

**HISTORIC DISTRICT COMMISSION
Judge Welsh Meeting Room
December 7, 2016 - 3:30 P.M.**

**Members Present: Thomas Biggert, Marcene Marcoux, Martin Risteen,
Laurie Delmolino, Lisa Pacheco-Robb**

Others Present: Anne Howard, Katherine Barrett

Thomas Biggert called the meeting to order at 3:34 p.m.

1. WORK SESSION:

**a) Update on potential violations reported to the Building Commissioner
Anne Howard reported on the following violations:**

- i. 2401/2 Bradford Street – the property was recently sold and there is a new picket fence with an arbor gate.**
- ii. 29 Alden Street – there are some deviations from original plan. A window was omitted on the north elevation, and two windows were put on the south. White cedar shingles were used instead of vertical. Annie asked if a new hearing was warranted, and asked that members go by the property and review the changes. Thom Biggert stated that removing window from the plan on the north elevation should be reviewed. Marcene Marcoux agreed with the need to look at the building and review changes. Martin Risteen stated he has seen the property and recommends that the owners come before the Board. Thom Biggert made a motion for Anne Howard to request that the owners attend the next meeting on December 21, 2016 which was seconded by Lisa Pacheco-Robb.**
- iii. 101 Commercial Street – Marcene Marcoux asked for an update and Anne Howard stated the project is moving toward completion, an updated site plan is needed, and there is an issue with conservation. Marcene Marcoux stated that the HDC plan from the original decision for the project should be followed for the design of the front staircase.**

b) Determination 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 December 21st agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

All Commission Members present reviewed the following:

- i. 437 Commercial Street – to replace existing windows on the west side of the structure in kind.
Thomas Biggert made a motion to accept as presented with the condition that wood trim be used which was seconded by Lisa Pacheco-Robb and passed 5-0-0
- ii. 293 Commercial Street – to replace rotted trim on east and west elevation of building
Thomas Biggert made a motion to accept as presented with the condition that trim be wood which was seconded by Lisa Pacheco-Robb and passed 5-0-0
- iii. 198 Bradford Street – to re-roof a shed dormer and repair existing trim
Thomas Biggert made a motion to accept as presented with condition that trim be wood which was seconded by Marcene Marcoux and passed 5-0-0
- iv. 7 Central Street – to strip and replace 6 square of clapboard shingles
Thomas Biggert made a motion to accept as Administrative Review which was seconded by Lisa Pacheco-Robb and passed 5-0-0
- v. 73 Commercial Street – to replace two asphalt roofs, one double-hung window and one entry door in kind
Thomas Biggert made a motion to accept as presented which was seconded by Martin Risteen and passed 5-0-0
- vi. 6 Conwell Street – to replace shingles on the east side of the structure
Thomas Biggert made a motion to accept as presented which was seconded by Lisa Pacheco-Robb and passed 5-0-0
- vii. 307 Bradford Street – to replace a damaged fence
Thomas Biggert made a motion for a Full Review on December 21st which was seconded by Marcene Marcoux and passed 5-0-0
- viii. 93 Commercial Street, #4 – to strip and replace white cedar shingles and 4 square of roof area
Thomas Biggert made a motion to accept as presented which was seconded by Lisa Pacheco-Robb and passed 5-0-0

- ix. 12 Commercial Street, #15 – to install 4 glider windows and 1 window on each side of the structure in kind
Thomas Biggert made a motion to accept as presented which was seconded by Martin Risteen and passed 5-0-0
- x. 18 Standish Street, #A – to replace 4 windows in kind
Thomas Biggert made a motion to accept as presented with the condition that the trim is wood which was seconded by Marcene Marcoux and passed 5-0-0
- xi. 378 Commercial Street – to replace 2 double-hung windows and 2 slider windows in kind
Thomas Biggert made a motion to accept as presented with the condition that the trim is wood which was seconded by Marcene Marcoux and passed 5-0-0
- xii. 82 Commercial Street – to modify an existing picket fence and to replace it along two sides of the property with a solid board privacy fence
Thomas Biggert made a motion for a Full Review on December 21, 2016 which was seconded by Marcene Marcoux and passed 5-0-0
- xiii. 465 Commercial Street, #A&B – to replace a window and re-shingle on the south side of the structure
Thomas Biggert made a motion to accept as presented with the condition that the trim is wood which was seconded by Marcene Marcoux and passed 5-0-0
- xiv. 4A Conway Street, #1 – to remove and replace roofing and shingling in kind and skylights
Thomas Biggert made a motion to accept as presented which was seconded by Lisa Pacheco-Robb and passed 5-0-0

xv.-xxiii. Marcene Marcoux made a motion that these requests be Full Reviews and be placed on the December 21, 2016 agenda which was seconded by Thomas Biggert and passed 5-0-0. The addresses were read aloud by Lisa Pacheco-Robb.

