

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA

**WEDNESDAY, APRIL 18, 2018**

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Historical Commission Rep.; Ted Jones (TJ), PAAM Rep.; Hersh Schwartz (HS), Alternate; Michela Carew-Murphy (MCM), Alternate

Absent: Marcene Marcoux, Vice Chair, Chamber of Commerce Rep.; Martin Risteen, PBG Rep.; Annie Howard, Building Commissioner

Others Present: David Gardner (DG), Assistant Town Manager; Jody O'Neil (JON), Recording Secretary.

TB called the meeting to order at 3:32 pm.

**1. Executive Session**

*A declaration and vote, under G.L. c.30A, 21(a)(3), are expected, to allow the HDC to go into executive session to discuss litigation strategy as doing so in open session may have a detrimental effect on the litigation position of the HDC. The discussion concerns a request to raise a structure 9' to meet FEMA regulations, to remove and replace a deck and enclose the area beneath it on the south elevation and to construct a stairway for egress on the west elevation on the property located at **509 Commercial Street**.*

Postponed. TB spoke of confusion over the need for Executive Session; said he had spoken to David Panagore, Town Manager, and stated that he felt Executive Session was not needed and that Alana Quirk, who informed him that only the Chair can call for the session, did not need to make a special trip in.

**2. Work Session: VOTES MAY BE TAKEN**

**a) Update on potential violations reported to the Building Commissioner.**

TB requested HDC do a site visit for the fence at **17 Center St**. LD said she had seen it. TB said the fence was a little less than 4' but the posts were left at 53" and that he felt it was an insult to HDC; that they should sit about an inch above the fence and directed the board to conduct a site visit.

**b) Determinations 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 Public Hearing agenda on the May 2, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

TB made a motion to accept xx) 8 Conwell St.; xxi) 17 Alden St.; and xxii) 143 Commercial St. as Full Review. HS asked if iv) 51 Commercial St. would also qualify for Full Review as the plans submitted were dated from 12/19/17. TB and HDC agreed and TB made a motion to add iv) 51 Commercial St. to the motion for Full Review. LD seconded the motion, and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

TB made a motion to consider i) 5-7 Point St., #3; ii) 359 Commercial St.; iii) 277 Bradford St.; v) 5 Young's Court; vi) 350A Commercial St.; vii) 6 Lovett's Court; viii) 9 Commercial St., #11; ix) 33 Commercial St.; x) 88 Commercial St.; xi) 76 Bradford St.; xii) 616 Commercial St.; xiii) 259-263 Commercial St.; xiv) 202 Bradford St.; xv) 200 Bradford St.; xvi) 3 Carver St.; xvii) 22 Franklin St.; xviii) 432 Commercial St.; xix) 353 Commercial St. as Administrative Review. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- i) 5-7 Point St., #3 – To replace 1 window in kind.  
Alex Taratuta (AT), presented.

TB noted that 16 windows were to be replaced in kind, asked what a silver-line Anderson window is. AT replied that he wasn't sure. LD noted applied grill in the application. TB said HDC does not permit as such; that units should be true divided light or simulated divided light with a spacer and muttons, inside and out.

AT said the windows had already been installed, that the contractor had put them in without notifying the owners. TB recommended a site visit. LD advised AT to have grills installed so HDC can evaluate. TB said it wouldn't matter if they were installed as applied grills do not pass muster. TB made a motion to continue the decision at the May 2<sup>nd</sup> meeting; HS seconded the motion passed and it passed, 5-0-0. TB, HS, LD, TJ, MCM.

- ii) 359 Commercial St. – To replace a slider in kind.

No one presented.

TB made a motion to accept as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- iii) 277 Bradford St. – To replace 6 windows and trim in kind; replace siding and roofing shingles.

No one presented. TB asked LD what is P5 wood; LD said it was wood.

TB made a motion to accept as presented; MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

- v) 5 Young's Court - To replace 13 windows in kind.

No one presented.

TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- vi) 350A Commercial St. – To replace 6 windows in kind.

No one presented.

TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- vii) 6 Lovett's Ct. – To replace 5 windows in kind.

No one presented.

