, kiosk, funicular pavilion, tracks and a landing at the crest of a hill located between **Bradford Street** and **1 High Pole Hill Road**.  
Lester J. Murphy (LJM); Courtney Hurst (CH), President, and Paul deRuyter (PR), Trustee of Cape Cod Pilgrim Memorial Association (CCPMA); Dr. David Weidner (DW), Executive Director of Pilgrim Monument and Provincetown Museum (PMPM); Rick Fenuccio (RF), President and Tom Swensson (TS), Project Manager, of Brown Lindquist Fenuccio & Raber Architects, Inc.; Jay

Norton (JN) of Coastal Engineering Co.; David Hawk (DH) of Hawk Design, presented.

### Update on Funicular Design

LJM introduced the panel and noted that changes would be presented today based on the HDC and public feedback from the last meeting.

CH spoke of the encouraging impression gathered from the last meeting in that there was a majority consensus among the board to accept the concept of the funicular but with a request to revamp the design; said they incorporated all of HDC's ideas and changes while holding fast to the community input and letters which, she said, have come at 4-to-1 in favor.

DW gave good positive news that the community had received a 200k grant from the Massachusetts Cultural Council for the construction of the funicular; read a letter from Catherine J. Lester of Brewster, a 91-year old former Provincetown and Orleans school teacher who spoke fondly of her experience with children at the PMPM, advocated for the funicular and the greater access it will provide the community.

PR reiterated his appreciation for HDC's input at the last meetings in providing the catalyst for change; said biggest change was proportional, cited building being lowered by 2', 2"; said it had been proposed larger to accommodate the cab, but in reducing the width the clearance now works. Other changes, per PR, concerned the columns which were 30" square and are now 25" square; said the finish of the granite façade will be rough and not polished and the color will conform as much as possible to the Bas Relief; and the cab changed from a glass cube and is now looking more like a street car form Europe or San Francisco with a metal finish.

### Massachusetts Historical Commission

MCM interrupted, said before further discussion of the design issues something needed to be addressed first, at which point LJM spoke of the funicular design that is being considered by HDC as also required to be reviewed by the Massachusetts Historical Commission (MHC) based on a years-old restrictive agreement policy.

LJM said the MHC was notified back in March of the funicular plans and the MHC had provided the CCPMA with a questionnaire which they filled out and returned and that their approval would be forthcoming.

MCM interjected, said that HDC was, in fact, not the starting point, that she had spoken with the deputy of the MHC which said it had no information on this project and that no design or construction aspects could be assessed until MHC weighs in on its ability to exist in the first place, which is also in HDC's purview to decide – independent of design; that she had done a lot of work on the subject and attended a seminar regarding preservation restrictions and that HDC would not be in a position to vote on the design at today's meeting.

LJM said he respectfully disagreed with MCM's assessment, said that CCPMA had to go through the permitting process at this juncture to be sure that HDC, Conservation and Planning are all satisfied with the project before they can go to the State, asked if HDC can show in writing which would need to come first. TJ said he didn't know if HDC could vote on this today. LJM

asked if HDC had consulted with Town Counsel before taking such a an important position.

LD asked if CCPMA had a copy of MHC's restrictive policy; LJM said said he did and that he had read it. LD said she did some research on preservation restrictions and noted that they do not specify any right way of doing it or guide to following protocol but said she'd rather see plans coming from HDC's design approval and then going to the State. MCM replied that MHC would not make a decision on design plans but would make a decision on if they would allow any changes to the land or the building. TJ added that as MHC was the one that put the restrictions in place, they would first have to remove them.

Jeffrey Ribeiro (JR), Town Planner, spoke, said he would agree with LJM that there is nothing preventing HDC from reviewing design plans and which does not negate CCPMA's need for other requirements and permits, and that, as LD suggested, it is prudent for HDC to have input in the project first in making sure changes are consistent with the restriction policy. MCM said she thought HDC should speak with Town Counsel before going any further on the decision.

TB said the matter was beyond his level of expertise and suggested taking a vote at this point to determine if HDC should continue with the case. LD asked what would be the outcome if HDC approved the plan and MHC said it is not permissible; LJM said then there is no funicular.

