

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

**WEDNESDAY, JUNE 6, 2018**

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

Excused Absence: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep; Marcene Marcoux, Vice Chair, Chamber of Commerce Rep.

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

LD called the meeting to order at 3:34pm, announced that she would be acting Chair at today's meeting due to Commissioner Biggert being out with family issues and Commissioner Marcoux out sick. TJ was delayed at the start of the meeting while in private consult with Ilana Quirk in the Town Hall foyer.

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

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

AH asked who had seen the modified posts at **17 Center St.** LD said she did; MCM that she did not. AH remarked posts had been cut down but were still a bit taller, asked if HDC was satisfied with that remediation. LD requested to await decision until TJ had returned to the meeting in order to have three sitting board members on the case.

AH reported an emergency situation on the roof at **4 Atkins Lane** just before Memorial Day; work exposed rotten joists, said an item is on the agenda today per asphalt shingles.

AH referenced the dish satellite at **15 Cottage St.**, which had been mounted on the side, against HDC guidelines, and which had drawn a neighbor's complaint and was reviewed by HDC in two photographs. AH read into the record the solar panel exclusionary bylaw, 15-9-1-17 which provided for minimum equipment and minimal visibility. LD said it would have been more sensible for them to place the unit below the ridge of the roof, but that it had minimal visibility from the front facade. MCM noted it was removable and didn't have a problem with it. AH said she was looking for guidance in response to complainant.

MCM raised the issue of a stone wall going up on the corner of **Law and Commercial Sts.**, per TB's e-mail. AH said this item had been brought up a prior meeting by TJ; that there had been a concrete wall there previously and they are getting the best bang for their buck by using techo-block; will be a picket replacement fence as before in front of wall; work is not yet done;

bollards that are visible are 6" and are at **394 Commercial St.**, now a little further from the lot.

MCM asked for updates on **99 & 101 Commercial Sts.**; AH said there were none as she is working on several items in that case.

LD asked for TJ's input on the fence at **17 Center St.** TJ said he had seen it at a site review with LD and was fine with it as is.

TJ reported the following to AH:

**5-7 Point St.:** windows were reported as having been installed without a building permit or design review; TJ said it's been discovered that all three owners have changed fenestration without permission from either the Town or HDC; asked if other two owners could be called in to address the situation; that now there are three different window types. AH said she'd have to double-check on the process; the owners who affected the window change-out might not be the owners in question; said she was the one who initially spotted the discrepancy during a drive-by.

TJ mentioned a metal exhaust pipe he noted coming out of **444 Commercial St.**, which AH said is due to the chimney installer who assumed it was covered under the permit; said they were aware of the assumed violation and would make application.

MCM added that she's noted a chimney on the street-side of Nickerson and Commercial that was changed and does not appear to match the grilles in the area; said she'd check address. AH said she thinks it's **76 Commercial St.**; MCM said it was the one in the back.

**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 20, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

- i) 592 Commercial St. (continued from the meeting of May 16<sup>th</sup>) – To replace 10 windows in kind.  
No one presented.

LD gave highlights of the application, noted seven 6-over-6s and three 2-over-2s to be replaced in kind. MCM said HDC had been approving these; TJ asked per azek trim.

LD made a motion to accept as Administrative Review; MCM seconded the motion, and it passed, 4-0-0. LD, MCM, TJ, HS.

LD made a motion to accept as presented with the condition that the trim be wood; HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

- ii) 12 Cottage St. – To replace 2 doors in kind.  
Joaquin Wheeler presented; said doors can be seen from the street; one is a 6-panel pine door – an emergency access door not really used; other

is glass with three horizontal panels, which will be wood, as seen in picture; noted fiberglass was not available with horizontal panels.

LD made a motion to treat as Administrative Review; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

LD made a motion to accept as presented with the condition that the doors be wood. MCM seconded the motion, and it passed, 4-0-0. LD, MCM, TJ, HS.

LD made a motion to consider the following for Administrative Review:

iii) 160 Commercial St.; iv) 308-310 Commercial St.; v) 45 Commercial St., #16; vi) 4 Atkins Lane; vii) 15 Commercial St.; viii) 560 Commercial St.; ix) 167 Commercial St.; x) 193 Commercial St., #A U6; xi) 145 Commercial St., UM1C; xii) 27 Winthrop St.

MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

iii) 160 Commercial St. – To replace roofing clapboards and gutters in kind. Jennifer Cabral and Ian Leahy presented, said south-facing roof pitch was made with sub-par materials and leaked more after repairs; new roof would look the same, but not leak.

LD thanked owners for all they've done maintaining what she said was one of the most beautiful historic homes in town.

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

v) 45 Commercial St., #16 – To reduce the size of a deck, add azek decking and stainless steel railing and cables.

Josh Piper of Cape Associates presented; cited wood exterior trim.

TJ asked if they were replacing it with something more appropriate.

Josh Piper replied that he didn't have direct communication with the client. TJ said it was probably an unfair question in referencing what appeared to be a run of octagonal windows in the 1980s. MCM said she was fine with it as it's replacing in kind.