TB asked what a reverse cottage style is. TJ said it was an old house, suggested it might require a Full Review or site visit. TB remarked it was a public way. LD said they might potentially be original windows. TB said they'd already replaced first floor windows and now were replacing the second floor. TB said HDC needed more information; LD said the reverse might be 9-over-6s, but wasn't sure.

TB moved to continue the decision to the meeting of May 2<sup>nd</sup>. LD added also to determine visibility. MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

- viii) 9 Commercial St., #11 – To replace roofing shingles.

No one presented.

TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

- ix) 33 Commercial St. – To replace 3 windows in kind.

Michael Cyzoski (MC), contractor, presented, identified the property as The Masthead; said they were factory-applied grills with no mutton bars or spacing between. TB said they have to be true divided light or simulated divided light; MC said they were copied after the rest of the property.

MCM asked if it was not visible from the street was it alright; MC said it couldn't be seen from the street and could barely view it from the water. TB and LD agreed that HDC needed to determine visibility.

TB made a motion to continue the decision to the meeting of May 2<sup>nd</sup>, LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

MC asked why it required a continuation. TB said because the request went against HDC's bylaws and HDC needed to conduct a site visit to determine if an exception or remedy might be made in this case. MC said the building was rented already and that if there is a delay they'll be five units out; that they had a massive disaster up there and they make their living off the tourist season and it only comes once a year.

- x) 88 Commercial St. – To replace 4 windows in kind.

Michael Cyzoski (MC) presented.

TB noted again a situation with divided light without spacer, matching windows that have already been installed. TB made a motion to continue the decision to the meeting of May 2<sup>nd</sup>. LD seconded the decision.

TJ asked if the property had already been rented. MC said not yet but it would be by the time May rolled around and he'd have to get in there and do it and it wouldn't happen; said he's put in a lot of windows without mutton bars in his time and submitted the paperwork and had no problem. TB suggested that those approvals signaled someone hadn't been paying attention. The motion passed 5-0-0. TB, LD, TJ, HS, MCM.

- xi) 76 Bradford St. – To replace roofing shingles.

No one presented.

TB noted architectural style asphalt shingles and made a motion to approve as presented. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

xii) 616 Commercial St. – To replace 6 windows in kind.

Paul Colburn (PC) presented. TB mentioned the windows to be replaced were in the rear and asked if the window is a 4-over-1, which PC said was a mistake as it was 1-over-1 and confirmed to TB that they were matching the windows that were already in the building.

TB made a motion to approve as presented; MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

xiii) 259-262 Commercial St. – To replace siding.

No one presented.

HDC noted that some of the work seemed to have already been completed. TJ suggested they might be intending to do under the windows and noted the parking lot location.

TB made a motion to approve as presented; MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

xiv) 202 Bradford St. – To replace siding and replace roofing shingles.

No one presented.

TB noted partial walls and made a motion to approve as presented. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

xv) 200 Bradford St. – To replace 2 windows in kind.

No one presented.

TB noted request to replace two casement windows on the first floor street-side of the exact same size and dimension; made a motion to approve as presented.

TJ asked if HDC would automatically approve break-out windows. TB said, yes, if they were in kind; that if they were present HDC might ask them to do something a little more traditional.

LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

xvi) 3 Carver St. – To replace roofing shingles.

No one presented.

TB read copy requesting roof shingles to be replaced with exact same kind; made a motion to approve as presented. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

xvii) 22 Franklin St. – To replace existing fence in kind.

No one presented.

TB said he felt it was not in kind, did site visit. LD read from the application that the former fence was stockade board-on-board, pressure-treated pine and those newly proposed would be boxed baluster cedar. HS said she did a site visit, and felt that as long as the height was the same she'd approve. TB said there was nothing to indicate where the new fence would be placed; made a motion that the application would be considered as a Full Review.

LD seconded the motion, added that the applicant should make note which fence was to be replaced, and where, and any other applicable information. The motion passed, 5-0-0. TB, LD, TJ, HS, MCM.

xviii) 434 Commercial St. – To replace siding.

No one presented.

TB noted white cedar shingles, moved to approve as presented; MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

xix) 353 Commercial St. #11 – To replace an entry door and window.

No one presented.

TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

c) **Review and approval of Minutes:** June 1, July 20, August 3, September 21, October 5, 2016; February 1, February 15 and April 19, April 26, May 3, May 17, June 7, June 21, July 5, 2017, March 7, March 21 and April 4, 2018.