MCM stated that while she is 100% in agreement that PMPM needed to be made more accessible she was not comfortable moving on a funicular design plan until the State had issued its approval firsthand. TJ concurred. MCM said she felt it was misleading that CCPMA did not include the MHC restriction in their original application.

TB made a motion to see if HDC wanted to hear the funicular design plans today. LD spoke before the vote, said she felt a gateway to the PMPM might be even better than having a funicular, i.e., stairs or a shuttle bus. TB turned back to the vote, which resulted in 3-2; TB, LD, and HS in favor of hearing the case today, MCM and TJ against. The case continued.

### Re-design Plans Continued

PR introduced Oswald Groiber, a team member from Zurich, Switzerland and Outdoor Engineers who design and install the funicular.

TJ interjected, stated that the poll, even at 3-2 in favor, did not warrant continuation of design talks today until Town Counsel had a chance to advise HDC on the matter at hand. TB asked if HDC wanted a re-vote; TJ responded that the Town needed to figure out if it wanted a funicular first which LD said HDC could deliberate on after hearing the completion of the application's presentation. MCM said she strongly disagreed and TB instructed CCPMA to continue.

LJM made a comparison of the new plans and those of the past where now the top of the pavilion is about 2' lower than the top of the Bas Relief so as to not be overpowering. PR added that the CCMPA had spent 18-months on just the pathway including soil testing, drilling and so forth to test alternatives to the funicular access.

JN took the mic, said that their research on substantial stair options would require a lot of material on the hill and create more disturbance to the

landscape; a lot of switchbacks to make it work and would not be handicap accessible, so the funicular proved more environmentally sensitive and accessible.

MCM sought confirmation that the entrance now is handicap accessible and JN confirmed it was, but only at the top. PR pointed out that Provincetown is a pedestrian destination; that the vast majority of people have already parked their cars so a more ADA plan will add a whole other dimension and also include kids, mothers with babies. JN added that walking up the hill and then walking up the Monument might be a bit of a task.

### Public Comments

MCM read a letter in favor of the funicular from Robin Lapidus, Executive Director of the Provincetown Business Guild (PBG) citing tourist benefits.

MCM read a letter opposed from Lauren Richmond of 36 Commercial St. who referenced alternatives such as better signage, painted footprints with arrows, an installed kiosk at Bas Relief with maps and brochures and interpretive guide, golf cart-type or shuttle bus.

Paul Textera (sp) of 116 Bradford St., noted ill-conceived green footprints on Commercial St. of the past; said he was an abutter and found it hard to believe that the drawings and renditions before HDC and the public today were accurate and strongly urged HDC to get better representation of the plan; said that this project will forever altar the view of one of the most recognized and photographed town areas which would have raised elevated tracks and is a view that will be taken away from everyone.

Peter Pedus of 463 Commercial St. spoke, referenced previous straw vote by HDC, said research found him hard-pressed to find a funicular in this part of the country, apart from one in Mt. Holyoke; encouraged a more formal discussion than just a temperature taking and would leave the design decisions to those more qualified than himself.

TB read a letter in favor from Joachim Sandbichler, owner of Pepe's Wharf, who said the Monument was one of his favorite parts of town and enjoyed riding funiculars whenever he got the chance.

TB closed Public Comments.

### HDC Statements

MCM restated her position that the State must first decide on the permissibility of the funicular before HDC can weigh in on the design aspects.

LD asked where they were in terms of public opinion and letters; LJM said it was about 3-1 in favor; DW said it's been quite favorable also on social media. MCM countered that has not been her experience and except for two people she spoke to who were in favor, including one on the design team, everyone else she had spoken to was against it. LD asked if the opposed was a loud minority or, as TJ suggested, those in favor were a loud-positive.

MCM asked how many letters in favor are in-kind to which LJM said still signifies support, even if it's a form letter.

TJ said of the approximately 50 people he's spoken to he heard two positive which were very qualified; one saying it should run all year. PR said a well-attended meeting for the DCI (Development of Community Impact), which was the 4<sup>th</sup> such forum on the innovation and which was taped for public viewing, was over-whelming positive in every way.