- c) Review and approval of Minutes: July 6, July 20, August 3, September 7, September 21, October 5, and November 16, 2016

Thomas Biggert made a motion to accept minutes of 6/30/16 which was seconded by Marcene Marcoux and passed 5-0-0

Thomas Biggert made a motion to accept minutes of 7/6/16 which was seconded by Martin Risteen and passed 5-0-0

Thomas Biggert made a motion to accept minutes of 11/9/16 which was seconded by Marcene Marcoux and passed 5-0-0

Thomas Biggert made a motion to accept minutes of 11/16/16 which was seconded by Lisa Pacheco-Robb and passed 5-0-0

Thomas Biggert made a motion to accept minutes of 3/2/16 which was seconded by Lisa Pacheco-Robb and passed 5-0-0

Thomas Biggert made a motion to accept minutes of 5/18/16 which was seconded by Marcene Marcoux and passed 5-0-0

2. PUBLIC HEARINGS:

Members Present: Thomas Biggert, Martin Risteen, Marcene Marcoux, Lisa Pacheco-Robb, Laurie Delmolino

Thomas Biggert called the Public Hearings Meeting to order at 4:04 p.m.

a) Case #FY17-033 (continued from the meeting of November 16)

Application by Regina Binder, on behalf of Cynthia Binder, requesting to modify an approved plan for a cottage addition to comply with FEMA building requirements and with State Building Code requirements for ridge height and knee walls to the structure at the property located at 242 Bradford Street

Regina Binder asked that the Commission grant the withdrawal of the Certificate of Appropriateness without prejudice stating that after multiple meetings with the HDC the project has not been approved, and that she feels it does conform to the cottage policy (handout read to HDC members). She also stated that they are requesting from the Board a Certificate of Hardship (also listed in the handout). Regina Binder discussed the failure to approve the Certificate of Appropriateness and that the issue of FEMA needs to be addressed and is a broader issue.

Thomas Biggert asked if there were any new public comments for or against or any letters which there were not. Marcene Marcoux stated that this case has been continued approximately five times at the applicant's request, not encouraged by the HDC, in an attempt to get approval and Marcene does not see this as being under hardship, and is against the request for a Certificate of Hardship. Marcene Marcoux also stated that the application has contradicted the guidelines and policies of

the HDC, and specifically that there is an HDC cottage and an accessory policy which this application, as presented, contradicts, and that the original approval had expired, wasn't built, and that was 1 ½ years ago. Marcene Marcoux went on to say that this request is against any sense of hardship, and that the cost issue does come up with new plans. Marcene Marcoux shared her opinion that this could be withdrawn without prejudice, but not at the same time that the applicant is requesting a Certificate of Hardship. Laurie Delmolino discussed that every time, except once, when meetings were held, the plans presented by the applicant were not complete, at times were not to scale, and the Board was not getting answers to its many questions, and that this is fairly easy to document. Laurie Delmolino also stated that she feels that information in the application was consistently missing, and that lacking information is not on the HDC, but on the applicant. She agrees that this does not meet a hardship case.

Thomas Biggert discussed that this has been a difficult case, but that he agrees that this cannot be withdrawn without prejudice and at the same time request a hardship decision. Marcene Marcoux stated that the plan as presented contradicts the cottage and accessory policy. Regina Binder again stated she felt plans brought in included what was asked for by the Board. Laurie Delmolino stated plans were not complete, and Marcene Marcoux stated she felt the Board had been fair, that drawings were not to scale, and were not altered or changed to meet HDC requests. Regina Binder informed the group that she will come back and ask for a Certificate of Hardship. Regina Binder stated she feels they are in unchartered water. Marcene Marcoux stated to Regina Binder that she could go to court and appeal the decision. Regina Binder stated that they will not come back as there is nothing else they can do, and that she will come back and request Certificate of Hardship. Martin Risteen made a motion to approve the withdrawal of the Certificate of Appropriateness without prejudice which was seconded by Thomas Biggert and voted by members as 2-2-0 (motion did not pass). Thomas Biggert made a motion to accept the plan as presented on 11/16/16 which was seconded by Marcene Marcoux and voted by members as 1-3-0 (motion was defeated).

b) Case #FY17-055 (continued from the meeting of November 16)

Application by William N. Rogers, II, on behalf of Russell Davies, requesting to add a 20' by 22' second floor addition extending over an existing northwest first floor wall that includes a cantilevered deck on the southwest elevation of the structure located at 23 Winthrop Street, #E5

HDC members were pleased that the applicant had incorporated the requested changes and followed the cottage policy in the revised design plan. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0 (Martin Risteen recused).

c) Case #FY17-060 (continued from the meeting of November 16)

Application by Jeffrey Mulliken & Elbert Ruff requesting to extend a roofline with a new 12/12 pitch and add new shed dormers on the main structure and to add a half story and a recessed one story connector to the main structure on a cottage at the property located at 34A Pearl Street