TB made a motion to postpone reading and approval of the minutes until the end of the meeting as the room was full of people waiting. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

3. **Public Comments:** On any matter not on the agenda below.

None.

4. **Public Hearing: VOTES MAY BE TAKEN;** opened at 4:07 pm.

a) HDC 18-056 (*continued from the meeting of April 4<sup>th</sup>*)

Application by **Don DiRocco, of Hammer Architects**, on behalf of **Jay Anderson** requesting to demolish an existing three-story structure and construct a new two-story structure on the south elevation of the property located at **53 Commercial Street, Rear**.

No one presented. DG said the time constraint expired today.

Lester J. Murphy came forward to state that from a meeting they had yesterday, he thought someone from Hammer Architects would be on hand.

TB made a motion to hear the case as the last on the roll for today. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

b) HDC 18-107 (*request to move to the meeting of May 2<sup>nd</sup>*)

TB made a motion to continue the decision to the meeting of May 2<sup>nd</sup>. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

c) HDC 18-201

Application by **Lisa Pacheco Robb**, on behalf of **Richard Berry**, requesting to add a front porch and an addition on the west elevation of the structure located at **10 Whorf's Court**.

Lisa Pacheco Robb (LPR) and Richard Berry (RB) presented. LRB said the Berrys have owned the property for 24 year, want to do a small addition to accommodate some grandchildren.

RB told TJ he didn't know the age of the property but would like to retire in it and not have to work the stairs when they're 85. LPR noted a wide open

exposure to the sun on the front porch where the owners spend a lot of time and are looking for cover; said former HDC commissioner, John Dowd, had encouraged the current design a while back and which they seek at this time.

Donald Petrie (sp) of 7 Whorf's Ct. spoke in full support; said it would be a nice addition to neighborhood.

MCM said she liked it, and people retiring here. HS concurred.

LD asked if the addition was set back or came out in front. LPR said it comes out 3' because of a set-back issue behind it so they pulled it out as little as possible, added that the elevation drops off behind the retaining wall, nests nicely in that ground level. LD said typically small additions are usually set back, so this aspect does concern her, but seeing as there's no space to do something else she understood the design motivation.

LD's second comment concerned the front porch; that it looked pretty heavy, was expecting to see something simpler, more humble Cape, but as is features pretty sizable support posts requiring large trim above, below the roof. LPR explained that this was because the neighbor at 7 Whorf's would otherwise be too close, suggested she could bring the columns down, but the header couldn't change. TJ suggested round columns which RB said he didn't have a problem with. LPR said she could take them down to 10" from a foot, and that the roof was flat.

TB said the porch design didn't look historic. LPR said she modeled it after the neighbors' which TB said he felt was too large and LPR said she could reduce it. TB noted of the addition coming out 3' that bylaws state they should set back 3'; added that he had a problem with the basement walk-out in that it resembles a garage even if it is not a garage. LD said she assumed it would not be one. RB said it would only be used for storage. LPR said it doesn't have the size to be a garage and was not visible from a public view as it is below the retaining wall and could not be seen from Franklin St.

MCM said to take into consideration the set-back issues make the home livable. LD thought the next door house was larger based on the over-trim, but LPR said it was exactly the same. LD asked for elevations for the east. LPR said that contextually, there is no public view that gives a non-compliant perspective. LD argued for visibility from Whorf's Ct. which is a public street. MCM said it was a dead-end. TB said he had a plain view from Franklin St., which TJ concurred, said his problems are with the porch, recommended the underside be altered to make it look less like a garage and didn't have a problem with the 3' protrusion.

TB proposed the porch move to the left and meet the addition. LPR said they were trying to give the neighbors breathing space but would be okay moving it the left.

TB reviewed the three issues: 1. Walk-out door is barely visible; 2. Addition protruding from the front of the house, and 3. Mass of porch.

LD said she'd like to see the porch toned down, including vertical trim at base of floor boards made less grand. TB suggested playing around with the porch to try and make it look more historic and provide east elevations and they would probably have a deal; requested new drawings be submitted the Thursday before the next meeting.

