

# HISTORIC DISTRICT COMMISSION

September 16, 2009

Grace Gouveia Building- Room 6

3:30 p.m.

**Members Present:** Polly Burnell, Marcene Marcoux,  
and David McGlothlin.

**Members Absent:** Nathan Butera, John Dowd, Carol Neal,  
and Clo Tepper.

**Staff:** Russell Braun and Maxine Notaro

## Work Session 3:30 p.m.

There were more members absent than present but only three members constitute a quorum so the meeting was called to order at 3:30 p.m.

## Administrative Reviews/Amendments

### **•John Reis on behalf of Robert and Rachel White, 5 Soper Street – discussion on revision to plans**

Maxine Notaro immediately left the room due to a conflict on the subject. John Reis, the contractor, was in attendance as well as the home owner, Rachel White.

It was stated that John Reis has two options - option 2 was a build out but when the owner didn't want to incur the expense – then they discussed option 1 which would include keeping the addition as is but adding a double window. Polly said there's still that giant build-out. David McGlothlin said the only difference is the placement of the windows.

Marcene Marcoux said that there were only two of us at the scheduled 1:00 p.m. site visit and HDC meeting on Sept. 3<sup>rd</sup> and there was no quorum. However, you could call this an administrative review meeting. Later when the 3 HDC members met in Russell Braun's office, it wasn't a legal meeting at 3:00 p.m. since it hadn't been posted. Marcene said it was a problematic outcome, so she'd allow the owner to choose the option.

Rachel White, the owner, then stood up and said “We're trying to comply and you people seem to have a fixation on the chimney. So now we are left with a chimney that has never been used and never will be used and that part you added to the plan has made it horrible. Now you want option 2 because it will make your mistake look better. The cost to fix your mistake is \$2,800 and the Town has no contingency fund. Now we've got to change the design and it's what you signed off on. You didn't want to go look at the property when the project was begun. I asked Mr. Dowd to look at it and he said he didn't have the time.”

Rachel White continued, “The secretary, in the minutes, states that it was agreed to 1:00 p.m. continued HDC meeting, so they (McGlothlin and Marcoux) discussed it knowing full well that it wasn't a quorum (only 2 members showed up). You cannot continue the meeting until 3:00 p.m. You would have had to advertise the meeting if it's to be held at 3:p.m. – “ Now option 2 will have to be at my expense?” Rachel White said that she's prepared to go to court if that's necessary and – as of right now - the window is so low it's on the floor and she thinks it's wrong, wrong, wrong!

Polly Burnell opined that it's a mistake that a draftsman made.

Marcene Marcoux said there's also a drawing that John Dowd drew and it has disappeared from the files.

Russell Braun said that he certainly didn't do all of the measurements so he can't say that for sure but it was roughly similar.

John Reis said that's exactly what was built there.

Rachel White, quoting John Dowd, said that John Dowd said that we don't always look at dimensions – we look at aesthetics.

Marcene Marcoux emphasized that everyone's intentions were good and what we now have is a problem and the issue is how do we resolve it. If Rachel White is happy with option 1 and if that can be a resolution, maybe we can vote on it. It's not our fault that most of the members were not at the 1:00 p.m. meeting. It was scheduled for 1:00pm and that's when the decision should have been made by the HDC.

David McGlothlin said that this harkens back to things he has said before! What we approve is rough drawings and - what was approved – was approved. We need to have formalized drawings and that's what the issue is here. Polly Burnell, who was running the meeting, said that she has plans that have been stamped and she can't find the approved plan.

Marcene Marcoux said, "It's already built and now we need a decision." She feels comfortable with allowing the owner to have option 1.

David McGlothlin said she, the owner, has really 3 options – add changes in option 2, add windows to the existing structure, or the ultimate option – she could just say I'm not doing anything.

David McGlothlin is not going to vote to have someone tear down a structure that's already been approved by the HDC. The file just isn't completely here. We have to stick with what it is and move on with this. We have to make a decision.

