

Thomas: Once again, today is June 30th, 2016. This is the historic district commission present for today's meeting are:
[00:04:00]

Marty: Marty Risteen

Thomas: Thomas Biggert

Marcene: And Marcene Marcoux.

Thomas: First of all, I'd like to thank everybody for coming in today for this special meeting. It's a very busy time of year, I know our time is valuable so I'll try to keep this short, but we have a few things to cover. The main thing being, additions to the decisions the flower changing decision for 457 Commercial Street, in Providence Town. I think Marcene would like to start with a couple of statements.

Marcene: Yes I would. At the last meeting that we had, we were writing a decision and it was a denial for 457 Commercial Street, having to do with a dormer and I was writing part of that decision and when we had finished the meeting it was a few days later. The question came up for us to be adding some of the points, because we did not complete the decision. There were also papers that had to be signed, some of designs, Laurie needed to sign it. So, it turned out that, we were, you and I Thom, I think, were going to go down because we hadn't completed the decision to add certain points.
[00:05:00]

I do think you were then told by Gloria McPherson, the town planner, that we just could not complete the decision, we needed a public hearing. I must tell you that I have been on this board for 10 years and that's unprecedented, that we have to have a public hearing to finish a decision. There were many times we would take decisions home to complete them, and then they would be filed. But I also think you clearly informed Gloria McPherson that we needed to add to the decision, therefore a meeting was held today, for only 1 reason. Which was for us then to publicly meet to complete the decision. However, I think Thom, you may want to take over to find that something has happened to the decision while we're having this meeting to complete it.
[00:06:00]

Thomas: Yes, I had asked town staff to hold off filing the decision, as we wanted to complete it, and I was, I understand that, I believe Zoning commissioned us, that they actually take decisions home to write them, so I thought this would be no problem, we would just take a little bit of time, and finish the decision as Marcene said. That request was not met. The decision once Gloria signed it, it was filed. There was no note to hold off until it is completed, so it has been filed incomplete.

Marcene: Okay, and so Thom, again I think this is also unprecedented, I have never seen where staff files a decision when a regulatory board like the Historic District has not completed the decision, so it is totally problematic that it was filed as an incomplete document. It's unclear to me what was filed, and I think we're still here to add to the document. In other words, the decision is incomplete, and we're going to add ... Even though we don't have in front of us, the actual decision, since it was filed, but this is what you're going to be adding, and I think I also will be adding to the decision.
[00:07:00]

Thom, let me just say that the decision has to do with 457 Commercial Street. The application that was continued by Seth Kaplowitz and Elena Ende, and they were requesting to revise a previously approved shed dormer on the south elevation. And at our last meeting, it was denied 2 votes to 1.

[00:08:00]

Thomas: Correct. So, this is what I would like to add to the decision.

Number 1: 457 is a classic two story cape bungalow, the only one of its kind in Provincetown. As such, the structure itself is a defining characteristic of the district.

Number 2: it is in a relatively unaltered condition, which commands a more thoughtful process than a structure which has been altered in incorrect manner over the years.

Number 3: its lines are gentle and aero dynamic and any added features should be as well. The addition of the dormer, which is larger than the one originally approved, contradicts the design of the original structure.

Number 4: much time was spent fine tuning the plans during the first go around by a board, which was substantially different. We should be careful in overriding their thoughtful deliberation.

[00:09:00]

I would like to read into the minutes also our backup from our bylaws.

First of all 15-8-1 of Criteria for Determination, generally the commission shall consider among other things, the historic architectural and cultural value in significance of the site, building, or structure. The gentle design, proportions, detailing, mass, arrangement, texture and material of exterior architectural features involved and the relation to the work proposed an application to similar features of the length of structures in the surrounding area and the district as a whole.

Secondly, 15-11-2 of the general guidelines, historical character, historic characters shall be retained and preserved. Changes shall be appropriate to the original style of the building. 15-15 new construction: commission shall consider the appropriateness of size, shape, materials, and proportion. Marcene.

[00:10:00]

Marcene: Okay. So Thom, I take it that what you have read is what is officially being added to the denial of the application. And I will also add to what you were putting in.

Thomas: Yes, thank you.

Marcene: This is official and as a regulatory board attempting to complete the decision of the denial and what I'm adding is: Guideline eight, roof dormers, alterations, and additions. Dormers and other roof alterations and additions are permitted under the following criteria:

8-I: Preserving the original roof slope, unchanged at either side of the alteration. The design, the proposed design fails to follow guidelines 8-I and here are additional issues:

[00:11:00] The dormer as presently existing at 457 Commercial Street is the last defining historical feature in the historic district of Provincetown. The dormer as existing is character defining to the historic district and is highly visible from a public way.