TB made a motion to continue the decision to the meeting of May 2<sup>nd</sup>; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

d) **HDC 18-202**

Application by **Pavel Fiodarau**, on behalf of **Wareham Investment Group, LLC**, Requesting to replace two windows in kind on the structure located at **352 Commercial St.**

Pavel Fiodarau (PF) presented, explained plans for same windows which features a bay window on the Commercial St. and a big window on the Center St. side, wood windows interior and exterior, same amount of lights and 5/8s dividers.

LD said she thought it was basically an Administrative Review as it was same for same. TB asked for dimensions per the front window, noted incongruous math. PF said the corner was needed to be slightly larger based on the factory mold.

TB said the proportions looked good and made a motion to approve as presented. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

e) **HDC 18-203**

Application by **Jan K. Von Flatern**, requesting to remove non-functioning chimney on the structure located at **379 Commercial St., #14.**

Jan Von Flatern (JVF) and Ken Okin (KO), Board of Trustees, presented.

JVF referenced two chimneys are being requested for removal; said chimneys sit atop utility flues that serve no function since central heating was installed; have had inspections and mason reported they are falling apart, must be taken down for safety matters; said it will be three times as expensive to put up new ones that have no function; submitted pictures; have letters from the other three owners on the application.

DG read into record names of three owners at 379 Commercial St. in agreement with applicant: Diane Neumann, Unit 3-11; Susan Borkowski of Unit 3-13; and the Singers of Unit 3-12.

HS asked per historic evidence of chimneys; JVF said the age of the building is unknown. TB read from bylaws, Section 15-11-8B which state chimneys are to be retained and repaired wherever possible. TB said HDC appreciates the degree of responsibility that comes with owning properties in the Historic District to which JVF added came at a cost.

TB made a motion to deny the application; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

f) **HDC 221**

Application by **Coastal Custom Builders**, on behalf of **Our Moms, LLC**, requesting to construct an outdoor viewing/seating deck at the rear of the property and to install a glass garage door on the rear of the structure located at **177 Commercial Street.**

Tim Klink (TK) and Irv Morgan (IM), owner Bayside Betsey's, presented.

TK described the proposed rear deck as sitting above the area with a generator, plants and walkways; generator is defunct and would be removed as well as the enclosure; deck would be level with first floor of the restaurant going out 22' and constructed on pressure-treated frame, mahogany decking for surface of deck, rails would have white AZEK posts, cable rail and wire posts and aluminum top cap; trying to keep deck light and airy and don't want to block public view of the water; added proposal to install glass garage door.

MCM said she liked it; what's good for restaurants is good for the Town; doesn't like cable railing but noted we allow it for others. TJ agreed and said the water is right there and that it is commonly used.

HS said she'd be glad to see the generator and other elements gone; asked if there was a second way to get to the upstairs apartment. TK said yes, and the spiral stair would stay also.

LD questioned a permissible cable system by noting two competing balusters systems, horizontal and vertical above; said HDC tries to avoid these inconsistencies; asked of the rationale for garage door vs. sliders or French doors, but said guidelines allow for it, especially as it's commercial; took issue with no trim boards on sides of windows inside. TK referenced four sets of windows in rear view and that garage door would have trim, as well; that each unit would be trimmed out.

TB said HDC would need new drawings and also of the south and west elevations, had concern about the trim; noted HDC has allowed cable railing on the water side as it offers a non-obstructed view, noted HDC offers more lee-way with water-front; suggested this garage door might be setting a precedent. TJ said it looked terrific, asked what was going on beneath the deck; TK said they'd be creating a drainage swell and that the upper deck would be another phase of work detail.

IM announced that the restaurant was open in the winter and said, not that anybody comes.

TB stated the need for new elevations and a spec sheet on the door, that the door would be Full Review and any skirting, too. LD was reluctant to vote before seeing revised plans. TK said they were hoping for approval tonight and would then go to Zoning Board and start work in the fall.

TB made a motion to accept on condition that new drawings be submitted, including south elevations and which that demonstrate all windows be trimmed out. MCM seconded the motion and it passed, 5-0-0. TB, MCM, LD, TJ, HS.

a) **HDC 18-056** *(continued from the meeting of April 4<sup>th</sup>)*  
**53 Commercial Street, Rear.**

TB announced that the applicant has requested to continue the decision to the meeting of May 2<sup>nd</sup>, asked if there was a 2<sup>nd</sup>. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

g) **HDC 18-222**

Application by **Aaron Poirier**, requesting to install a new deck railing with fully-captured, vertical balusters and to replace existing railing spans with new material on the structure located at **18 Pleasant Street, #2**.