**Motion: Move to accept option A for 5 Soper Street property.**

**Motion: Marcene Marcoux Seconded: David McGlothlin**

**Vote: 2 for Option A 1 against Option A**

The above vote which had changed from the original 3-0-0 to become 2 for and 1 against now added a 4 ft deck out to the end of the window. David McGlothlin asked, "Can we please have a plan of the cheek wall of the dormer?" Marcene Marcoux said that they have to see exactly where the window will be put.

**•Stephen Barnatt on behalf of Edith Codinha, 414 Commercial Street – replace windows, siding and front and rear doors**

Stephen Barnatt said that he has some questions about the windows and the doors. He did a little research and he's brought a window here for a sample; it is a triple glazed unit with grids externally applied. He continued by saying, "So, where do we go from here? What does the contractor have to

do to prove that you can't tell the difference?" "The other thing is that there are 3 different size windows in there and what about the back door – it's not visible from the street?"

Marcene Marcoux said that everyone is looking at energy efficiency. Still Marcoux quoted from the HDC regulations on door replacement. S. Barnatt asked, "So can I use energy efficient doors?" Linda O'Brien, daughter of the applicant, said that she's got a note from her mother's doctor saying that she can't stand the cold and that this would be an ideal solution to a drafty, leaky house. She also stated that her mother is a cardiac patient. She continued saying that we have to find a balance between wooden and vinyl.

A male relative said, "When we moved into that house there was a plain solid wooden door." Polly Burnell said that we'd have to see what it looked like - a slab door?

Next Mary Jo Avellar testified about a wooden door and then went on by saying, "What bothers me about your guidelines, this is a woman in her 80s, in poor health and why are you requiring her to have wood?" Mary Jo said she'd advise them to get the ugliest door they can find. Then Mary Jo said that we're not rich and we're being driven out of town by all the regulations - this is a terrible thing to do. Still presenting her position, Mary Jo said "This is a senior citizen and a widow.....this is shameful... give them a break for heaven's sake!"

Marcene Marcoux said that she didn't do a site visit and agreed that at times these issues, between historic concerns and rules and energy efficiency, can seem contradictory.

Marcene Marcoux responded that she does see this as a different situation, as a hardship case. The letter from the doctor adds a significant issue. David McGlothlin said he was trying to find a way for everyone's needs to be considered. He thinks one factor is the little visibility of the back door allowing a fiberglass replacement.

The contractor talked about taking out what is there and when it's painted you cannot tell the difference.

Polly Burnell gave a long speech regarding precedent setting and feels there has to be a provision put into the motion that if the owners do sell the house then it will have to revert to the original wood.

The contractor is free to put in vinyl windows and the two doors can be fiberglass because of hardship and little visibility of the back door.

**Motion: Move to approve with the proviso that new owners will have to put in a wood door upon purchasing the home.**

**Motion: Marcene Marcoux    Seconded: David McGlothlin                      Vote: 3-0-0.**

Russell Braun wants the HDC to have a meeting with all the energy efficient agencies to discuss the historic and energy issues.

The contractor felt that if you have a master list of what windows are approved it would be a help for others.

**•Jack Yandrisovitz, 5 Conant Street, Install privacy fence along rear side of property**

An abutter, Evelyn Gaudiano, took exception to the planned privacy fence since it would be put approximately 3 inches away from her home, totally block her windows on that side. It was taken under advisement and the Commissioners decided that a site visit will be conducted in the near future.

