

**HISTORIC DISTRICT COMMISSION**  
BUSINESS MEETING  
Caucus Hall, Town Hall  
Provincetown MA

**WEDNESDAY, JANUARY 10, 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.); Martin Risteen (MR); Hersh Schwartz, (HS), Alternate.

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

MM spoke of the passing of Joe Notaro who served on the Rescue Squad of the Provincetown Fire Department and was the husband of Maxine Notarro who was Provincetown's Permit Coordinator and HDC liaison for many years. MM offered condolences to Maxine and her family.

MM also remarked on what she said seemed to be the unexpected passing of Richard Olsen, a prominent individual and a former Board of Selectmen who added much to everyone's sense of Provincetown. Condolences were sent to his family.

MM sent best wishes on behalf of HDC to Michael Andrews, who is retiring after 33 years of tending to the rooms and grounds at Town Hall. Many thanks for all Michael has done was strongly expressed. Best wishes for a good retirement.

TB welcomed MR to the HDC board as a full commissioner after serving as an alternate for almost two years. He is now the Provincetown Business Guild's new representative to the HDC.

**1. Discussion regarding emergency remediation work on structures damaged by last week's storm.**

**a) Report from AH**

AH said that when she had run into MM and MR after conducting windshield surveys she had not yet done a walk-about, but felt there was sure to be damaged sliders and windows in need of replacement. AH reported some foundation displacement and decks that have been rocketed and rolled; some would be conservation while some would need an engineering evaluation and there would also be repairs that are in need of immediate attention requiring a permit before an HDC review can be conducted.

AH reported a lot of damage due to water inundation, dramatically affecting interiors; small amounts of impacted sidewalk; the back of Land's End got belted pretty badly, and shingle damage down at Delft Haven. AH said she is getting a lot of phone calls because of a) a lack of

contractors and b) everybody is so busy that to wait an extra two weeks would be silly.

MR stated that he understood AH is asking if HDC can produce a statement for the purpose of allowing the permit request for storm damage to proceed in lieu of benefit of an immediate HDC Administrative Review. TB followed up by asking AH if she was suggesting applications be pre-approved in-kind. AH said, yes, so that an applicant couldn't make changes in the storm damage repair that would invoke historic code.

TB suggested that applicants forego any fees in storm-related damage repair but that the repairs would still be subject to HDC review. AH said, yes, to get the paperwork in, but not to be subject to any wait-time. MR noted upwards of 40 cases of damaged properties. TB asked if HDC is authorized to waive the fees; LD said she didn't think so; AH said HDC would go to Public Hearing to change fees in ordinary circumstances.

MM made the point that the waiving of fees is a wonderful gesture and suggested HDC could make the case to Town Manager, where appropriate, but that HDC is right to make a motion at this time.

TB made a motion to waive any application fees that come before HDC as Administrative Reviews as a result of storm-damage. MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, HS.

MR made a motion to expedite Administrative Review applications that come in as a result of storm-damage. TB seconded the motion, and it passed, MR, TB, MM, LD, HS. TB added that he is fine with calling meetings to expedite storm-damage applications with 48 hrs. notice.

AH suggested that a lot of cases could take 6 weeks to be delivered with interior finishes being more severe; probably 600 instances of damage of varying degrees to severity and over 40 cases of emergencies qualified by disconnects of power.

AH said Town Manager had spoke to Rep. Sarah Peake and Sen. Julian Cyr about the storm damage situation in town and remarked that the Governor has five days from the day of disaster to make an emergency determination and then up to 30 days after that to make further recommendations and that, so far, Town has not heard anything nor has it received paperwork from MEMA for public or private buildings to be filled out. AH reported that there are three national certified flood insurance adjusters in town from Alabama, Missouri and Oklahoma.

HS noted that basements are not included in one's flood insurance; AH said this is true and that one cannot build a basement in the flood plane. AH reported that 2 ½ inches of rain seeped into Town Hall basement, all coming from one point of entry. HS reported damage to a few hundred pairs of shoes in her business. AH said there are frozen pipes and two fire engines with alternator trouble.

MM said she felt some cases will be more than Administrative Reviews, some Full Reviews but that HDC would do all it can to help; MR added, to move these cases to the top of the list. AH said those affected will need two weeks posting time.

AH spoke of residents with electrical services impacted and where this is an opportunity to seize the moment and move units to higher ground during repairs, to get them out of the flood plane if it's feasible; noted John Brown and a stand-by electrician are making recommendations. AH said remarkably she is not facing blown-out windows due in part to the quality of the newer products and was grateful there was no loss of life.

#### **b) Fence at 17 Center Street**

TB read an e-mail from the owners that was sent to AH. Owners wrote that due to the storm, the fence went to a lower priority but is now being revisited; they intend to take down the newly installed fence and start all over; that they had hoped HDC would share some of the blame as the mistake should be shared by the Town and HDC but they are the only ones paying the price; asked HDC to help them not lose some of the 6k they'd already spent on what is after all just a stupid little fence; do not want to sue the Town; requested HDC give them up to April 15<sup>th</sup> to have the fence corrected.