Aaron Poirier (AP) and Nate McKean presented. LD recused herself.

AP noted rubber deck completed in the fall and requests approval today for new railing that will match current railing to maintain historic integrity; noted area is on back inner corner, barely visible as last house in Historic District.

No public comment or letters.

TJ said he's been by the site and has nothing to say about the project; MCM said any time someone wants to put in railings she is happy. HS noted they were replacing in kind. TB said his only concern was AZEK sleeves, asked for wood, which AP said was okay.

TB made a motion to approve with the condition that the posts have wood sleeves and not AZEK. MCM seconded the motion and it passed, 4-0-0. TB, MCM, TJ, HS.

h) **HDC-223**

Application by **David Tabenken** requesting to remove and replace existing asbestos siding with pre-stained cedar shingles, to replace existing windows, including re-configuring openings, doors, wood trim, asphalt roofing shingles, gutters and downspouts and to install a skylight in the rear of the roof and masonry veneer on an exposed foundation of a structure at the property located at **8 Webster Place**.

David Tabenken (DT) presented as one of two owners at 8 Webster, also representing Greg Siaglo (sp) owner of Unit B.

DT noted the building at the end of a dead end street; about a third of property visible from a public way; front facade only visible when standing in front of driveway, gave history of house from 1900s with photos, noted fire around 1944 and current configuration of one and a half stories with exposed foundation and 2-over-2 windows.

DT said that asbestos removal is first priority with certified contractor, then removal of storm windows; expressed his and neighbors' desires to replace 2-over-2s with 2-over-1s; request to replace two openings with three openings on first floor plan to bring in more light and exposure with screened-in patio, French doors; request to replace skylight on shallow roof; to replace front entry door and also basement door which would be enhanced with panels and a small window; addressed fenestration and door changes per elevation; request to change out fixed bath room window for awning variety that would allow for more ventilation and on the front façade, south elevation, to add a running bond pattern to match chimney where it hits existing stairs up to the terrace on the west side.

No public comments or letters.

LD sought confirmation that west elevation is not visible. DT cited minimal visibility from sidewalk; TB thought there was visibility from the parking lot and the school. LD noted existing full shed dormer and the most incredible asymmetry regarding windows which, she said, must have been a statement; said she couldn't find a guideline that this goes against considering minimal visibility.

TJ said it was amazing how much work was going into the re-design without changing the house; said they'd be improving their life and that that was great.

MCM asked if fiberglass clad windows could be wood. DT said that based on the southern exposure and exposure in trees, they'd prefer to use the A-series.

TB said the applicant had done an excellent job, had only two small concerns: 1. South elevation mission style door should be more historic; DT said they wanted to keep window high for safety reasons. TB noted Provincetown Door which is more acceptable, but said he was outvoted here; 2. Windows should be 2-over-2s. DT said he is happy to let HDC make that decision. HDC agreed mutton patterns should stay 2-over-2s.

TB made a motion to approve the plans with the condition that the windows be 2-over-2 pattern. LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

TB introduced a short break to set-up for the next decision at 4:43pm; meeting resumed at 4:47pm.

i) **HDC 18-224**

Application by **Attorney Lester J. Murphy**, on behalf of the **Cape Cod Pilgrim Memorial Association**, requesting to construct a funicular and make other site improvements, including adding an entryway, kiosk, funicular pavilion, tracks and a landing at the crest of a hill located at **8 Webster Place**.

Lester J. Murphy (LJM), attorney; Courtney Hurst (CH), President of Pilgrim Monument and Provincetown Museum (PMPM); Dr. David Weidner (DW), ED of PMPM; John A. Bologna (JB), President/CEO of Costal Engineering (CE); Tom Swensson (TS), Project Architect at Brown, Lindquist, Fenuccia & Raber Architects; David Hawk (DH) of Hawk Design, presented.

LJM introduced the panel representing the funicular project, referenced that access to the PMPM from Bradford St. has long been in the works as evidenced by accompanying photographs.