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

vi) 4 Atkins Lane – To remove and replace a window in kind.

Josh Piper presented.

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

viii) 560 Commercial St. – To replace windows in kind.

AH announced that this application was the result of an act of vandalism to an upstairs plumbing fixture with full bore water running over a tub into the first floor and basement.

Jason Culy of Whelan Restoration presented said windows are not Anderson, but the weighted wooden variety which may be the originals, some are on the front and that some could be weighted glass; said the cost to repair would be more than to replace.

LD said the ones nearest to the street would be requested to be repaired and if they are too far gone to be repaired than replaced with wood, the Brosco type.

Jason Culty said the owner is requesting to place a transom above the one window of the left elevation, to which LD responded, would have to be a Full Review. Jason Culty then confirmed that the only item that can be approved today is vinyl on the left elevations and that wood on the front or visible façade would not be a problem.

LD made a motion to approve replacement of side windows on porch with Anderson, true-divided light and if needed wood units in front. MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

TJ asked per the delay as the application was submitted on Dec. 18, 2017. AH said the delay was not due to HDC.

ix) 167 Commercial St. – To replace shingle and box trims.

Laurie Ferreri from Peter's Property Management presented; said owners wanted to use azek in the chimney box as it's really high and as a condition of maintenance.

TJ asked for age of shingles and why they went bad. Laurie Ferreri said possibly due to age; that they won't be able to tell it's azek but TJ said you always can. LD said HDC sparingly allows azek and in this situation where it is so steep and maintenance could be problematic, this could be acceptable. AH said it's a mixed-use property, business and residential; Jo Hay's gallery, the Banner, among others. MCM said that while HDC doesn't usually approve azek in the residential zone, this could be okay. LD made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

LD made a motion to postpone the following Administrative Review cases to the end of meeting: iv) 308-310 Commercial St.; vii) 15 Commercial St.; x) 193 Commercial St., #A U6; xi) 145 Commercial St., UM1C; xii) 27 Winthrop St. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

LD made a motion to accept as Full Review the following cases: viii) 348 Commercial St.; xiv) 3 Cook St.; xv) 199 Bradford St.; xvi) 22 Bangs St. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

**c) Review of Minutes.**

LD made a motion to postpone the review of minutes until the end of the meeting. MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

**d) Any other business that shall properly come before the Commission**

Fine Arts Work Center

Paul Kelly and Michael Roberts, Executive Director, presented. Paul Kelly addressed details on mounted design plans; spoke of major improvements to open up court yard and make the space more user-friendly; suggested two large glass garage doors and a reconfigured front wall.

Paul Kelly said it was FAWC's 50<sup>th</sup> Anniversary year and that there were plans to fundraise; confirmed to LD that the property was visible from Pearl St. MCM and LD remarked that a garage door had just been approved at Bayside Betsey's on the water-side of Commercial St. and both said they would be comfortable with designs plans that fall within guidelines.

TJ asked what amount of the property is historic. Paul Kelly suggested a section probably built in the 1980s and another in the 1990s and said they are considering solar panels and asked if there was an appropriate angle to them as it was not in the rules. LD replied that solar panels have been allowed on all but the very front facades and even then if it's a flat or flat-ish roof, or set back a bit and not highly visible, these too can pass.

Michael Roberts thanked the HDC and said they would have complete architectural drawings with their future application. LD suggested having options. TJ congratulated MR on FAWC's 50<sup>th</sup> anniversary.

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

None.

LD closed Administrative Reviews and opened the Public Hearing at 4:26pm.

## 3. Public Hearing: VOTES MAY BE TAKEN

### a) HDC 18-056 (continued from the meeting of May 16<sup>th</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 Street, Rear**.

Lester J. Murphy, Mark Hammer and Don DiRocco presented.

Lester Murphy said they'd have to continue the decision at the next meeting as there were not three sitting board members on the case at present. MCM suggested the applicant consider withdrawing without prejudice as they could then possibly gather a full board going forward. Lester Murphy declined, said they would take their shot at the June 20<sup>th</sup> meeting. LD remarked respectfully that the applicant has not come before HDC for about three months. Don DiRocco said it took a lot of redesign in working with the client.

Don DiRocco said they ran into a Chapter 91 situation so the shack would be moved to No. 53.

LD made a motion to continue the decision to the meeting of June 20<sup>th</sup> at 4:00pm at Town Hall. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM. Ilana Quirk said everyone can vote on a continuance up to five members as designated by the Chair.

### b) HDC 18-107 (request to continue to the meeting of June 20<sup>th</sup>)

Application by **KA Bazarian**, on behalf of **509 Commercial St., 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 Street**.

Lester J. Murphy presented, spoke of same situation as with previous case in that there are only two sitting board members at present, and of new design plans to the front façade with attempts to try and move the building back from Commercial St, for compliance issues, requested to postpone the decision to the next meeting.

