

**TOWN OF PROVINCETOWN
HISTORIC DISTRICT COMMISSION
MEETING MINUTES OF
November 7, 2012**

MEETING HELD IN THE JUDGE WELSH ROOM

Members Present: David McGlothlin, Thom Biggert, Lance Hatch, Marcene Marcoux, Ryan Landry and Polly Burnell (arrived at 3:43 P.M.).

Members Absent: John Dowd (excused).

Staff Present: Maxine Notaro (Permit Coordinator)

WORK SESSION

Vice Chair David McGlothlin called the Work Session to order at 3:30 P.M.

Public Statements:

Postponed to later in the meeting.

- Town of Provincetown, **12 Winslow Street** – Remove, replace and extend chain link fencing with black vinyl fencing. Kim Pike and Betty White presented the request. Replace section of fence located behind parking lot along east property line and extend to enclose playground. Pictures of the areas in question were submitted. The request was approved.
- Mariellen Serena on behalf of Lexvest Cape Colony Inn, **280 Bradford Street** – Remove and correctly re-install vinyl siding on the back and gable ends of the east and west building. Mariellen Serena appeared to present. Pictures of the structure were submitted. Old siding was incorrectly installed. Also request to install small 12” overhang to direct run-off away from building. The request was approved.
- Pavel Fiodarau on behalf of David Datz, **1 Winthrop Street** – Replace front door in same rough opening. Pavel Fiodarau appeared to present. Seeks to replace with a full-view glass door made of wood or fiberglass. Picture of, and specifications for, door submitted. The request was approved.
- Elaine Quigley on behalf of Surfside Hotel, **543 Commercial Street** – Remove and replace 4 sets of stairs to Code and replace siding on east and west sides of waterfront building. Elaine Quigley appeared to present. Pictures of stair locations on structure submitted. White cedar shakes will replace existing shingles. Everything will be replaced as is. The request was approved.
- Laurel Richmond, **36 Commercial Street** – Change posts and railing system on deck from wood to Azek and re-shingle east side of garage. Lauren Richmond and Bruce

Deeley appeared to present. Pictures of relevant structure views submitted and of Azek section. HDC Previously-approved project to replace deck and install mahogany rail system. Now seeking to use Azek for rail system. Shingles replaced in kind. Existing rail system is old and not up to Code. The request was approved.

- Brad Horner, **163 Bradford Street** – Approval for previously-installed 3’ high picket fence in front yard to match existing fence in back right corner of property. Brad Horner and Joel Harms appeared to present. Apologized for not getting approval before installation. Pictures of new fence and pre-existing fence submitted. Intent was to match pre-existing fence. Commission requested that pickets be trimmed to match each other at same height. Fence is highly visible. Applicant will research with Landmark Fence.
- Peter Thiebert on behalf of Jeff Wade, **430 Commercial Street** – Replace window in former window opening. Peter Thiebert appeared to present. Pictures of boarded-up window opening submitted. The request was approved.
- Catherine Brown, **12 Alden Street** – Replace 22 windows. Kevin Conchiniha appeared to present. Pictures of the structure and Pella window replacement specifications submitted. Windows will be like/kind. The request was approved.
- Ann Welles, **14 Bradford Street** – Remove existing failing chimney to roofline and rebuild to original and brick-in void in foundation where old service door was located. Ann Wells appeared to present. Plot plan and pictures of failing chimney and foundation void submitted. Chimney will be replaced from the roofline upward. Foundation void causing water seep into basement. The request was approved.
- Paul Sandry, of Home Depot, on behalf of Pat Gordon and Gloria Casar, **12 Young’s Court** – Replace 8 windows with Anderson windows. Paul Sandry appeared to present. Pictures of structure and specifications for Anderson windows submitted. Windows replaced in kind. More windows are planned on being replaced in the future.
- Devon Ruesch, **11 Alden Street** – Stamp revised plans as approved at 10/17/12 meeting. The Commission will sign later in the meeting.
- Kaye McFadden, on behalf of Conant West End R.T., **7 Conant Street** – Reduce previously-approved deck to meet zoning setbacks. Kaye McFadden appeared to present. The size of the deck will be reduced from 174 sq. ft. to 158 sq. ft. and the width will be reduced from 12’2” to 10’7”. The request was approved.
- Len Bowen, **226 Bradford Street** – Replace shingles on front of house with clapboard and replace shingles on three sides. Len Bowen appeared to present. A plot plan and pictures of the structure submitted. Commission concerned about width of clapboard, that it is not too wide in order to retain historical accuracy. Applicant decided that he would not use historical clapboard because of the extra expense, but would replace shingles on front of house. The shingle replacement was approved.
- Derik Burgess on behalf of Jennifer Crooks, **104 Commercial Street** – Remove existing exterior deck stairs and continue existing railing over the opening, remove a window on the west elevation and install a French door 15 in its place and replace steel bulkhead door with a fiberglass bulkhead door. Derik Burgess appeared to present. Pictures of structure from various angles and old, removed exterior stairs. Serious leaking issues necessitated digging out around foundation to water-proof and removing exterior stairs. Continuing railing across stair opening. Replace window from west to north elevation and install French door that are not visible from a public way. Also replace bulkhead door on Commercial Street side. The request was approved.