LD said she had no horse in the race and that, for her, this was about information gathering; that when she first heard of the funicular she didn't get it but then thought about the importance and significance of the PMPM which she feels is very high quality and yet is underutilized and that, because of the uniqueness of Provincetown, a funicular could be appropriate; said she's heard a mixed reaction in terms of for or against; that people ask what will happen if it fails and that she noted a process to their thinking; that she has probably heard 50/50, for and against.

HS noted that on the street there are mixed feelings, but agreed with LD that opinions started out vague or thinking it crazy to then coming around to the concept; cited letters in past meetings as maybe 38 letters for and 9 against and suggested that those against make their objections better known for clearer representation.

TB said he felt that early on it was 50/50 but after time he's found more people to be against it, but suggested these opinions come from locals who might think they wouldn't use it; noted two town populations: townies and tourists and that the tourists should be considered for their contributions to the Town and that they would probably love it. TB spoke in favor of the project, the need for a PMPM front door and took back comments about it needing to be wooden and said he found the designs were tasteful; asked if renderings were fair depictions for the sake of the abutters.

TS addressed the designs, pointed out that the designs presented were a very accurate rendition of the proposed, intended look. TB said he felt there was enough distance between the pavilion and the Bas Relief to be respectful and that the funicular would be to the right, not running up the middle of the hill; felt there is a cost associated with a sacrifice of the landscape and the question would be if the benefit of the funicular is worth it in this regard; also said he thought it would be properly maintained throughout the year.

LJM said there would be additional landscaping to soften the look even more. MCM cautioned against HDC getting into design approval before knowing if the innovation would be approved and noted HDC was informed the project would involve 18 months of construction at the center of town. JN said it was not an 18-month construction process; that there was fabrication time included in that time-frame that would not involve construction. DW said the hope was to have the funicular and grounds in place by 2019 to be ready for the 2020 pilgrim celebration.

A man from the public spoke up, noting that the Bas Relief re-vamp would also involve construction time, to which MCM said she didn't want added to.

TJ reiterated his position and gave voice to those he said were in town and against it as it would change forever the look of the center of our historic town; that he thought he'd never get to a point where he thought the funicular was a good idea. MCM repeated her concerns that Town Counsel was sought before any further in-depth discussion or vote should occur.

TB asked if they'd consider staking out the design on the lot. LJM said it would be part of the process. JN and replied that they could stake out the plans before June 6<sup>th</sup>. LJM said his concern was with the current state of ambiguity among HDC. To that effect, TB took a poll to determine HDC's approval or not of the concept of the funicular, independent of specific design or State approval. Poll showed TB, LD, HS in favor; TJ, MCM opposed.

TS referenced a fly-over they had on the DCI which is available on YouTube and on the PMPM website. MCM said HDC would also like to see the plans staked-out and asked when CCPMA would start the review process with the State. LJM replied when they received HDC's support. TB said they need not wait for HDC's determination to proceed with seeking State approval and that HDC should be prepared to make a design decision by June 6<sup>th</sup> after reviewing the stake-out. MCM and TJ said they wanted as in-depth a stake-out as possible with a tour led by the team. TB clarified the stake-out should include the structure and the sidewalk leading up to it and the rest HDC could probably fill in the blanks on.

TB made a motion to accept the time waiver; TJ seconded the motion and it passed, 5-0-0. TB, TJ, LD, HS, MCM. TB made a motion to continue the decision to the meeting of June 6th; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

f) **HDC 18-228**

Application by **Mark Kinnane, of Cape Associates, Inc.**, requesting to raise the foundation of a structure 1' on the property located at **51 Commercial Street**.

Mark Kinnane (MK) presented; said all three buildings incurred significant damage from Jan. storms; electrical systems totally fried, first floors flooded with at least 6-8"; said prior to damage, front building didn't get raised at all, foundation was going down about 4" based on joists; middle building was below grade originally and was to be raised nominal amount to third floor of 10.5; same with third building - to be raised nominally above the ground. But, he said, from the flooding, the applicant is seeking to conform to the 9<sup>th</sup> Grade of the Building Code and raise the foundation 1'.