LD made a motion to continue hearing the case on June 20<sup>th</sup> at 4:00pm at Town Hall. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

LD made a motion to accept the extension; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

c) **HDC 18-224** (*request to continue to the meeting of June 20<sup>th</sup>*)

Application by **Attorney Lester J. Murphy**, on behalf of **Cape Cod Pilgrim Memorial Association (CCPMA)**, 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 Murphy presented; said the request to continue the decision to June 20<sup>th</sup> was put in writing last week after the applicant was informed by staff that today's meeting would not present a full five-member sitting board; added that in his 35 years experience it is customary to grant such a request; that this application has had a bit of a checkered past in that there are alleged ethical conflicts of violations by one or two HDC board members in what appears to be an Open Law violation wherein the application was discussed at an Administrative meeting without proper notification and suggested HDC received prejudicial information.

MCM said she felt she had been clear; that all four sitting today had attended the site visit and the one missing sitting board member, TB, is also the appointee of the Provincetown Museum and Pilgrim Monument (PMPM) and who was also not at the site visit and that TB, in his capacity, presents a conflict of interest in voting on this decision.

Lester Murphy said he believed the matter was looked into by staff and possibly counsel and it was his understanding there was no conflict of interest. MCM countered that she had spoken to the Ethics Board to which Lester Murphy asked if there was anything to that end in writing.

Ilana Quirk interjected, advised HDC to settle its vote on the continuance before giving voice to other concerns; said her experience is that these controversial cases are granted a continuation to have the full board compliment on hand. TJ asked if it was within the board's authority today to turn down the continuation. Ilana Quirk said it was and that the case could continue through Public Hearing and HDC gather information; or, HDC could vote to approve the continuation and then vote to close today's Public Hearing.

MCM said she felt it was improper that the applicant was notified that their appointee, i.e., TB, would not be at today's meeting and that their request is contingent on who they know would decide their vote favorably. Ilana Quirk said someone as an appointee is not a conflict, but that that person could make that determination him or herself.

TJ remarked that this vote would come down to the PMPM appointee; to which Lester Murphy clarified was not an appointee, but a designation with no financial interest in the PMPM; that TB was appointed to HDC by the staff and has no conflict in this case; also added that it is customary for staff to

reach out to an applicant when a full board isn't available for a meeting so the applicant doesn't tie up its associates to a meeting wherein a continuation is expected.

TJ stated that Lester Murphy had made the choice not to have all the actors in the application present, suggested that TB could be made to want to please the applicant with his vote and that the applicant was seeking to delay the decision to turn the vote in its favor. Ilana Quirk interjected, advised that a continuation would provide TB the opportunity to give voice to the presence or not of a conflict.

Rachel White called for point of order from the audience in asking how the current discussion had veered away from 53 Commercial St. She was advised that there hadn't been a quorum on that case and so the meeting had progressed.

Ilana Quirk reminded HDC that its only goal today was to present a fair hearing. TJ agreed and said he had written to Town Manager requesting access to Town Counsel but they had only had ten minutes in the foyer prior to today's meeting; to which Ilana Quirk said they could certainly complete their consult by 6/20.

MCM said it was a fair hearing today with these four members present; none of whom have any vested interest in the PMPM project. Ilana Quirk repeated that it is only up to that board member to determine a conflict of interest.

TJ said the other part of this quandary is that MCM and HS are alternates yet they're present at every meeting and should be respected for their votes. LD responded that in situations such as happen in the midst of winter when there are only three sitting board members at a meeting; the announcement is made public to that effect. MCM said that she'd been on HDC for three months but that this is the first time she'd been asked if she would be attending a Public Hearing and felt that every applicant should have that same consideration; to which Lester Murphy remarked that HDC had treated this case as if it was a lot more important as board members had vocally expressed.

LD referenced a previous poll wherein MCM and TJ were against and TB and HS were in favor, which left her on the fence; asked Lester Murphy what was the downside of withdrawing without prejudice. Lester Murphy said it causes a substantial delay, as this is a permitting process with other boards' involvement; and also incurs more expense.

Ilana Quirk spoke on procedural point in that HDC would need to close the Public Hearing to proceed. LJM said he would not withdraw.

LD made a motion to continue the decision to the meeting of June 20<sup>th</sup>. LD and HS voted in favor; TJ and MCM voted against; the vote was 2-2. Ilana Quirk then said the Public Hearing could continue.

No one spoke from the public. Lester Murphy reported new changes to the design plans including additional landscaping and proposals for screening on the side of the property aligning with 116 Bradford St. TJ said HDC appreciated having had the chance to attend a site visit as it was very helpful.

LD spoke of the site visit, that the front pillars would be slightly ahead of the Bas Relief and rear pillars slightly behind it, so the pavilion would be more or less aligned with the Bas Relief; asked if the final grade would make the top of the pavilion 18" lower than the top of the Bas Relief; which LJM said was his recollection. LD asked if the car of the funicular goes into the pavilion.

Lester Murphy clarified that it had to go into the end of the pavilion close to the hill. HS said the doors open on the left hand side behind the pavilion and exit on the right hand side when the car turns back down the hill.