CH read from a statement promoting the Bradford Access Project; said the team has focused on transparency and open dialogue with the community including three forums which, she said, were overwhelmingly positive, highlighted concerns that the plan would be historical, tasteful and respectful to the hill and the Bas Relief; project is Phase I of a master plan to improve PMPM and grounds and make a world class tribute to Provincetown's history; cited historic precedent for a funicular in the construction of the Pilgrim Monument (PM), 1907-1910.

JB referenced power point presentation, said CE has been involved in the project for a number of years, and also looked into a stair kind of ramp; exhibited historical photographs of PM's original construction, said stones were 5-10 tons, have developed some concepts for installation per ability of the slope working with a Swiss company, Outdoor Engineering; did an existing conditions plan which featured 40' frontage on Bradford St. which would provide space for a pavilion and access to top of the hill; medium to dense sand which, he said, would enable support of track and apparatus; slope stability analysis indicated slope could withstand the tram, went down 65' into soil to make that determination; bottom of hill is located in flood zone at elevation 9 with design elevation of 10 – an issue to be addressed by Conservation Commission; property located in residential district R3; pulley system with 3-phase electrical motor, most equipment located at top of hill would provide non-disruptive, non-evasive instrumentation; emergency stair to run parallel to track with safety features.

TS presented: displayed slides of revamped Bas Relief design; said whole concept was to provide a new front door to PMPM on Bradford St.; said biggest task was working with the Town's vast architectural history, explored concepts from Greek revival to a depot-style with cupola; committee reinforced its feeling that the community wanted respect for the Bas Relief and ended up with a scheme that is intended to compliment the Bas Relief, which is the planners chief concern.

Open-air pavilion structure stands about 10' plus or minus with a peak of 18 or 19 feet which is in keeping with the current Bas Relief monument; wanted structure to look transparent but also to provide protection for those queuing up; columns and gates serve as security control and access; roof is to be slate with possibility for copper patina green pattern.

LJM asked for TS to discuss what is happening at top of hill. TS cited the tram track component of 6' high glass and guard rails to avoid passengers reaching around, clipping limbs; railings at 36" in height; columns at top to mirror those on the bottom; overall, 16' of height in construct at top of hill; slate roof to match pavilion roof at lower level.

DH presented; spoke of the Town as one of the most pedestrian-oriented towns in New England; addressed pedestrian space on Bradford St. that runs about 10' to include gentle walk-ways, flowering trees of 20 or 25'; blending and harmonizing with Bas Relief; tracks running up the hill are to be about 10' wide, but to go about 3' outside that mark to stabilize the design which has been two years in the making.

### **PUBLIC COMMENTS:**

Richard Trevino, abutter at 119 Bradford, Unit 1, spoke; said owners of Unit 2, Lee James Kugler and Paul Teixeir, couldn't be in attendance nor Joel Field of Unit 3, Joel Field, but have provided emails which RT read aloud. All three owners spoke out against the project.

Owners of Unit 2 remarked that dozens of mature trees will need to be felled cutting a wide opening that even in summer will look like a scar going up the hillside, and noted rust from the track that is exposed to the elements. Field, of Unit 3, wrote of his concern for the destruction of the tranquility of the Bas Relief in lieu of what he termed an amusement ride launch point. Field's other concerns were for the impact on the landscape at High Pole Hill, maintenance of the funicular and the ongoing viability of it once the novelty has worn off in a few years.

RT said the drawings don't tell the full story of the close-access to neighbor's properties and traffic impact. TJ asked if RT dislikes this particular version of the project or never wants to have the project. RT replied that originally Ryder St. wasn't supposed to be a street, it was to be the beginning of the staircase that led up to the PM; questioned the sidewalk extension effect of their property and stated he would be in favor of a stairway design but not any funicular project proposal.