A third bullet: because these are bullets: The Size of the proposed dormer is out of scale for the rather pristine structure at 457 Commercial Street.

Bullet: Extending the dormer as proposed fails to comply with guideline 8-I.

Bullet: Proposing to put a dormer on a dormer is inappropriate.

Bullet: There is no precedence in the historic district for a dormer on a dormer.

[00:12:00] Bullet: The original discussion by the historic district commission in 2014 when major changes were proposed for 457 Commercial Street and approve remains the HDC's decision at this time. We honor HDC's previous certificate of appropriateness.

Thomas: Okay, thank you. Any other comments about 457? Marty?

Marty: No.

Thomas: Okay well this is what we have now read into the record we would be adding this to our decision, so thank you again for attending this afternoon. Is there any other business we'd like to discuss today?

Marcene: Yes, I also would like to make one other point, on this issue that Thom, what you have read is simply this: many of the statements and the points that have been made at our meeting .

Thomas: Correct.

[00:13:00] Marcene: But that we did not have the time to add to our decision and I think it is important to know that the staff and particular our staff liaison was fully alerted that we had an incomplete decision and that more material and more reference points needed to be added to the decision. And yet given this, it has been filed. And I must tell you, again, in ten years that I have been on the historic district, I have never seen town staff file a decision that is incomplete when notified that there's more material that needs to be added to a case that we knew needed further definition for why it was being denied.

Thomas: Thank you. Anything else?

Marcene: I do, Thom. I have, since we still have not resolved the issue of the administrative

[00:14:00] reviews but since we now have a public meeting, what I would now like to give a copy to you and also to Marty. And I have more information if you want. It turns out to be a window and the location is 99 Commercial Street at Sal's Place and what you have a picture at the bottom, a picture of the wood that had covered what had been a window area.

Marty: Oh, I see.

Marcene: And then, a window that is now put in and part of what happened is that the owner has, this is Siobhan Carew for the record, had taken away this wood covering, believing that the health department would rather not have a piece of wood in the window of her restaurant. She had this window custom build to fill the space where once there had been a window. It turned out that what is in right now is vinyl though she wants wood.

Marty: Is this in kind?

Marcene: It is totally in kind and at this point I think she also wants to put in a wooden window not just a vinyl but we also could approve the vinyl and the wooden one. It's in kind for what had been there.
[00:15:00]

Marty: Okay.

Marty: Do we have a picture of what was?

Marcene: What was in this space was this piece of wood. So you have the picture of the wood.

Marty: Was there any reason why this was covered up in the original plan?

Marcene: We don't know because we don't have the original owners to ask.

Marty: Okay.

Marcene: And her assumption, which I think made sense, was that the health department would find it a bit problematic to have this wood covering this area.

Thomas: Is this the back dining room?

Marcene: I think it is.

Thomas: It must be.

Marty: The side.

Thomas: So it probably, probably limited, public view on the side.

Marcene: Oh, very limited.

Thomas: To another building on the side.

Marcene: Yes.

Thomas: So somewhat minimally visible.

Marcene: Yes. And as you can tell I mean, it wasn't the creation of a new window.

Marty: So this is an administrative review?

Marcene: Administrative review, it's putting in a window where there once had been a window.

Marty: And the address again?

[00:16:00]

Marcene: It is 99 Commercial Street. I think this is either unit four. It's like 4, 5, 6, and 7.

Thomas: The old Sal's restaurant.

Marcene: The old Sal's restaurant, it is.

Marty: Okay.

Thomas: Okay, well then I'll make a motion that we approve the window and allow the vinyl to go in knowing that wood will eventually be put in.

Marty: Can we have that in our decision?

Marcene: Yes.

Marty: Okay, thank you.

Thomas: So, do I have a second?

Marty: Yes, second.

Thomas: All in favor?

Marty: Aye.

Marcene: Okay.

Marty: With the condition that the window would be replaced with wood.

Marcene: Yes, which is what she wants.

Marty: Okay.

Thomas: Definitely what she wants and that's her intention.

Marty: Just confirming.

Marcene: Thank you, thank you for clarifying things, Marty.

Marty: Thank you.

Thomas: Sir, do you have any business for the board?

Speaker 4: No.

Marty: Just listening? Watching? Hopefully with approval.

Marcene: Yes.

Marty: Welcome.

Speaker 4: Thank you.

Marcene: Thom, I do have, since we're here together, I do have some questions and I am, I want to publicly make the statement I think I've done it before, but I am very concerned that we have not had minutes approved from the historic district since January 20th of this year.
[00:17:00]

Thomas: Okay.

Marcene: And we are now in the last day of June.

Thomas: Okay, well.