Board notified that all windows are switched to 6 over 6 and that the chimney will stay. On the south elevation the door was moved a few inches to the right and all windows are now A size. On the Harry Kemp Way side, the west side, the roof extension has been moved back 2 feet, and the dormer was moved so it is smaller. A roof plan was submitted for review. Laurie Delmolino questioned the height of the cottage, and Jeffrey Mulliken stated that it is now 10 x 12 so it is smaller. Sheet AO6 and AO7 shows the center section pitch so overall the height is the same as the main house. HDC members expressed appreciation in the way all their suggested changes to the design of the structures were perfectly incorporated into the present revised plans. Jeffrey Mulliken stated that as an architect he is now even more pleased with the designs given the requested changes by the HDC. HDC members expressed pleasure in hearing of their appreciation of the design. Thomas Biggert suggested continuing shingles. Thomas Biggert made a motion to accept as presented which was seconded by Marcene Marcoux and passed 4-0-0 (Lisa Pacheco-Robb did not vote since she was absent at previous meetings).

d) Case #FY17-87

Application by **Sylvia D. Robinson** requesting to remove and replace an existing deck on the south elevation of the property located at **194 Bradford Street**. **James Russo** presented and said all changes will be in kind. **Thomas Biggert** made a motion to accept as presented which was seconded by **Lisa Pacheco-Robb** and passed 5-0-0

e) Case #FY17-097

Application by **Christopher Barry**, on behalf of **Tonny Wong**, requesting to demolish the upper portion of a structure under Building Permit #BLD-17-000472 and requesting a determination by the Historic District Commission that said demolition will not be detrimental to the historic, architectural or cultural heritage of the Town as set forth under General Bylaws Chapter 11, Section 11-1-5. Demolition Delay Permit, at the property located at **30 Mechanic Street**

Thomas Biggert made a motion that under Provincetown General Bylaw 11-1-5-2 I move that the structure at 30 Mechanic Street is not a significant building or portion thereof which is not subject to regulations under the provisions of Massachusetts General Law Chapter 40c for regulations under the Cape Cod Commission Act as a development of reasonable impact, and it is over 50 years of age, and is not associated with one or more historic persons/events contributing to the cultural, political, economic or social history of the town of Provincetown or its historic or architectural importance in terms of period of style, method of building construction, or association with famous architects or builders either by itself or in contact with a group of buildings. The motion was seconded by **Marcene Marcoux**. **Thomas Biggert** stated that by voting yes, the Commission was voting that it was not significant and was allowing the demolition of this structure. The vote passed 5-0-0. A certified letter will be sent by the Historic District Commission to the owner officially notifying him of the decision.

Case #FY17-101

Application by **Kevin O'Shea** requesting to replace an exterior staircase on the north elevation at the property located at **157 Commercial Street**. **Carlos Verde** presented and stated that the height of the railing would be 36" and **Anne Howard** stated that open risers are required. **Thomas Biggert** made a motion to accept as presented which was seconded by **Lisa Pacheco-Robb** and passed 5-0-0

Case #FY17-105

Application by Cape Associates, Inc., on behalf of Michael Buzel, requesting to partially demolish an addition and replace a foundation with a crawl space on the structure located at 11 Tremont Street

Mark Kinnane presented and stated that they are trying to salvage the old planking and it will be rebuilt according to the prior approved plan. A letter was read from Webb Structural Services indicating the poor condition of the structure which was read by Laurie Delmolino. Mark stated the old house was gutted, and there were no headers on the windows. Laurie Delmolino questioned the grade and if it needed to be raised, and Mark stated they will put in a ledge in the foundation. Laurie asked if there will be brick, and Mark Kinnane stated that there is brick on the front and sides and concrete in the back, and that he will check into making it all brick. Lisa Pacheco-Robb commented that it is the right way to go in how this case was handled, and Marcene Marcoux commented that it was good to have the letter from the structural engineer. Anne Howard stated that a Certificate of Appropriateness is there, but there is still a 20 day appeal period after the case is filed, and any work done now is at-risk. Thomas Biggert made a motion to allow the full demolition of the addition and to replace the foundation with a crawl space on the structure at 11 Tremont Street which was seconded by Lisa Pacheco-Robb and passed 5-0-0

Lisa Pacheco –Robb commented on the Binder case regarding the FEMA vs Historic Commission comments, stating that all building codes must be followed, and that FEMA regulations do not negate what the HDC requires. Laurie Delmolino added that because of FEMA, the building needed to be so much higher so regulations do have an impact on HDC decisions.

Lisa Pacheco-Robb left the meeting.

Anne Howard handed out the 2017 meeting schedule, and discussed Roberts Rules of Order with members. Marcene Marcoux responded that there are other rules and precedent that determine procedures on the HDC.

Thomas Biggert made a motion to file the decisions heard on 11/16/16 on the following properties:

389 Commercial Street, seconded by Marcene Marcoux and passed 4-0-0

3 Court Street, seconded by Marcene Marcoux and passed 4-0-0

11 Bradford Street, seconded by Laurie Delmolino and passed 4-0-0

572 Commercial Street, seconded by Martin Risteen and passed 4-0-0

3. Any other business that shall properly come before the Commission

a) Thomas Biggert announced that David Panagore requested info from the HDC to add to the annual Town Report due on January 26, 2017. Thomas Biggert and Marcene Marcoux will work on the report and will include HDC accomplishments.

b) Thomas Biggert commented that he had used the Decision Form and found it worked really well, it's complete, and includes more information.

The meeting was adjourned by Thomas Biggert at 5:50p.m.

Respectfully submitted:

Katherine Barrett