LD asked if the pavilion was necessary; MCM questioned its usage. Lester Murphy said his understanding was that the pavilion would provide cover and would be open. MCM spoke of the disruption to the abutter; Lester Murphy said they were trying to get decibel levels and a sense of the sound involved in running the funicular and added that all the machinery would be at the top. HS said a sound recording would be helpful. Lester Murphy said one of the problems they've had is that the company that builds the funicular is in Europe and the specifics of the design had been sent in German; but are working out these details.

TJ said the reason he was against continuance was based on what came out of the last meeting that the State's land use approval had been left out of the application; that what is being proposed is a multimillion dollar people mover on the grounds of an historic landmark; remarked on what he felt were inferior design aspects amounting to a fancy bus shelter in Omaha, Nebraska and which failed to reflect a sense of history; that neither the Town nor the CCPMA had the capability to undertake the project and urged the applicant to seek advice from the State.

MCM said she felt there were three issues that needed to go to the State: Preservation restrictions; 200k grant from Mass Cultural Society (MHC) that, she said, is contingent with CCPMA filing a Project Notification Form (PNF) with MHC; the deed recording which mandates free parking at the top of the hill; said it was her understanding that these measures required by the State took precedence over any HDC design approvals. Lester Murphy responded that they had contacted the State at the end of February, beginning of March but remarked on the difficulty of going to the State with design plans that various local boards would not all sign off on; confirmed to HDC that they had not yet filed an application with MHC.

TJ asked Ilana Quirk if there a way to place the application on hold until they'd heard from the State; Ilana Quirk said no, that HDC could not force the applicant to follow that directive.

Lester Murphy requested to continue the decision to June 20<sup>th</sup> and said that Dr. Paul Weidner of PMPM had been attempting to make contact with the State. Ilana Quirk suggested that HDC request Lester Murphy personally reach out to MHC and report back with results by June 20<sup>th</sup>. MCM said she would like a PNF filed with MHC at the very least. Lester Murphy said he could but would have to file plans as currently rendered. MCM noted that MHC has 30 days to make contact after a PNF is filed and suggested the continuation reflect that calendar date.

LD made a motion to accept a time-waiver extension on the case to Aug. 1<sup>st</sup>; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

LD made a motion to continue the decision to July 18<sup>th</sup> at 4:00pm at Town Hall with the condition that the application be filed with MHC and information or feedback is provided the HDC. MCM seconded the motion and it passed, 4-0-0; LD, MCM, TJ, HS.

Ilana Quirk left the meeting.

d) **HDC 18-237** (continued from the meeting of May 16<sup>th</sup>)

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

No one presented. MCM said she recalled that Ms. Bruno had said the shed was from 1991 and since it was in her backyard perhaps HDC should consider approval. HS said she was in favor of it previously.

LD made a motion to move the decision to the end of the meeting; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

e) **HDC 18-249** (continued from the meeting of May 16<sup>th</sup>)

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

Jeff Baroni presented, distributed new plans; said they took HDC's advice and kept all windows as they currently exist, new units to be Anderson model; brought the plate line down about a foot and a half; put in double and triple windows and took HDC's advice to use shed dormers on the right and the left instead of gables; said the height at the edge of the dormers was 6' and that the roof ridge would not be raised; requested to take aluminum siding off and return to clapboard and cedar shingles.

No public comments.

AH quoted the bylaw for 3<sup>rd</sup> floor dormers which state that dormers, in a 2 and a ½ story structure, must be less than 50% of the contiguous roof in which they sit; said she had not seen new plans as they just came in today. LD cautioned the applicant per 3<sup>rd</sup> floor dormers; Jeff Baroni said they went through this with the State and his calculations have them well under 50%.

TJ said he liked the design but had one big problem which is the change in roofing on what he called the antique house and suggested a change that would separate the two buildings. Jeff Baroni said he thought that in a general sense this was do-able, moving the face-wall back could help. MCM said her only thing was a wish to see the roof line extend all the way across and to remove the dormers. TJ said they so dramatically altered the roof line.

HS remarked that the two little windows bother her but not enough to request a change.

LD spoke of the desire to retain the most historic part of any building that is being restored, noted dormers that are maintained do not significantly distract from historical building but is having a hard time conceptualizing the upgrade. Jeff Baroni replied that he could render the dormer appear as a separation.

LD reminded applicant to get design plans in by the Thursday before the meeting as it is hard to evaluate plans on the fly and added that porch columns looked more Williamsburg in one view.

LD made a motion to continue the decision to the meeting of June 20<sup>th</sup> at 4:00pm at Town Hall. MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

LD made a motion to accept a time-waiver for HDC 18-249; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

f) **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 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**.

Mark Hammer, Don DiRocco, Mark Boucher and Peter Gherardi presented.

Don DiRocco located the house as the one on the corner of Atwood and Tremont; said most of the work that was being done could be seen from the public way; all proposed work is on the Atwood Avenue or western portion of the building; additions are similar to ones done at 11 Bradford St. & Mechanic; opened-screen porch is largest feature in the design plan.

Don DiRocco said only fence work was to be done on the other side of bldg. – a wood picket fence of same height. Mark Bouher said they wouldn't be adding any additional fencing, but just replacing what is there.