MR spoke of serious issues that the e-mail raised; that the "stupid little fence" is part of the historic integrity of our town; that this remark set a very clear, inappropriate line in the sand, MR is offended for the Town. MM referenced the fence policy that is in place, and stated that it was the applicant's responsibility to read the decision carefully and pro-actively, which stated clearly a 4' picket fence was approved; that the particulars of this HDC decision were standard issue.

AH acknowledged that applicant had called in per the fence application. AH stated that she tries to direct applicants whose applications are approved to the written conditions.

LD asked if the fence might be able to be cut-down; TB, MM and MR thought not, and TB noted the high visibility of the fence.

TB acknowledged that there could be some shared blame with the Town, but defended the HDC in stating that the board acted as it always acts in its decisions and the applicant had a responsibility to comply with the approval as handed down. TB suggested that with the work coming at such a high cost, it would have been beneficial to all had the owner attended the Public Hearing.

MR added that the applicant was well aware of the bylaws and their statement is mean-spirited and an affront to the Town; requested AH pull the file to verify the exact wording on the decision so everything can be on the table. AH left the meeting to pull the file.

LD asked if, going forward, there is a way to safeguard against this sort of thing. MM said she felt that this is the responsibility of the applicant, asked if HDC could highlight or box the conditions on the decision for public view.

AH returned with the application, verifying that the work done did not reflect what the applicant's original work-order signified, i.e., 4' picket.

TB repeated the suggestion to box or highlight the conditions of the decision. HS said she felt it was the applicant's responsibility to review the particulars of their decisions, didn't promote boxing or highlighting

TB made a motion to give the applicant until April 15<sup>th</sup> to remove stockade fence and install, at this time, a 4' picket fence; MM seconded the motion, and it passed, 4-1-0. TB, MM, LD, HS approved; MR, opposed.

### **c) Outstanding Invoice, Recording Secretary**

AH presented an invoice from former Recording Secretary, Oriana Conklin, dating back to 2016.

TB made a motion to approve the invoice and pay Oriana Conklin \$125.00 for five hours of work. LD seconded the motion, and it passed, 5-0-0. TB, LD, MM, MR, HS.

### **f) Vice-Chair Marcoux's Motions**

i. MM asked AH if a full motion is needed for a demolition separate from any new design. AH said it would be really nice to have a formal motion as that is the true action of the board. TB said this came up because of 11 Brewster; MM said, yes, and also with 51, 53 Commercial St.

MM made a motion that any requests for demolition in the historic district be a singular case in itself; i.e., that no new drawings may be attached to it, and that it is simply a case for demolition without new drawings. HS seconded the motion, and it passed, 5-0-0. MM, HS, TB, LD, MR.

ii. MM said she felt HDC had been clear about plans showing up on the Thursday before a Wednesday meeting, but has felt caught unprepared by getting a structural engineer's report at the last minute.

MM made a motion that any and all pertinent information on a case has to be brought in on the Thursday before the case is to be heard and copies distributed to all HDC board members. HS seconded the motion and it passed, 5-0-0. MM, HS, TB, LD, MR.

### **g) Chair Biggert's Discussion on Applicant Sources**

TB questioned the practice where HDC is relying on a singular source by the applicant for its permitting request; AH said yes, but if the applicant is putting their stamp on it, it's their responsibility to be accurate; added that

in cases of demolition requests, AH does a site visit, recommendations are made, referenced the case of 509 Commercial St. and the base elevation designation.

#### **h) State Guidelines**

MR read a bylaw concerning the Cape Cod Commission (CCC) and a non-contributing building in an historic district as not being under the jurisdiction of CCC; also, a contributing building in a Nationally Registered area that is doing improvements or alterations resulting in a 25% or less change in the gross floor plan, including new doors, floors, windows, etc., does not need CCC approval. However, triggers that are identified are taken up by the Building Commissioner who then alerts HDC. MR added that the State would like these instances to be overseen and resolved locally, but that the County may be notified by HDC where appropriate. MR's reference source was Historic Homes of Cape Cod vs. Flood Plane.

AH passed around new, illustrated guidelines from the Secretary of the Interior's Standards for Rehabilitation.

MM referenced back to TB's point about an applicant's structural engineer's evaluation being the only or last word; asked for consideration when a wall might be saved and so on, referenced John Yingling sistering his building for historical aspects.

AH responded that flood maps have changed since the Yingling re-vamp and he might have done work that would not have triggered FEMA, noted that that building was a storefront and had different guidelines than residential. The Surf Club was noted as an example for discussion on issues of compliance, but AH pointed out that at an appraised value of \$1.7 million a lot of work can be done on the property before the 50% would kick in.

#### **i) On HDC Correspondence**

MM asked if people on the HDC e-mail list can be eliminated, noted the irregularity that former Commissioners are not on the e-mail list while other are. AH said she wasn't sure if someone asks to be included that they be denied, said she spoke to David Gardner about it previously. MM asked if AH would address the issue with him again.

LD noted the information was public and didn't see why people couldn't be included. MM mentioned those who were previous board members being left out and the present system is selective.