Kaolin P. Davis, of 284A Commercial, spoke; said her property backs up to 115/119 Bradford St. and is adamantly against the project cutting into the hill; said she's done a fair amount of homework and feels there is not enough engineering to prove that there will not be damage; referenced original plan for stairs and felt this project will negatively impact the surrounding historic properties, including her own that dates to the 1700s and which has been in her family for 45 years; questions how it will be properly maintained, suggested visitors might be squatting; asked if there had been a study of landscaping and grounds from a historical perspective and of the archeological core to learn if there are burial sites or dumping grounds of the First Nation; asked why electric cars are not an option; didn't feel that if people could not find their way to the top of the hill with proper signage then questions how a project of this size and cost

would make a difference in connecting top to bottom; said she respects and supports PMPM and is friendly with several supporters of the design project but has not a lot of faith in the project per long-term management and said she felt it was a gimmick.

Dr. William Gannon, 501 Commercial St. Unit 1A, spoke in favor of the project; said he travels the world extensively, has been recently on four funiculars and all were working, including one in Scotland; found no rust on the car lines; said no one could argue Town lives on tourism, and having the funicular as a piece of the tourist experience is not necessarily a gimmick but a unique attraction in New England; said, in terms of suggested vagrancy, he finds it hard to believe that the base of the funicular would not be locked at night, felt it was an improvement to the area and suggested the Bas Relief committee would be opting for better lighting when it gets its own facelift; said if Town allowed for better signage it would help; as for maintenance, stated the PM is a self-sustaining 5013c and questioned how they would not keep it properly maintained.

TJ asked Dr. Gannon if he liked current plan; he said he did and liked that it all matched and was connected by a park.

MCM asked if it was addressed in the application if the funicular would be used year-round. DW said the funicular is designed to run 12 months but that the PMPM is currently open April 1st through Jan. 2nd.

Charles Roberts of Pilgrim Heights Road; spoke of funiculars around the world that have been running perfectly well for hundreds of years; felt the PM deserved to have a front door in town and looked forward to seeing that happen.

Ken Okin, of 383 Commercial St., said he agreed with Charles Roberts and that the view at the top of the hill is so beautiful, spoke of visitors missing out on that experience and didn't think the hill would fall down with the funicular in place.

Glenn Shaw, of 68 Race Point Rd. spoke in favor; said he supported the project and having a front door to the PM; said he was sympathetic to the objectors but that what he heard were worst-case scenarios and advised not assuming the worst would happen but to listen to answers to those solutions at Town meetings.

Theresa Stieber (TST), of 20 Alden St., spoke, said she didn't know if the funicular should move forward, but questioned the environmental impact, which MCM said was for the Conservation Commission. TST went on to question the effect on the hill of the tram running 8-10 months a year and how the ground will sustain the impact; said it felt like it involved an overwhelming component – a lot in a small space, from the perspective that something less intrusive like steps would be preferred; questioned if it would be a pay-off in the longer-term and how, from an historical perspective, 50 or 100 years on, would Town's continuity be affected, feels it is unaligned.

## **LETTERS:**

DG said he had 35 letters in favor, 11 opposed; and four who had spoken today. LJM said they would not insist on every letter being read aloud. TB asked HDC how they felt about that. LD suggested not reading them in

current session. TB picked out six letters to be read at random, three in favor, three opposed:

**a) Against**

Kristin Hopkins and Donald Beal: Direct abutters on Alden St., strongly opposed, cited the Pilgrim Compact being dwarfed by over-sized design, ecological damage.

Anonymous: Preferred shuttle instead, felt project was way over the top, people would benefit from walking up the hill.

Anonymous: Cited landscaping that has been relatively undisturbed for over a hundred years; project is not appropriate for the Historic District.

**b) In Favor**

George Douglas (name unclear): Felt the Town's history must be secured through better access; felt PM had been cut off from the Town for too long; better to enjoy beautiful grounds overlooking harbor.

Kenneth Okin: Funicular will tie PMPM to Town center; design is tasteful with appropriate architectural

DG made a public statement that the Town and PMPM had held a joint forum back in late January to provide a context for the project, noted speakers today for or against spoke of conditions outside the HDC's jurisdiction; said that project would require approval by Planning Board site plan and Conservation Commission, in addition to HDC's approval, and that some of those concerns would be heard in a different format.

LJM thanked DG and concurred, said that this is just the first step and those issues outside HDC's purview would be addressed with other boards. TB agreed, said HDC had purview over project in general.

Public Comments closed; NOTE: 6<sup>th</sup> letter in favor not read aloud.