Public comments: HS read a letter in support from abutter, Elizabeth Hynes of 12 Atwood Ave.; and a letter in favor from Peter J. Epstein of 29 Tremont St. who lives diagonally across the street.

LD read six letters in support: Adam Rogers of 10-12 West Vine St., Unit 3; Jeffrey H. Giles and D. Gary Griffith of 6 Atwood Ave.; Julie Smith of 62 Commercial St.; Jerry Ecklund and Gary Colbert of 12 Atwood Ave.; Al Cauzzo of 14 West Vine St., Unit 3; Donald Yasi of 14 West Vine St.

MCM said she and TB had gone on a site visit and liked the house and grounds but is concerned about the addition taking away from the ambience present garden, asked if they were interested in doing the same additions on the east side. Mark Boucher said the addition on the other side would be at the point of a present bathroom and they'd loose garage space.

TJ said he had absolutely no problem with any aspect of the design; asked if they were called ribbon windows; Don DiRocco said they were Muller windows. HS said she liked it and LD asked why they were upgrading the corner-boards. Don DiRocco replied they were keeping the cornice but wanted to update the corner-boards, which they were willing to take out if HDC had issue. LD said she thought it was very grand for the structure. Don DiRocco referenced the corner-boards of other local properties.

LD said the only thing that struck her as odd is the corner door which she felt almost begged to have its own little roof or, canopy to endear it to the historic part of house.

Mark Boucher said they thought the original door was at 28 Tremont Ave. as the original address was 28 Tremont. LD concluded they did a great job keeping it somewhat historic and also organic. Mark Boucher and Peter

Gherardi said they were okay with changing the canopy over the door to have its own distinctive look.

MCM said she appreciated year-round residents taking the care in their re-design plans to keep historic integrity.

LD made a motion to approve the application with the condition that new drawings be submitted and the roof modified over the entry door on the Atwood Ave. side. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

LD announced a 5-minute break at 6:15pm.

**g) HDC 18-252 (continued from the meeting of May 16<sup>th</sup>)**

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**. Holly Tarleton presented. TJ recused himself.

LD related to the applicant that she would have to have a unanimous vote in favor to approve as there were only three sitting members and if it was voted down the applicant couldn't reapply with the same application for two years, although a modified application could be acceptable.

LD made a motion to place **HDC 18-258** in front of **HDC 18-252**; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

**h) HDC 18-258**

Application by **Thomas M. Sayers**, on behalf of **John Crane**, requesting to install a new double-hung window on the west elevation of a structure on the property located at **12 Washington Avenue**.

Tom Sayers presented; said the owners were doing extensive work on replacing a furnace, moving the exterior vent to the inside which, as a result, will allow for more light into the living room; window replacements on rear-facing side were barely visible from the street.

No public comments or letters.

Tom Sayers said the windows were Anderson 400 series, vinyl clad, same exact color as the ones above. TJ spoke to the low visibility of the property by remarking it was difficult to locate for the site visit.

MCM said she would be prepared to accept as it's very quiet; LD said she thought the space in question begged for a window. Tom Sayers said behind the oil tank it appeared that something had been replaced.

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

LD made a motion to place **HDC 18-262** in front of **HDC 18-252**; TJ seconded the motion and it passed, 4-0-0. LD, TJ, HS.

**i) HDC 18-262**

Application by **Roofing and Siding of Cape Cod, LLC**, on behalf of **Lucy B. Siegel**, requesting to replace windows in kind and replace a picture window with two double-hung windows on the structure at **18 Pearl Street**.

Dmitry Labkovich presented; said the replacement windows were Anderson 400 series white on white, 6-over-6 grilles between glass, wood trim on the outside and inside; remarked to TJ that grilles would not be applied to the outside; said owner wished to replace the big picture window with two double hung to be able to open it up and get more air in.

No public comments or letters.

TJ said his inclination is that the picture window should be restored and replaced without opening it up to Bradford St. as it is the primary architectural attraction, done more than 50 years ago.

LD said the picture window looked to be in pretty decent shape with a tight storm window applied to it. Dmitry Labkovich said owner wanted a more energy-efficient window. LD noted that bump-outs such as these appear all over town and are quite large as is consistent with the architecture of the time.

MCM said the window speaks to the history of the building. Dmitry Labkovich said the bump out is about 4'. LD asked if the owner could consider a 24 x24 double hung window on the sides. Dmitry Labkovich said there are seven windows in addition to the picture window which would all be 6-over-6s.

LD said HDC needed a picture of the replacement window as it has been reported to feature no exterior grilles and for Dmitry Labkovich to ask if owner would consider a double-hung.

LD made a motion to continue the application to the meeting of June 20<sup>th</sup> at 4:00pm at Town Hall; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

#### **HDC 18-252 continued:**

TJ recused himself. Holly Tarleton presented; spoke of revamping posts and round column; presented photo of column and diagram with dimension aspect; said lattice when approved didn't specify square or wood but owner would be willing to replace current material with square wood but per the rest of the specs, they were adhering to HDC guides – with the exception of the 4' post.