**•A.J. Santos on behalf of Robert Hendrikson, 118 Commercial Street, replace 5 second floor windows and reside front of building**

**Motion: Move to approve application for 5 windows replaced in kind.**

**Motion: Polly Burnell                      Seconded: Marcene Marcoux                      Vote: 3-0-0**

**•Hal Winard of Winard Construction on behalf of Rita McCarthy, 269 Bradford Street, replace three windows**

**Motion: Move to approve the plan as presented.**

**Motion: Polly Burnell      Seconded: Marcene Marcoux                      Vote: 3-0-0.**

**•Mark Kinnane on behalf of Emily Flax, 4 Nickerson Street, repairs to existing chimney using same bricks**

**Motion: Move to approve the project as presented.**

**Motion: Polly Burnell      Seconded: David McGlothlin                      Vote: 3-0-0.**

**•Andrew Parkington on behalf of Bruce G. Head III, 4 Atwood Avenue, construction update**

Andrew Parkington presented some of the details of the project and gave a rather lengthy history of one repair after another. John Dowd, who was not present, had in the past, expressed concerns about the restoration and wanted an update. The project has been going on since 1997 and Andrew Parkington just took it over from the original contractor. Andrew continued saying that he's worked on hundreds of homes and the structural integrity of this building is very poor. Nothing meets code and we've been shoring the building up and putting in new footings. The 2<sup>nd</sup> floor has been entirely removed. Our intent is to come back to this board and we'll come back before you when everything is nearly finalized. He's had structural drawings done and is bringing in a structural engineer.

**143 Bradford Street** – Jerry Anathan's business partner asked to be heard next because she had children to pick up from school so she was heard out of order. It was a fence problem and she wanted to find out what she had to do to fall within the guidelines.

**Motion: Move to accept the solution to the fence to be ten feet away from the beginning of the building and to be limited to six feet high.**

**Motion: Polly Burnell      Seconded: Marcene Marcoux                      Vote: 3-0-0.**

**265 Commercial Street**

Judy Cicero is taking off the siding and trim. The project started out as a roofing job and the contractor had to cut back some of the siding and she decided to do the job completely and reside the property.

**Motion: Move to approve taking off the aluminum siding and replacing it with wooden siding.**

**Motion was made, seconded, and approved.      Vote: 3-0-0.**

**616 Commercial Street**

The owner said that they had initially come before the HDC for a plan and then it became necessary to put in a staircase for an egress. There have been a number of choices of egress and the 3<sup>rd</sup> possible one is that the deck needs to be replaced. There's a little cottage in front of it and we'd like to put in a spiral staircase with a 5 ft diameter.

**Motion: Move to approve the plan as presented.**

**Motion: Marcene Marcoux Seconded: David McGlothlin**

**Vote: 3-0-0.**

#### **14 Howland Street**

**Motion: Move to accept the plan as presented.**

**Motion: Polly Burnell Seconded: Marcene Marcoux**

**Vote: 3-0-0.**

#### **5 Fishburn Court**

It's actually a private way but there is a view of it from Harry Kemp Way.

**Motion: Move to approve the plan as presented.**

**Motion: Polly Burnell Seconded: Marcene Marcoux**

**Vote: 3-0-0.**

#### **4 Center Street**

Yuri, the contractor, proposed the plan with a shorter window. Polly Burnell said that the way the guidelines are written we won't generally be able to approve this but because it's not visible we can allow the window to be shortened because it's on the back.

**Motion: Move to accept the proposal as requested based on the low visibility of the project.**

**Motion: Polly Burnell Seconded: David McGlothlin**

**Vote: 3-0-0.**

#### **170 Bradford Street**

Maxine Notaro stepped away from the room for this case, too. Duane Gregory attended the meeting to request a further discussion on the house at that location. She commented that there were 5 or 6 people at the site visit and now she only sees three members of the HDC. She just wants to keep the process moving and what she mentioned is to maybe hire an engineer to rebuild the house with a plan to have it rebuilt as it now is. It's been neglected for many, many years - plaster is falling down, etc. Yuri testified for Duane and said that everything could be redone historically according to design plans.

Russell Braun gave a long discourse on the situation. Duane said that the dilemma is – can we tear it down – or not? She also requested that the 3<sup>rd</sup> member of the HDC be present during this conversation. Russell Braun called Polly Burnell back into the room. There was no decision made on 170 Bradford Street.