PUBLIC STATEMENTS:

Michael Poniatowski, of 130A Commercial Street, appeared to speak of his concerns regarding the structure at 8 Pleasant Street. The work was approved in Case #FY12-32. What he described as a ‘huge’ structure faces Pleasant Street and is visible to his neighbors, some of whom have lived at their locations for many years. He is concerned with the construction of similarly large structures throughout the Town. These structures are encroaching into the smaller neighborhoods, after having been built on Bradford and Commercial Streets. The owners of 8 Pleasant are from Boston and built the structure as large as they could, ignoring suggestions to scale back the size of the building. His neighbors were not aware that the structure would be so huge. He requested that all changes and alterations conform with the HDC decision of March 7, 2012 and if anything further could be done in regard to the frontage issues, deck variances and the overall size of the building, he would appreciate it.

The Commission agreed to review the construction, make a site visit and request that the Building Commissioner make sure that the building conforms to any approved changes and alterations.

Vice Chair David McGlothlin adjourned the Work Session at 4:20 P.M.

PUBLIC HEARING

Vice Chair David McGlothlin called the Public Hearing to order at 4:20 P.M.

FY13-11 149 Commercial Street, Mark Kinnane of Cape Associates, Inc. on behalf of Johnny Pak –

The applicant seeks 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. Thomas Biggert, Marcene Marcoux, Ryan Landry, David McGlothlin and Polly Burnell sat on the case. **Presentation:** Mark Kinnane, Attorney Lester J. Murphy and Johnny Pak appeared to present the application. According to Attorney Murphy, this is a request for renovation only, not for the demolition and re-building of a new structure pursuant to an earlier application and the official notice. The request for a renovation is a lesser filing than for the previous request. He asserts that the Commission is within its discretion to hear the matter as a renovation. He cautioned the Commission that many of the letters submitted by the public raise issues about concerns that are not within the purview of the HDC. Thus, the focus of the discussion should be on the HDC By-Law and guidelines and not on issues such as septic, zoning or operation of the business. The building is made up of a number of different additions and building elements, none of which blend together. The proposed renovation would result in a more consistently historic design and building. Mr. Kinnane reiterated that all work will be performed within the confines of the existing building. The plans have been revised after the applicant received feedback from the HDC indicating that the structure was too large for, and not in keeping with, the character of the neighborhood. The proposed work will lower the height of the building, lower than abutting

structures and the roofs at the rear of the structure. The building will be lifted in order to install a full basement in the same footprint, all windows will be replaced, a living area comprised of two bedrooms will be constructed above the restaurant and the seating in the restaurant will be reduced to conform to septic requirements. The design and height of the renovated structure will be more unified and consistent with the character of the neighborhood as well as being more functional, physically attractive and in keeping with the Historic District guidelines.

Documents Presented: HDC Form A, a letter to the HDC from Mr. Pak, existing elevations and floor plans, dated 8/9/09, by Neal Kimball, proposed elevation and floor plans, dated 8/22/12, drawn by Peter MacDonald, cut sheets of replacement windows and French doors and pictures of the existing premises.

Public Comment: Bill Jones (abutter), Rebecca Jones (non-abutter) and Laura Rood (abutter) spoke against the application. There were 8 letters from abutters and 32 letters from non-abutters in favor of the application. There were 17 letters from abutters, 5 from non-abutters opposed to the application

Commission Discussion: Polly Burnell is opposed to the project before weighing in on any of its design aspects. She thinks that the scale is too large and has done research on the history of the neighborhood, including the buildings that used to exist in it. She reviewed the HDC guidelines and reiterated that the alteration was too great. She stated that she will not comment on the design aspects. Ryan Landry agreed Polly Burnell's reasoning with her assertion that the building will be too large. He understands the need for renovation, but the building will be too large. MM thinks the proposed renovation preserves and respects the unique heritage of the Town and wanted to know what of the original structure would be preserved. TB stated that he is not in favor of the plan as submitted and agreed with PB and RL about the size. The proposed renovation is too drastic of a change and the story of the building throughout its existence will be lost, with no recognition of its history. David McGlothlin agreed with Commission members in regard to the size and the appearance of the proposed structure. Even though the architectural features reflect other buildings in the neighborhood, the story of the building will be lost and the size from the streetscape is too large. He does not have a problem with the design. Attorney Murphy is concerned that the HDC would not consider any change to the building and whether that is an appropriate standard to legally apply. A building does tell a story, but has to have an economic return, functionality and be safe to use. Business owners need to be able to reasonably upgrade their properties. The plans can be reviewed to minimize the scale. They are trying to remove the staircase in the rear that is an encroachment on abutters' property. Marcene Marcoux suggested that maybe more of the front commercial façade should be preserved and more changes occur behind the front in an effort to maintain its story. Polly Burnell says that the design is too big and the building should be designed with more respect for its history and the guidelines of the Historic District and mindful of the fact that historical tourism draws a lot of people to Town. She suggested a more creative revision of the plans. David McGlothlin stated that the Commission would like to see alternatives. Attorney Murphy is looking for guidance. Lance Hatch agreed with