MCM asked of height requirement as they did a site visit that day and spoke to builders who said that the buildings, raised to do current work, would be going down by a foot. MK said he wasn't sure who MCM had spoken to but the building would be coming back down to an appropriate height of the existing foundation. LD asked if it would be a brick veneer; MK said it was a real brick but cut in half; that the mortar lines will match what is there.

No public comments or letters.

TB made a motion to approve as presented; LD seconded, and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

g) **HDC 18-236** (*postponed from the meeting of May 2<sup>nd</sup>*)

Application by **David Balardini**, requesting to install a fence on the property located at **8 Conwell Street**.

David Balardini (DB) presented; said they had purchased the property in February and requested a privacy fence, 4' at the highest point, to run along the side and in the back.

TB made a motion to approve as presented; MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

h) **HDC 237** (*postponed from meeting of May 2<sup>nd</sup>*)

Application by **Patricia Bruno**, requesting to replace an existing shed and fence on the property located at **17 Alden St.**

Patricia Bruno (PB) presented; requested to replace rotting shed on same footprint; reported that her Standish St. neighbor's garbage keeps spilling onto the property as her pets drag out the food, pails never covered; said she was aware she was asking for a higher fence than is normally approved but cited health and safety issues and her neighbor living across the street anyway; also requested to put a lower, picketed fence where a stockade fence had been in the middle of the property which fell down; on the shed, requested to put a cupola and little cute weathervane; said shed would not be a greenhouse as the previous one was, wanted instead to use as storage.

No public comment or letters.

MCM said she felt they could make an exception for fence height due to sanitary reasons. TJ asked per fence rail, if it should be captured; TB said it should probably not be captured, that the top rail should be removed. TJ asked how high would be weathervane as it looked quite high and to be squashing her cupola. PB said she copied the whale design of the cupola on Center St. and, as such, might be smaller.

LD said she thought the cupola was adorable, but HDC prefers the fence be pointed; suggested a 3' would be more appropriate, which would be easier on the wind, noted as the fence was at the rear of the property it could be tall. AH remarked that the fence sat on a through-lot and PB verified the rear of the property was Standish St.

PB approached the panel for clarity on design. TB said he felt the fence was fine; LD said the picket was in HDC's policy.

TB said the shed was quite visible and the profile should be maintained. PB replied that she is not using it as a greenhouse; thought the current shed was 9' at its highest and that it had complied with restrictions at that time; that the new shed would not have a door, but a window. TB said he had a problem because PB was changing the shape of the building and it should have an off-set ridge, that even for a little shed, the proportions were wrong.

PB approached the panel again and clarified the new shed perspectives. LD agreed with TB that it is highly visible from Alden St. and Standish St., but thought that as it is a shed and not a cottage, she was fine with it. TJ agreed with TB that the roof line was better when it was asymmetrical. MCM said she was prepared to accept as is.

LD noted that PB was going from 80 square feet to 124 square feet, which is more than 50%; HDC agreed the height needed to be 9' and PB said she'd talk to her shed guy.

AH said they need to be careful eliminating the current structure as she deserves a side yard set-back line of 5'. HDC poll proved three in favor of an asymmetrical design.

TB made a motion to approve the 3" wide dog-picket fence greater than 4' fence on the condition that the new shed design is continued to the meeting of June 6<sup>th</sup>. TJ seconded the motion and it passed, 5-0-0. TB, TJ, LD, HS, MCM.

TB made a motion to accept a time-waiver. TJ seconded the motion and it passed, 5-0-0. TB, TJ, LD, HS, MCM. TB made a motion to continue the decision to the meeting of June 6<sup>th</sup>. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM. PB said she would try to be prepared by June 6<sup>th</sup>.

i) **HDC 18-243** (*postponed from the meeting of May 2<sup>nd</sup>*)

Application by **George Tagaris** requesting to amend previously approved plans to change locations and sizes of windows, to remove decorative trim, a skylight and a spiral staircase and to install a staircase on the east elevation of the front structure and to construct a boardwalk on the west elevation of the beach front structure on the property located at **143 Commercial St.** George Tagaris (GT) and Ron Shergold (RS) presented separate drawings for two structures; said they were changing the top window in the front building from 2-over-1 to 2-over-2, which was a typo on original drawings; request to remove decorative side-trim on east-west elevations which, RS said, was to keep the building more historically significant.