Public comments:

Seth Kaplowitz of (with wife Elena Ende) 457 Commercial St. – across the street from the subject property – said property owners are unpleasant and referenced his own recent property renovation when he complied by the HDC rules, and which the applicant has not followed, cited deck height that is not approved, cantilever deck that is not consistent with approval or was otherwise approved through misleading information; round columns, lattice and azek decking with yellow fake material trim; said design is non-conforming and that he grew up in town.

Holly Tarleton responded that the yellow trim is P5 and wood, not fake; and that azek decking was also approved.

LD read into the record, a letter from the abutters to 452 Commercial St. against the design citing three outstanding issues; 1. The issue of the columns; 2. The issue of the deck heights; 3. The issue of materials used; signed: Peter Petas and Ted Jones, 463 Commercial St.; Chris McCarthy, PAAM; Seth Kaplowitz and Elena Ende; Jim Anderson and Orson Watson, 448A Commercial St.; Sacha Richter, 459 Commercial St.; Jacky Abromitis

and Kathy Ulysse, 448 Commercial St., Unit 2; Matthew McKeon and Joe Griffith, 448 Commercial St., Unit 3.

MCM said that TB had been very clear about what would be acceptable columns which are not currently being represented in the design. HT countered that pictures HDC has in hand reflect structural columns that are not available in today's market; that a wood structural column cannot hold the load in question. AH referenced columns at 396 Commercial St., said they could be custom-made. Holly Tarleton added that they would have to be 14" wide.

LD spoke of three options: accepting what's done; choosing columns that are more turned with more detail and are 14" wide; or going with fiberglass. Holly Tarleton said she would come back with research on fiberglass design options of varying sizes.

AH said the floor decking is not part of the issue and had been previously approved.

Seth Kaplowitz referenced a steel column with turned-wood exteriors which AH said was a 4<sup>th</sup> option and Holly Tarleton said she would research.

LD addressed the cantilever. Holly Tarleton said the owner is not so willing to change. MCM suggested Holly Tarleton inform the homeowner this is a situation of their own making and that a stop-work order would not have been issued if things had gone to plan. AH corrected that there wasn't an official stop work-order and LD said it would be in good faith for the owners to find a compromise that is in keeping with the neighborhood.

LD brought up the deck height issue, to which Holly Tarleton said the deck was raised 2" and not 10" so as not to be a trip hazard.

MCM asked if the footprint had been altered in the rebuild. Holly Tarleton said it was rebuilt within the footprint, but raised 2" so it's under the door threshold and flush. AH said the minimum requirement for a step is 4". MCM asked if it could be lowered and avoid cars parking underneath, which she said she's seen. AH said she wasn't sure if parking of cars is in HDC's purview.

Holly Tarleton requested an accurate list of HDC concerns for the owner to address at the next meeting, which LD stated as columns, lattice, cantilever and deck height. AH said the cantilever was never part of the discussion going back to April 2017 and the owners have executed the work from the original application; added the new application was brought in solely to dial down on the front deck.

LD made a motion to continue the decision to the meeting of June 20<sup>th</sup> at 4:00pm. MCM seconded the motion and it passed, 3-0-0; LD, MCM, HS.

LD made a motion to accept a time-waiver to June 20<sup>th</sup>. MCM seconded the motion and it passed, 3-0-0. LD, MCM, HS.

**j) HDC 18-263**

Application by **William N. Rogers, II**, on behalf of **Milan Realty, LLC**, requesting to remove a roof and add shed dormers and a cupola, to construct two egress stairways with associated decks and finish structures to comply with the state building code at the property located at **130 Bradford Street**. Gary Locke of William Rogers civil engineers and land surveyors presented; said building is probably least-historic on today's agenda, are making employee housing; keeping brick front, adding 1x8 corner-boards; creating second floor with two egress decks and a perpendicular cupola; said

project was approved in 2016 but due to circumstances owners were not able to execute but are now seeking renewed approval for the same plan.

MCM said she was apt to approve as presented based on the need for employee housing; AH said as it's a one and half story it doesn't trigger the 50% FEMA code.

TJ said he was unaware of a previous approval, asked the age of the building to which he was told was of the 1950s and a former garage; LD added a restaurant and a bus station. TJ remarked that even as previously approved the design is an architectural mess. AH weighed in and said HDC is first in line for approval; spoke of changing time-frame for Certificate of Appropriateness which now stands at one year.

LD made a motion to approve as presented; HS seconded the motion and it passed, 3-1-0: LD, HS, MCM in favor; TJ opposed.

**k) HDC 18-267**

Application by **Raina Stefani** requesting to replace plastic sheeting covering three sides of an exterior deck with semi-permanent, folding wooden French doors at the property located at **336 Commercial St., #2**. Raina Stefani presented, clarified she was placing eight French doors across the front, three on the east side, two on the west side.

HS said she worked at the restaurant under previous owners and the rain made business preventative so she is voting in favor. MCM said she is strongly in favor of Baie Bar & Restaurant and also that she supports local businesses, as such. TJ said he, too, agreed with the request.

