

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

**WEDNESDAY, JUNE 27, 2018**

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

Excused Absence: John Dowd, PBG Rep.

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

TB called the meeting to order at 3:33pm.

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

3 Carver Street

Hal Winard distributed photos, spoke of the HDC's request from a week ago that all three window replacements on the top floor be 2-over-1s, but said as there are only two windows in the building that are 2-over-1s and that the other 22 windows facing the public way are 1-over-1s, requests to replace with 1-over-1s .

MCM noted that they all matched up and could be cost-effective. Hal Winard replied that they were cost effective and also mentioned the owner liked the idea of an open view and that the replacements would better match.

TB suggested the possibility that the original windows were 2-over-1s, but noted there was no reason for the HDC to deny the request as stated; made a motion to accept as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, MM, TJ, HS.

HDC 18-243: 143 Commercial Street

George Tegar and Ryan Shergold presented, referenced the ongoing issue of wood vs. metal posts on the side of the house. George Tegar said HDC suggested wooden rails but that they never agreed to that concept, to which MCM said she disagreed and said their approval was contingent upon a combination of wood and metal in the design, added that the bylaw makes the case for all-wood in the Historic District and that HDC can make exceptions based on visibility. George Tegar said he never agreed on multiple horizontal wood.

TB said they had a basis for arguing on behalf of that third rail which the HDC has traditionally not ruled on. MCM replied that the structure in question is not a rear deck but a very public railing and read the May 16, 2018 minutes on HDC's ruling. TB read AH's notes which also stated that a combination of wood and steel would be acceptable, suggested it would be unfair now not to approve.

MCM referenced the owners' desire to recreate a boardwalk from a submitted photograph that should be adhered to with regard to the bylaws.

MM informed the owners that it is the HDC's approval not their own that is a point of procedure. LD said the HDC was very clear previously in stating that it does not approve cable on the sides of buildings and only sometimes on the ocean-side.

Ryan Shergold said he recalled the condition discussed was based entirely on aluminum or black cap posts, to which MCM and LD said they disagreed. MCM said she's been vigilant about not using cable since joining the HDC. Ryan Shergold asked if the HDC wanted the owners to employ two different types of railings on the same property.

TJ said this comes up a lot wherein owners want to add a contemporary or modern touch to an historic home they've purchased; said he thought the owners understood that a compromise was what was requested for approval of their application. George Tegarlis said he agreed they were looking for a more contemporary look.

LD said she felt that HDC had been extremely clear, but suggested an option that would have a top and bottom wood rail, the middle rail be skipped and cable between.

TB made a motion to allow top and bottom wood rail and eliminate the third or middle rail as a wood requirement to allow for cable usage. HS seconded the motion and it passed, 3-2-0; TB, HS LD in favor, MCM and TJ opposed.

TB commented that the HDC cannot always be so strict in what is considered water-side, that views have been accommodated in the past and contemporary materials approved as exceptions. MCM said she disagreed. George Tegarlis said they would have their architect change the plans to reflect today's approved conditions.

**a) 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 July 18, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

i) 596 Commercial St. – To replace cedar roofing shingles with asphalt shingles and replace 6 windows.

TB noted Anderson roof windows. MM asked if the applicant was specifically replacing a skylight for a skylight.

TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

TB made a motion to approve as presented with the condition that the skylights be the same size and position. LD seconded the motion and it passed, 5-0-0. TB, LD, MM, TJ, HS.

ii) 18 Commercial St. – To construct an addition on the north elevation and expand an entry deck and to add a new stair on a deck on the west elevation.

TB made a motion to accept as Full Review; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, MCM.

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

AH announced that the Town would be hosting an information session on flood insurance hazard mitigation measures presented by Arcadis US, a design and consulting firm, tonight at 6:00pm in the Town Hall Auditorium. The session is a repeat of one offered back in March of this year and addresses topics to assist property owners in preparing for and responding to flood events.

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

MCM referenced the submitted edited minutes and spoke of the need to be clear on minutes being detailed as essentially word for word, offering complete transparency and not censored; said that the HDC, Town Staff and the public all need to be on the same page and minutes be an accurate reflection of what was said. LD said she agreed.

TB remarked that there are always minor changes, nothing big. MM said it gets totally confusing when initials are used for applicants and that those names should be spelled out.

TB said the HDC is required to approve the minutes and that this implies making changes. MCM said she did not feel that meant making changes was mandatory and that the minutes should be as transparent as possible and a deposition on what was said.

TJ said that, to be exact, MCM had taken exception to a line “bang for the buck” being deleted by MM and which, he suggested, MM felt was too colloquial. TB asked if the line had been uttered and TJ said it had. MM countered that the HDC needed to be mindful of its audience, the public, and that the minutes basically become legal and there are times when the HDC had the right to modify and that people don’t always watch what they say. MCM objected, stating that if it’s on the tape then it’s already been established. MM said it’s just a matter now of making a vote to determine if the HDC should approve the minutes submitted with changes.

LD said this point brought up the notion that the HDC should be mindful of what it says on tape for the public record and could serve as a cautionary tactic going forward; noted that minutes should be posted within 30 days of the meeting as of a January ruling. TJ asked why minutes needed to be filed if there is a taped record to which AH said tapes can not be filed with the Town; that the Town is still a paper-oriented administration.