GT continued, requested to remove 5<sup>th</sup> skylight and keep 4 on the east elevation facing Fisherman's Cove; scrap whole staircase plan and reduce one spiral staircase and shift it to the east side; potentially do a storefront in the front of the building and single family unit; shifting a couple of square windows into standard sized windows which were approved on the east elevation.

TJ asked what prompted all the changes; RS said a desire to make the building more representative of the original building that was torn down, reduce mass.

AH said she and GT have no issues; yet. TJ referenced the man who appeared at the May 3<sup>rd</sup> meeting to oppose these plans. RS said he was present for another purpose. MCM responded that the man's complaint could not be addressed at length in his absence.

GT said he took a meeting with the 145 Fisherman's Cove Condominium for their review. RS referenced close to seven meetings to get the plans right and approved and the abutters would have been properly notified.

GT presented the second part of the application which concerned the beach house; said original design had a lower height before FEMA codes changed in 2015; highlighted addition of elevated boardwalk for compliance. RS said Conservation Board required a meandering path which GT said was to build up the sand dune and prevent flooding and that the driveway was between 141 and 143 Commercial St.

No public comments.

TB read a letter in favor from direct abutter, Larry Hyer, at 145 B-5 Commercial St.; second letter in favor from abutter Scott O'Barr of John Milner Architects, 145 Commercial St., Unit MF.

Public Comments closed.

HS noted exceptions made when property is on the water-side. MCM said she felt the boardwalk was quite extensive and requested wood railing for historical integrity, which TJ concurred. GT said it would be incompatible and a wood rail would need to be replaced after three years.

TB said he found the changes to the main house beneficial including window changes, reduction in skylights. GT said they were approved by Conservation for an amended boardwalk of about 60'.

LD said it was only on the bayside that HDC allows stainless steel cable or balusters, but not on the sides, so the design often changes. GT said if he could do posts in steel he'd have wood slats, but TB said it would have to be the other way around. TB said a benefit of a steel cable structure is it makes the property more visible; referenced historic-looking railing design wherein wood cap and posts are used but cable between wood planks.

GT said the majority of the visible aspect is Flyer's Boat Yard, which MCM said is visited by hundreds of people every day. RS said they have used black matte steel and an epée rail which, he said, blends in well.

LD said she felt HDC agreed on wanting some sort of wood and that she felt the applicant could be creative in finding a solution. TB said he would photograph a design he had in mind and forward it to the applicant.

TB made a motion to accept as presented with the condition that the railing on the rear structure be a combination of wood and steel cable and HDC see corrected drawings, pertaining to the stairs. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM. TB commended the applicant for being open to proposed changes in the course of their plans.

j) **HDC 18-246**

Application by **Christopher Flint** requesting to replace a fence in kind at the property located at **22 Franklin Street**.

Christopher Flint (CF) presented; spoke of a gradually collapsed fence and grade changes; blue to match green.

TB asked why it came in as a Full Review and CF said it was due to the design changes.

TB made a motion to approve as presented; MCM seconded the motion and it passed, 4-0-0. TB, LD, TJ, HS.

TB made a motion to take a 5-minute break; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

k) **HDC 18-248**

Application by Alfred J. Pickard, on behalf of **129 Commercial Street Corp.**, requesting to raze an existing structure and rebuild with a larger footprint on a new foundation at the property located at **129 Commercial Street**.

Alfred Pickard (AP) presented; referenced the project went before the board in 2016 but it was never undertaken, but now wants to continue the design, seeking an extension after the fact.

No public comments or letters.

TB said he recalled the original application and noted the existing buildings are in sad shape. MCM said she would accept as is.

TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM. TB reminded AP he had one year.

I) **HDC 180-249**

Application by **Custom Crafted Homes**, on behalf of **Jeffrey Giles**, requesting to rebuild the southeast elevation of a structure, including adding a farmer's porch, enlarging windows, adding dormers on the northeast and southwest elevations and to slightly expand the rear of the foundation of the structure located at **6 Atwood Ave.**

Jeff Baroni (JB), builder; Matt Langis (ML), Senior Designer and Peter Sandorse (PS), Principal of Phoenix Architects, presented.