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

**l) HDC 18-268**

Application by **Peter Grosso**, on behalf of **Joseph Haley**, requesting to reduce the size of an exterior deck, replace deck boards with azek and replace railings with stainless steel cables on the property located at **214 Commercial Street, #A**.

Peter Grosso presented; said owner wanted to reduce the deck to ensure less people, make it a rectangle and also stated that the property could only be seen by helicopter. LD said it can be seen from Commercial St.

MCM read the HDC bylaw on steel cables; LD said 99% of those that are approved are on the water-side and that captured balusters are typically used. MCM said she would be happy to approve wooden railings.

LD made a motion to approve the reduction in size, to replace the deck boards with azek and to replace the railings with wood captured balusters. TJ seconded the motion and it passed, 4-0-0; LD, TJ, HS, MCM.

**m) HDC 18-269**

Application by **Olivier Jamin Changeart** requesting to extend an existing deck on the south elevation and to add a chimney on the east elevation of the structure located at **259-263 Commercial St.**

Olivier Jamin Changeart presented.

No public comments or letters.

Olivier Cchangeart said all the windows had been done last winter, which AH concurred. LD asked if the same wooden balusters would be used on the

deck. Olivier Changeart said they were considering stainless steel railings or a traditional railing, and handed out a rendering for consideration.

MCM said she and TJ learned at a conference on Friday that HDC should be considering the ocean as the largest public view and that she is strongly opposed to cable railings. LD added that the decking could be azek, and MCM agreed.

TJ said he understood azek to be really hard to walk on, which Olivier Changeart said he was aware of and they were planning on using an agreeable color. TJ referenced a deck in NY that was too large and felt this was the same. Olivier Changeart said three owners would be using it, furniture would lessen the vastness.

HS said she would choose cable over non-wood and understood that being on the water side, wood rots astronomically.

LD pointed out a quite elevated status concerning the deck's position, said HDC needed plans to determine proper elevations; dimensions and heights which cannot be known through photos alone.

LD made a motion to continue the decision to the meeting of June 20<sup>th</sup>, at 4:00pm; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

LD said she had no problem with the chimney and made a motion to approve the chimney as presented; TJ seconded the motion and it passed, 4-0-0. LD, TJ, HS, MCM.

n) **HDC 18-270**

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steve Tait & David Cook**, requesting to renovate an existing structure, including replacing all windows and exterior doors, adding an entry and front porch, installing a solar panel array, replacing the roof and expanding a deck on the south elevation located at **425 Commercial Street**.

Mark Hammer, Don DiRocco, Steve Tait and David Cook presented.

Mark Hammer said it was a substantial renovation in the building with four units; said owners wanted to make this their primary residence and put in four units at their Bradford St. property; said building is from the 1980s.

Don DiRocco said they were doing this as a renovation, keeping current floor plan; using natural materials – wood windows, wood shingles on upper portions, clapboards on lowers portion, wood column lattice and roof; trying to pick on form that uses a porch to span the whole first floor of the house; not doing a carbon copy of other properties in the area but taking a lot of the elements; said windows and doors would be Norwood.

No public comments or letters.

LD asked if they were demolishing the smaller building; Don DiRocco said they weren't sure; Mark Hammer said it was selective demolition. Don DiRocco said Zoning considered it as one structure. ST said the building on the left was developed in 1988; the taller building is from the 1970s. Don DiRocco said he believed they'd be able to stay under the 25% demolition; said the building is in the A-zone so it won't need to be elevated. AH said they may have to go up a foot, or less.

TJ said he thought it'd be a lovely addition. HS said she was good, as did LD and MCM.

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

Owners said they planned to start work in November.

o) **HDC 18-272**

Application by **Steven Cook**, of **Cotuit Bay Design, LLC**, on behalf of **Matthew Metivier & Ricardo Gessa Abreus**, requesting to replace an existing 8' by 10' addition with a new 6' by 18' addition on the south elevation of a structure located at **7 Bradford Street**.

LD recused herself due to a financial relationship.

Steven Cook, project designer, presented; said they had HDC approval back in March but did not get a scale relief from ZBA so they had to pull the project back; previous approval had rear addition of 18' by 13' on the south side, and a 9' x 7' bump-out on the east side which is now eliminated; rear addition is now 18' x 6'; everything else remained the same.

No public comment or letters.

MCM made a motion to accept as presented; TJ seconded the motion and it passed 3-0-0. MCM, TJ, HS.

p) **HDC 18-273**

Application by **Jeff Mulliken & Elbert Ruff** requesting to replace existing fences, renovate existing sheds, construct a new pergola on the property and replace two small skylights with a previously approved one on the structure located at **34A Pearl Street**.

Jeff Mulliken presented; said property was under renovation based on previous HDC decision of 2016, but he returns tonight with some of the smaller items not contained in the original application including fencing, renovating two existing sheds, adding a small wood pergola, replacing previously approved one larger skylight now to be replaced with two smaller; said fencing is a combination of things – original 36" picket in seriously bad shape; existing 6' fence that they seek to extend, and another section of stockade fence to remain and two other sections of picket fence to be retained or replaced with a 6' section.