#### **David McGlothlin's frustrations:**

David, going back to the illegal meeting on 5 Soper Street that was done on September 3<sup>rd</sup>, said, "If there was a meeting at 3:00 p.m. – why weren't the rest of us called?" Also, David said, even though he has asked for the HDC to address energy panels and procedural issues; that has never been done. We never really address anything. David McGlothlin continued emphasizing that "saying it and doing it" are two different things. Polly Burnell said that we do have to address these issues and Maxine added that we have to and also review applications.

David said that - frankly they can do whatever they want with solar panels because we don't have a solar panel policy.

Maxine Notaro then said that she would once again implore the members of the HDC to send applicants to the Building Department for any opinions. So many times people who apply will say, "Oh, it's O.K. because I've met two or three times with a member of the committee and they said it would be all right to do this." Polly Burnell. said that she's had people ask her about a design and she

has given opinions on it but cautioned that she's only one person on the HDC.

### **156 Commercial Street.**

They have a back shed on Atlantic Ave. They want to replace the shingles on the back and side of the shed.

**Motion: Move to approve provided the shingle pattern is replaced in kind.**

**Motion: Polly Burnell Seconded: Marcene Marcoux                      Vote: 3-0-0**

### **629 Commercial Street**

Applicant wishes to remove & replace shingles on sidewall.

**Motion: Move to approve as presented.**

**Motion: Polly Burnell Seconded: David McGlothlin                      Vote: 3-0-0**

**•Any other business that shall property come before the Board**

### ***Public Hearing***

#### ***FY10-03***

**Application by Elia Sinaiko on behalf of Seamus Henchy** for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval for the demolition of an 8' x 10' shed and replace with an 11' x 16' Artist's Studio at the property located at **620 Commercial Street, Provincetown, MA.**

Elia Sinaiko presented and Mr. Henchy was unable to attend. Polly said that the first part is approving the demolition.

**Motion: Move to approve the demolition of the shed.**

**Motion: Polly Burnell Seconded: David McGlothlin                      Vote: 3-0-0**

The applicant put a brake on the project because he's met with all his neighbors and the owners have decided to do what the neighbors wanted. Now there's another plan and he wants to know if this has to be posted separately. It's totally different and it's the old shed extended 6 ft.

Maxine Notaro said if there are significant changes to the original design, even though it's in the same location, it would require a new hearing because the abutters that came in reviewed the plans for this hearing. If the design plans are to change then it would require a new hearing.

Eli Sinaiko said the owners would like to have the option of the plan as presented or a different plan that the neighbors like. David McClothlin said it sounds as if the plan as submitted may not be built due to opposition from the neighbors. However, if they want to go with something different, they'll have to resubmit. Mr. Sinaiko submitted a lot of materials that prove that this is appropriate for the district. He stated they are constrained by the new building codes. Russell Braun said that the structure is bigger than a shed and it has to satisfy strong wind codes now that they have recently been put in place.

There was a negative letter in the file from Ann Packard stating her objections to the proposal.

Mr. Sinaiko said that it's a large lot and a small building.

Polly Burnell read the guidelines as they referred to studios which are common throughout town. The reason for the proposed height of the studio has something to do with the height of an overhanging tree.

**Motion: Move to accept the proposal as submitted based on guideline #15.**

**Motion: Polly Burnell Seconded: Marcene Marcoux                      Vote: 3-0-0**

**Notice to Members of HDC**

The Cape Cod Commission is doing a seminar valuable to members of Historic Districts on October 20<sup>th</sup>. Details to follow.

**Concerned Citizen Anonymous Letter**

The letter stated that a 6 ft fence along a town landing has been erected at Atlantic Avenue. The unsigned letter urged HDC to do something about this eye sore.

Move to Accept the September 2, 2009 minutes as amended by Marcene Marcoux and with Russell Braun's additions. Marcene Marcoux made the motion, David McGlothlin seconded and the vote was unanimous.

The meeting adjourned at 6:30 p.m.

**Approved by** \_\_\_\_\_ on \_\_\_\_\_, 2009.  
Polly Burnell