MM said minutes in the past were never as long as the HDC’s are currently and included just vote results. AH concurred and added that formerly the HDC was cautioned on having “action minutes” only but said that this was before PTV taped the meetings.

LD asked JON how he focused on substantive items from a meeting. JON replied that he looked not to repeat things that are stated, but sought to include all the beats as they are pertinent in creating a complete composition.

TB made a motion to approve the MM amended minutes of June 6, 2018. MM seconded the motion and it passed, 4-2-0: TB, MM, TJ, HS in favor; MCM, LD opposed. MCM asked if the HDC would be censoring the minutes as they’re written and MM said they would be amended. JON was told he would make physical changes to these and future meeting minutes and submit to the Town Clerk’s office going forward.

## 2. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

### Decision Work Session

MM brokered a discussion on the difficulties in using what was referred to as the “old new” decision form. AH presented the latest version which is on three pages.

MM went over procedures for writing decisions when the Certificate of Appropriateness is approved, said it is crucial for pertinent information such as the owner and contractor’s information and the particulars of the approval to be filled-in on the same day; also to be sure that three copies of the drawings have been submitted.

HS mentioned that sometimes the historical significance is not discussed at that time, leaving the potential for a vague summary later. TB added that how much time is devoted to decisions might depend on how many cases are pending as presented for approval in any one session, but to not wait three weeks, in any event.

MM addressed question #10 as something that required the author return to the Guidelines and that the important thing is to be as complete as possible in articulating all guideline conditions for any aspect of approval. TB remarked that the HDC used to write the number of the guideline, not the specifics of the copy.

MM said the author has to make sure the date of the submitted plans corresponds to the written decision and that the decision should be submitted in triplicate and has to be read at a public meeting and voted on before being filed and that the original with the author’s signature is the one to be stamped and filed with the Town Clerk. A second copy is stamped and goes to Community Development; third copy is stamped and kept with the HDC.

MCM said she now has even less of an idea as to what her duties are as HDC Clerk and that she had been asking for several meetings to have this role defined. TB said the position was created less than six months ago and MM said it’s vague. AH presented a guideline, including approving the agenda before it is posted, making copies of the meeting minutes for all board members and checking that all board members had signed-off on plans.

TB said Marty Risteen had taken the lead on making sure decisions and minutes were being processed in a timely fashion and that while MM has been filing decisions, as Clerk, MCM could file and manage the paperwork.

MM passed around a copy of the Master File for filed decisions that JON had created on Excel. AH said it would be prudent to check with the Town Clerk that decisions on the Master File had, in fact, been filed. MM remarked that the HDC had made 288 decisions last year which is comparable if not busier than Nantucket when Administrative Reviews are factored in.

Work Session on crafting decisions continued through multiple conversations; MM, LD and HS assisted TJ; TB assisted MCM.

TJ reviewed LD’s decision for HDC 18-251, 15 Atwood St., from June 6, 2018. TB suggested making “moderate” an option on the form and spoke of former board member Martin Risteen’s use of historic references in

his decisions. HS said she'd like to have the signatures be a bit clearer. AH clarified for MCM that Cape Cod Bay runs from No. 1 Commercial to No. 96.

Decisions by TB, read by TB

- a) **HDC 18-202**, 352 Commercial St. TB made a motion to approve the decision of April 18, 2018. MM seconded the motion and it passed, 4-0-0. TB, MM, HS, MCM.
- b) **HDC 18-223**, 8 Webster Place. TB made a motion to approve the decision of April 18, 2018. MM seconded the motion and it passed, 6-0-0; TB, MM, LD, TJ, HS, MCM.

Decisions by HS, read by HS:

- a) **HDC 18-267**, 336 Commercial St., #2. TB made a motion to approve the decision of June 20, 2018. MM seconded the motion and it passed, 6-0-0; TB, MM, LD, TJ, MCM, HS.
- b) **HDC 18-277**, 3 Cook St. TB made a motion to approve the decision of June 20, 2018. MCM seconded the motion and it passed, 6-0-0; TB, MCM, MM, LD, TJ, HS.

Decision by MCM, read by MCM:

**HDC 18-270**, 425 Commercial St.

MCM asked what comprised "new construction;" TB said the bylaws don't really specify what constitutes new construction, but possibly anything not in kind. AH said a new opening indicated new construction as a new header is required. Guidelines discussion followed.

TB made a motion to approve the decision of June 6, 2018. MM seconded the motion and it passed, 6-0-0; TB, MM, LD, TJ, HS, MCM.

MM said to AH that the following approved decisions would be copied for filing: **HDC 18-277**, 3 Cook St.; **HDC 18-267**, 336 Commercial St., #2; **HDC 18-223**, 8 Webster Place and **HDC 18-202**, 352 Commercial St.

TB made a motion to adjourn the meeting at 5:30pm. MCM seconded the motion and it passed, 6-0-0. TB, MCM, MM, LD, TJ, HS.

Respectfully Submitted,  
Jody O'Neil