Jeff Mulliken spoke of two fairly dilapidated sheds he hoped to rebuild in the same footprint; pergola will be a natural wood lattice-type with natural finish.

LD noted a beautiful job done in restoration of the building, read a letter in support by direct abutter, Wayne Briggs at 8 Fishburn Ct, and a letter in support by direct abutter Keith Buchanan of 34B Pearl St., #3.

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

**1. Work Session continued:**

**d) Any other business that shall properly come before the Commission**

**170 Commercial Street**

Peter Makrauer and Tom Tannariello presented as a preliminary discussion for renovation of a property as a residence for Mr. Tannariello and to get HDC's take on design options and advice.

TJ said it's lovely to see people at the beginning of their plans. HS said it's a great building, recalled when it was a bank.

Peter Makrauer spoke of studies done for a mansard roof that would pull the gable ends back and provide a contemporary second story living space;

said they were trying to invoke a roof walk or usable outdoor space but porches on Commercial St. didn't feel like the right fit; referred to sketch wherein the deck could be dropped into the roof with railing exposed. Peter Makrauer said other option would be to carve into Winthrop St., but that might be upsetting the symmetry of the building on the west side; said that available light for Tony Tannariello was a priority.

Tony Tannariello said he'd have to run the window change by his ground-floor tenant who has a five-year contract,

TJ spoke of a wish for more symmetry across the front. HDC discussed classic Georgian architecture and mansard roofs around town.

MCM suggested a sunken deck would take away from the mass of the railings. Peter Makrauer said they think the building is from the 1950s.

LD said roof decks are not allowed that are visible from a public way. AH read bylaws stating that new decks should be minimally visible from a public way, railing designs should consist of wood and captured balusters. LD said to change a 1950's bank into a mansard is not compatible; said applicant must be sensitive to the historic integrity of the building and also that she was intrigued by the design.

LD asked of the front double door on Commercial St. if they went with an arched dormer, which Peter Makrauer said it was. LD suggested picking a style and sticking to it; said massing seemed to be somewhat reduced by dormers on Winthrop St. side and she thought the symmetry was awesome and historic; recommended HDC do a bit of research on its own.

Peter Makrauer asked per the mansard roof, if this is something they should abandon or try to make a better case for. LD replied she felt it wouldn't be coherent on what would in essence be a gabled building. PM asked of a dormer on Commercial St.; LD said typically HDC has been approving modest increases in elevations, of 1'-3'. PM asked if they raised the brick wall and changed the pitch of the existing gable, would that be more typical. Tony Tannariello said he thought the only way to match the brick would be to paint it; white brick with black windows. LD suggested possibly finding a way to raise it and honor tradition.

## **1. Work Session continued:**

### **b) Administrative Reviews**

iv) 308-310 Commercial St. – To replace 4 windows in kind.

LD read the application stating replacement windows are Anderson 200 series; 2-over-2s. AH said that if the units have applied grilles they need to be sure there's a spacer bar. TJ said the 200 series used to have applied exterior grilles but questioned the profile on these.

LD made a motion to approve replacement windows with the condition that the windows have spacer bars and grilles as typical with Anderson 200 series or that replacement windows be wood. HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.

vii) 15 Commercial St. – To replace 3 windows in kind.

The Red Inn. LD made a motion to approve with the condition that window #3, on the street side, be replaced with wood, 9-over-6. TJ seconded the motion and it passed, 4-0-0. LD, TJ, HS, MCM.

- x) 193 Commercial St., #A U6  
LD made a motion to approve as presented; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.
- xi) 145 Commercial St., UM1C – To replace a door in kind.  
Fisherman’s Landing. LD said as the existing door is not historic, asked if fiberglass would look any worse.  
LD made a motion to approve as presented; HS seconded the motion and it passed, 4-0-0. LD, HS, TJ, MCM.
- xii) 27 Winthrop St. – To replace a roof.  
LD made a motion to approve as presented; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.
- d) HDC 18-237 (*continued from the meeting of May 16<sup>th</sup>*)  
17 Alden Street; Patricia Bruno.  
LD made a motion to approve the replacement shed as submitted; MCM seconded the motion and it passed, 4-0-0. LD, MCM, TJ, HS.

AH distributed plans for signage.

JON discussed the protocol for submitting and approving minutes.

LD left the meeting at 9:14pm.

MCM requested a work session next week. AH said it was a question of HDC availability.

Decisions to be read by HS: **HDC 18-267; HDC 18-268; HDC 18-273.**

**1. Work Session continued:**

**c) Review and approval of Minutes.**

MCM made a motion to approve the following meeting minutes: March 7, 2018; March 21, 2018; April 4, 2018; April 11, 2018; April 18, 2018; March 7, 2018; May 2, 2018; May 16, 2018. HS seconded the motion and initialized all approved minutes. JON accepted the hardcopies and said he would make corrections and submit to Town Clerk.

HS moved to closed the meeting at 9:21pm; MCM seconded the motion and it passed, 3-0-0. HS, MCM, TJ.

Respectfully Submitted,  
Jody O’Neil