#### **j) Vice-Chair Marcoux's Request for Agendas to be Pre-reviewed**

MM asked if the agenda can be reviewed before it is posted, which could also prevent discrepancies. TB agreed, acknowledged it's an extra step for Ellen Battaglini. AH said that, as is, EB is up against a filing deadline.

TB said he realized a fast turn-around is needed and offered to pre-review the Agenda himself prior to posting.

MM made a motion that the HDC meeting agenda is sent to the Chair for review, or the Vice-Chair when the Chair is not available, prior to posting. TB seconded the motion, and it passed, 5-0-0. MM, TB, LD, MR, HS.

#### **h) Approval of Minutes**

AH distributed to HS a Mullin Rule document for her to sign pertaining to a meeting she missed and the cases heard therein.

MM advised HDC to alert the Clerk's office if they are available for the Feb. 7<sup>th</sup> Ethics Meeting; TB added that HDC also needs to take the online ethics test, as well, per Town Clerk's Office. HS said she took it last year; MM said she thought the online test was every two years. AH stated that the test had changed. AH said that anyone who is a card-carrying member has a code of ethics to honor.

TB made a motion to approve the meeting minutes of August, 10, 2017 with changes. MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, HS.

## **2. Deliberations on Pending Decisions.**

Decision by TB, read by TB:

- a) HDC 18-124: 155 Bradford St.** Decision from Jan. 3, 2018  
TB made motion to approve the decision; MR seconded the motion, and it passed 5-0-0. TB, MR, MM, LD, HS.

AH corrected TB's decision in saying that the work done at 155 Bradford back in 1986 rendered the building of minimal or no architectural significance. TB amended the decision to reflect this change.

LD left the meeting at 4:51pm.

Decision by MM, read by HS:

- b) HDC 18-122: 18 Pleasant St.** Decision from Dec. 20, 2017  
TB made a motion to approve the decision; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

JON left the meeting at 5:05pm.

Decision by TB, read by TB:

- c) HDC 18-101: 5 Dyer St.** Decision from Dec. 6, 2017  
TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

Decision by MM, read by HS:

- d) **HDC 18-130: 371,373 Commercial St.** Decision from Jan. 3, 2018  
TB made a motion to approve the decision; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

Decision by TB, read by TB:

- e) **HDC 18-072: 462 Commercial St.** Decision from Dec, 6, 2017  
TB made a motion to approve the decision; MR seconded the motion, and it passed, 4-0-0. TB, MR, MM, HS.

TB said he would make changes to the guidelines cited on his decision.

Decision by MM, read by HS:

- f) **HDC 18-133: 352 Commercial St.** Decision from Jan. 3, 2018  
TB made a motion to approve the decision; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

Decision by TB, read by HS

- g) **HDC 18-116: 6 Cottage St.** Decision from Dec. 20, 2017  
TB made a motion to approve the decision; MR seconded the motion, and it passed, 4-0-0. TB, MR, MM, HS.

Decision by MM, read by HS:

- h) **HDC-078: 11 Brewster St.** Decision from Jan. 3, 2018  
TB made a motion to approve the decision; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

Decision by TB, read by TB:

- i) **HDC 18-043: 446 Commercial St.** Decision from Nov. 1, 2017  
TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

Decision by MR, read by MM:

- j) **HDC 18-017: 74 Commercial St.** Decision from Sept. 6, 2017  
TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

MM noted that since Nov. 30, 2017, HDC has voted on 36 decisions and 24 decisions have already been filed.

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

MM offered the following as cases awaiting more information:

- a) **HDC-021: 479 Commercial St.** HDC is awaiting AJ's drawings. AH said that she has been to the property but needs to see pictures to make a comparison of the section in question.
- b) **212-214 Commercial St.**, Ben DeRuyter case, which AH confirmed as awaiting plans on dimensions and roof pitch.
- c) **HDC-039: 104 Bradford St.** Need decision from Lisa Pacheco Robb.
- d) **HDC-17-221: B Moore.**

AH alerted HDC to the following:

- e) The rubber roof over the new kitchen at the **Squealing Pig** is leaking so they have to take the rear deck off to repair; reference Nagle's old house at 10 Commercial St., Unit #16 where renovation had just been completed when the building was flooded out.
- f) **77 Commercial St.** reported frozen pipes.
- g) **226B Bradford's** building permit has expired as they did not execute the permit for demolition.

MR spoke about the template for Administrative Review that has been discussed; mentioned Ellen Battaglini's input and how HDC can help to move the measure forward.

TB took a roll-call of who on HDC is available for the next meeting on Wed., Jan. 17<sup>th</sup>; MM and MR are both not available. TB suggested more shorter meetings might be conducive to hearing cases and making decisions.

TB made a motion for a meeting on Jan.24th.;MM seconded the motion, and It passed, 4-0-0. TB, MM, MR, HS. TB noted there are 5 cases of concern.

TB made a motion to adjourn the meeting at 5:51pm. HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

Respectfully Submitted,  
Jody O'Neil