Marcene: And we have brought this up as an issue to staff. We have brought up our concern that our former permit coordinator, when we had Leif here, that we don't have these minutes. They may still exist, we don't know. I don't know if he's been contacted. We have a new secretary which we've had for maybe over two months. I have personally asked her as a member of the historic for her to send me the minutes; she has never sent me any minutes. They seem to go down, I call it downstairs, but they go downstairs and seem to disappear, and we haven't received any minutes and I am just concerned. I think that the public needs to be able to read our minutes. There are times I know we have PTV, but the public has the right to read our decisions, and this is just too long.
[00:18:00]

Thomas: I agree and I have been mentioning this to town staff and apparently we at this point, we don't have a recording secretary. She has quit.

Marcene: I'm pleased to hear that because I think it's time we hire someone that we wanted and I think we had the choice and we should I think put it in. I want to suggest that we then

make it our decision. We should be involved with the person that we chose and we need someone, because we're regulatory. We at times face legal issues. We need our minutes not to be written by staff. We need a secretary who sends us back so that we can spend time going over these minutes so what we approve reflect what we mentioned.

Thomas: That's right, because I don't know how we can look at the minutes from January and approve them and actually remember all the details; and we can't. But apparently the plan is we will find a new secretary one way or another and, we will determine what notes, what minutes we do have and which we don't and they will take notes from the videos. However, that is still probably several weeks off even if we hired someone now because that is a time consuming process.

[00:19:00]

Marcene: Okay.

Thomas: But, this is against our own bylaws and guidelines as well as the state of Massachusetts. We are not filing minutes in a timely manner.

Marcene: No.

Thomas: That cannot be our view. We are not filing our minutes in a timely manner. It's a disservice to the town and to us. We're trying to do our and it's certainly difficult to do that without proper town staff support.

Marcene: Yes.

Thomas: So.

Marcene: And Thom can I add one other point on this?

Thomas: Yes.

Marcene: The other point is, up until I would say December, it was not an issue, we were filing our minutes probably within a week. We have been for years incredibly timely. And you and I did meet with the town manager in December. We met in December of 2015 stating our need for a secretary and here we are at the last day of June. And we have the right to hire our own secretary. And we have a right to hire someone who can record properly our minutes. So I think it's important to note that we have done everything we can to be getting our secretary. It's not on our part of being lax. It's been a concern that we've had. So it's bothersome. The other point, the last point, well you may have another, but I wanted to mention is that at our last meeting we took a vote and that is to find out where things stand on administrative reviews and that Ilana Quirk be contacted. I've yet to hear anything. I don't know if you have.

[00:20:00]

Thomas: I have not.

Marcene: And I think it's important. I think that the public is being hurt that many of them have to

[00:21:00] wait weeks where before they could get, in a day or two, an in-kind replacement and the authority to put in a window, to really do some of the shingling. So it's bothering me that we still cannot function as we have been with some statements which make no sense to me of exactly how administrative reviews need to be carried out given our precedence.

Thomas: Right, right and the purpose of these changes like Marcene says, to make it easier for the applicant without making it onerous on the commissioners to all meet on alternate weeks. So that was the objective.

Marcene: Exactly.

Thomas: And that we would like to act on that as soon as we can.

Marty: And the board to become more user friendly.

Marcene: Pardon?

Marty: And this is again, it's allowing the public more access and the ability to get their application and mainstream it. Because many applicants are only here for very short period of time. They come in, they go out. This should be more user friendly. Our board should be much more user friendly.

Marcene: Yes. And that's what we have done.

Marty: Yeah.

[00:22:00] Marcene: We have precedence on that so that the public doesn't have to show up for administrative reviews.

Marty: In kind, yeah.

Marcene: In a window, in-kind replacement, two of us sit down as we used to and you get the approval. Same thing in terms of any of replacement in terms of doors. I mean, we have set it up so that the public when doing construction, you're doing changes that you want, you're able then to get these changes in an incredibly timely fashion.

Thomas: Correct okay, and in addition we want to do thing for the public. Precedence is important and we also want to follow the letter of the law.

Marcene: We do.

Thomas: Okay.

Marcene: We do.

Thomas: Anything else?

Marty: No, that's it. Just, I'm glad we spoke again about the administrative reviews and the need for mainstreaming those applications for our citizens of Provincetown.

Thomas: Thank you.

Marcene: Yes.

Marty: Thank you.

Thomas: Well, there's nothing else so I'll make a motion to adjourn this meeting. Do I have a second?

Marty: Second.

Thomas: All in favor?

Marcene: In favor.

Thomas: Okay, thank you very much.

Marcene: Thank you.

Marty: Thank you PTV.

[00:23:00]
Marcene: Thank you PTV.