Polly Burnell in regard to strive and applicant should strive to give more of a cottage-style look to the front of the building and reduce the scale. Ryan Landry added that the Town's reputation for historical tourism should be supported and preserved as it does bring a lot of people to Town and also interests the people who have come to Town for other reasons. Thomas Biggert suggested designing a more asymmetrical building in contrast to the proposed plans which show a more symmetrical one. Attorney Murphy requested to withdraw the application without prejudice in order to revise the plans and re-file the application as a renovation. *David McGlothlin moved to accept the withdrawal without prejudice of Case #FY13-11, Marcene Marcoux seconded and it was so voted, 5-0-0.*

FY13-17 9 Wareham Road, Helen Ryde and Kate Schiappa –

The applicant seeks 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 applicants seek approval to demolish an existing 1850's shed and construct a new 8' by 12' shed. Thom Biggert recused himself because of a conflict of interest. David McGlothlin, Marcene Marcoux, Ryan Landry, Polly Burnell and Lance Hatch sat on the case. **Presentation:** Helen Ryde and Kate Schiappa appeared to present the application. The applicants seek to rebuild a dilapidated shed on their property. They had proposed a Pine Harbor shed previously, however the HDC concern was that the pitch did not match the roof pitch of the existing shed, a detail that is integral to the historic nature of the shed. Upon further discussion with Pine Harbor, the applicants found out that the pitch could be matched. They will request that Pine Harbor replicate, as closely as possible, the roof pitch, door and window position on the existing shed. Pine Harbor will come down and take measurements of the structure.

Documents presented: HDC-Form A and pictures of the shed, pictures the property from different angles, pictures of Pine Harbor sheds and Form B-Building/Massachusetts Historical Commission.

Public Comment: None. There were no letters.

Board Discussion: Polly Burnell would like to see if anything can be saved from the existing shed, such as the doors. Ms. Ryde will ask if Pine Harbor could save the doors and will use what is salvageable from the existing shed. The Commission requested that the applicants submit a plan of the proposed replacement shed on company letterhead. They can be submitted to Maxine.

Ryan Landry moved to approve the demolition and re-build the shed in kind, contingent upon the submission of a drawing from Pine Harbor, on company letterhead, with a proposal for work to be performed and a request that any material and/or elements of the existing shed be re-used Polly Burnell seconded and it was so voted, 5-0-0.

PB wrote the decision pursuant to Guideline 14 regarding demolition and Guideline 15 for re-construction.

Administrative Reviews con't:

- Mike Czyoski, **9 Conant Street** –Replace 6 double-hung windows and 1 casement

window. Pictures of the premises submitted. The request was approved.

The window guidelines were briefly discussed by the Commission.

- Devon Ruesch, **11 Alden Street** – Stamp revised plans as approved at 10/17/12 meeting. The Commission signed revised plans.

Minutes:

October 24, 2012: MM suggested the Commission review the minutes for accuracy and completeness before approving on November 28, 2012.

Maxine noted that the Commission had approved changing the wording from ‘policy’ to ‘information bulletin’ for the windows, the accessory building/cottage renovation, the demolition and the fences in the Commission’s packets. The solar and hardship have not yet been reviewed. This was not reflected in the October 24, 2012 minutes.

Vice Chair David McGlothlin reiterated what needed to be done at the next meeting on November, 28, 2012, which includes the review of the October 24th minutes, the information bulletin regarding solar and hardship and the proposed changes to the HDC application. The minutes of October 17th and October 9th have been approved, but the minutes of September 19th have not been approved.

Maxine Notaro stated that the window information bulletin will be re-done as it is out-dated. A deadline date for Administrative Reviews needs to be established. The agenda needs to be posted 48 hours before the meeting, however, pursuant to the Open Meeting Law, if someone comes in with an application on the day of the meeting, it can be placed on a revised agenda, which is then sent to the Town Clerk to be re-posted on the same day. The Commission briefly discussed the issue. There will need to be a by-law change if the procedure for handling Administrative Reviews is changed. The Commission asked Maxine what she would prefer. It was decided that no applications for Administrative Reviews be submitted the day of the meeting. It is currently the policy that **revised plans** have to be submitted the Friday before a Wednesday meeting.

Polly Burnell informed the Commission that there is a list from Mass. Historic where Commission members can subscribe to find out what other towns in the Commonwealth do regarding their historical issues and find out about products and materials. She recommends it and finds it very informative.

ADJOURNMENT: *David McGlothlin moved to adjourn 7:00 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2012

John Dowd, Chair