JB gave an overview, said they wanted to go backwards, peeling off vinyl siding and wrap trim, removing 1960's bay window and then go forward, involving getting more usage from 3<sup>rd</sup> floor; gables on right and left hand side which would give views of the Harbor on two sides as well as from a deck; using Anderson A-series, true divided light, 2-over-2s; blown-out rakes, panelized, round columns on front porch; clapboard on front painted with Benjamin Moore light grey, pre-dipped cedar shingles; windows in white, trim in black; addition of stairway would allow access from 1<sup>st</sup> to 3<sup>rd</sup> floor and eliminate the asymmetry.

PS added that previous repairs were done flimsily and without care and replacement windows, while 2-over-2s, were junk; Bay inserted sloppily; cedar shades had been sprayed to resemble vinyl-wrapped clapboard; referenced original request for Azek decking but decided in favor of redwood.

No public comments. AH read a letter in support from abutters Jerry Ecklund and Gary Colbert of 12 Atwood Ave, Unit 2.

TJ asked applicants what was client's goal. JB replied to make the house more livable. TJ said he was pretty depressed with design as he found nothing historic in it, while it is impressive; questioned adding mass and raising roof ridge as they already have lots of bedrooms.

TB asked for height increase on right part; JB said by about a foot, that they could maintain the current ridge line.

MCM said everything that can be done to make homes more livable is a good thing, but felt there is too much mass; would like to see something more appropriate with surrounding homes not dwarfing other properties.

JB asked if the gable on the right hand side was acceptable or would HDC prefer to see a shed. MCM said she wouldn't be opposed to giving a bit more space but asked how many bedrooms are really needed. JB said whole first floor of house will be a kitchen. AH cautioned discussing interior design.

HS said the mass was huge and she understood having to move two bedrooms to the upstairs but remarked there seemed to be too much to the left side,

LD said the most important part is preserving the old building and so everything to the left of the building being new is subject to different rules; dormers should be significantly lower than main ridge which is the HDC standard; said the porch added charm and didn't think it was inconsistent with HDC guidelines; the windows look wider in some pictures; said east house is distantly visible which is why HDC might be allowing for more than it would if

the house was sitting on Commercial St.; said they'd eliminated all the positive space on the first floor which is a very un-historic move.

MCM added that she liked the porch but that the chimney would not be allowed to be removed under HDC guidelines; suggested it might be appropriate to alter dormers to better conform to original look.

TB said he agreed with what has been stated by the others and noted the simplicity of the house; said he thought the asymmetrical window placement should stay the same, not make windows bigger; that he would go along with the others on the porch; that round columns are wrong; three gabled windows is too much; asked if there was a roof plan; suggested shed dormers would be more appropriate than gables; bylaws are clear in not allowing roof decks.

LD said the roof deck was not visible from the street and that in the past HDC has allowed for a 1' increase on the roof line.

JB said they will keep the existing roof pitch and existing rake, will repair it to as it is; only issue now is the left and how to keep those proportions aligned. LD said again that the roof deck is not visible and so is outside HDC's guidelines and MCM said removable planters could be an option.

TB congratulated the applicant on their asset and work to make a contribution to the town; TJ added it's a beautiful house.

TB requested to get new designs by June 6<sup>th</sup>. JB asked of they could get some preliminary sketches in prior to the Thursday before deadline for the June 6<sup>th</sup> meeting, but TB cited the need for public notice.

TB made a motion to continue the decision to the meeting of June 6<sup>th</sup>; TJ seconded the motion and it passed, 5-0-0. TB, TJ, LD, HS, MCM.

**m) HDC 18-251**

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Mark Boucher & Peter Gherardi**, requesting to construct two bays on a west elevation and a screened in porch on a south elevation, to remove, relocate and install windows in various locations, to install painted red cedar shake siding and new trim on a structure and to replace an existing fence, gates and arbors on the property located at **15 Atwood Avenue**.

AH presented an extension request.

TB made a motion to accept the time-waiver; MCM seconded the motion. TB made a motion to continue the decision at the meeting of June 6<sup>th</sup>. MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

**n) HDC 18-252**

Application by **Holly Tarleton**, on behalf of **Michelle O'Connor-St. Pierre**, requesting to rebuild a front porch and deck above on the south elevation and to replace red cedar clapboards on the south and west elevations and a south fence in kind on the property located at **452 Commercial Street**.

TJ recused himself, sat in public seating.

Holly Tarleton (HT) from Art of Construction presented; noted pre-approval by an architect but then learned the plans had not been approved by HDC based on the columns; said she had sought approval to wrap columns in wood, but had gotten a sense that would not get approved and so informed owners, suggested they stick to round columns as originally approved; said architect had put down 4x4 columns wrapped, which were not to code; found a resolve but then received a stop-work order and have re-submitted everything that had been pre-approved at the beginning; now understood

diagonal lattice or plastic is not acceptable and so have stipulated in new pictures removing those elements and to go to wood.

Peter Petas (PP) from the public, presented two letters to HDC to be read into the record.

TB read a letter against from abutters Seth Kaplowitz and Elena Ende and another against from a collective of abutters including: Peter Petas and Ted Jones of 463 Commercial St.; Chris McCarthy of PAAM; Seth Kaplowitz and Elena Ende of 457 Commercial St., Jim Anderson and Orson Watson of 448A Commercial St.; Sacha Richter of 459 Commercial St.; Jacky Abromitis and Kathy Ulysse of 448 Commercial St, Unit 2; and Matthew McKeon and Joe Griffiths of 448 Commercial St., Unit 3.

PP thanked TB for responding to the letter previously and informing the abutters that he and HDC would be working with AH on a resolve.

TJ took the mic and spoke of what he said was a sad situation, reading a statement against the applicant's lack of recognition per HDC's approvals and how new design plans would not bring the property up to code; reflected abutters' recommendation that the antique home be returned to original look using traditional techniques in seven guideline steps addressing columns, the porch and parking issues; included photographs in the abutters' proposals.

HT presented previously approved plans from the Building Department which TJ said the abutters had never received. AH clarified TJ was speaking as from the abutters' group and not HDC when he using "we."

TB said the cantilever is not at all clear and asked HT for clarity on turned-post. TJ referenced the meetings from last spring when HDC said they would approve with four changes, including round turned-columns and that these plans were issued after those approvals. TB stated the need for HDC to start fresh and that the picture is the best reference at hand. LD noted the turn-columns as too small but TB said they come in varying sizes. AH said the ones with more details will tend to be larger.

MCM said she couldn't vote on this because she wasn't on board but said her understanding was that more information was requested and was not provided, advised HT take photo with her to re-submit new plans. AH said MCM would be permitted to vote as it's a new application.

HT said the owners had just spent 6k to install these current turn-columns. AH spoke of the need for securing a code compliant second floor deck that is not lashed to the interior of the house.

TB made the provisions as such: the column width and depth need to be reduced, cantilever needs to go away, the deck heights should revert to where they were and the applicant has a choice to leave roof deck open; suggested applicant is starting over.

LD said she wasn't seeing what TB sees. AH said the building is pre-existing non-conforming and the applicant has some right to revamp based on those attributes. HDC discussed definition of acceptable turn-columns.

HT said she would remove the lattice and apply square lattice, turn-columns and railings; columns would 4, 6 or 8" way from house.

MCM said she would recuse herself from voting as she didn't think she could vote and so had not prepared herself on the case, informed HT she would need all three HDC members voting to approve.

TB recommended continuing the case with new drawings to June 6<sup>th</sup>; MCM seconded the motion and it passed, 4-0-0. TB, MCM, LD, HS.

**4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN**

HDC 18-236, to be read by HS.

HDC 18-246, to be read by LD

HDC 18-201, to be read by TJ.

HDC 18-248, to be read by TB.

MCM left meeting at 8:00pm.

HDC elected to read into record any prepared meeting minutes at a future meeting.

TB made a motion to adjourn the meeting at 8:08 pm. TJ seconded the motion and it passed, 2-0-0; MCM, TJ.

Respectfully Submitted,  
Jody O'Neil