**HDC COMMENTARY**

MCM thanked CH for her beautiful, moving opening, that she had done her homework and the drawings are beautiful; loves PMPM, visits often, thinks this project is simply too big for this town, that it seems like the funicular could be closed for 6-8 months a year; suggested if original tram was desired for the Town it would have been left there; feels there are less-obtrusive plans that won't detract from Town's natural beauty; stairs could be much less obtrusive; referenced Monaco has elevators.

TJ asked how deep would be the pilings; DH said approximately 30' and start at the top. TJ asked how much a ride would be. TB said he wasn't sure that would effect HDC; MCM said she'd still like to know. DW said he thought it would stay at \$12 and include ride plus entrance, no separate fee.; stated operating hours of 9am – 5pm through Memorial Day when it would then be open 9am – 7pm through Labor Day; said that

this year the Museum opened on Jan. 2<sup>nd</sup> based on demand; could not give estimates of expected revenue; said they would love to have funicular access started up in February or March as they expand.

MCM noted the unreliability of predicting where technology might be in 10 years or more and Town would be left with this project which she didn't see as lasting and historical in nature.

TJ referenced the narrow scope of the proposed sight and had close proximity to neighbors; disrupted existing hill-scape; said plans made no allowances for a car pullover on Bradford St.; asked why plans don't address parking and vehicular traffic. TB and LD pointed out to TJ that these were Planning Board concerns.

TJ continued; noted no sidewalk along Ryder St. which would force people into the road; asked if there would be a new stop sign. TJ was cut off by LJM and HDC as being Planning Board queries. TJ then said that he was underwhelmed by pavilion plans that had no detailing and only stone-color in common with Bas Relief; noted clear skylight which is a pet peeve of his; felt main pavilion looked like a bus shelter in Omaha Nebraska even if it is in one of the nicer neighborhoods; thought pavilion at bottom of the hill could be a replica of the one at the top; spoke of dome structure as being a nice addition, but said that sometimes doing less is just less; said he felt more could be done with the design.

HS urged HDC to stay focused on what was in its purview; said she liked the concept and felt it blended in well, understood the need for fencing and protection; also voiced a problem with the skylight as they are always dirty; said of design she couldn't think of anything she didn't like about it.

LD noted the planners attempts to find harmony when taking in the entire property, including the Bas Relief; said she thought they did well with the materials at hand, but her concern was the massing between the Relief and the pavilion; didn't understand the choice of slate, roofing materials, thought glass at top was good because it reduced the mass.

DW approached with large rendering and DG located a slide that compared structure sizes; elevations were discussed. TS said the pavilion was a bit forward of the Bas Relief; confirmed it was 6" higher.

JB said 10' was a happy medium to place the platform with a 1' rise for every 20' of length which allowed for handicap access, noted circular ramps and a hand rail on one side.

LD asked DG if they should evaluate structures or approve the project pass or fail. DG said they would have to make their decision based on findings; TB said HDC has purview over structures, posts, concept, upper platform – but not landscaping or walkways.

MCM and TJ reiterated their opinions.

TB said he was in favor of the concept and that since a majority was in favor 3-2 of the funicular and the concept, HDC could move on to design.

TB said he wished the planners had shown some different options and of the two options stone or wood, that the design would be wood.

TS said they did do a number of options and the relation to the Bas Relief is what drove this design which came out of forum consensus and the DCI meeting; said they are not tied to smooth granite and veneers can come in various textures.

JB added they studied a number of different looks, and stairs were not feasible with over 180 steps. HS asked who would climb the Monument after climbing those stairs.

TB said one of these issues was the mass at the top, asked if door on the left could be on the side and if there was a more stylistic cab – that it's like a metal box. DW said they have not settled on any cab design; that European standards are for a larger number than American versions, 18-person to 14-person; cab size is 5'x 8' and will be 1' to 4' above the ground; track and stairs will be 10' wide with 2' on either side for maintenance and safety.

JB said it would not be dug into the hill, installation would be non-invasive and that a full geo-technical study was prepared; noted existence of invasive non-native trees including Norwegian Maple, Black Locust; and that the few white oaks would not be removed. JLM remarked there was no fencing except for the bottom, and so foxes would have access.

MCM spoke of need for more historic details in architecture, names of passed fishers on granite, carved-in quotes, and more historical elements. DW said they were planning for video panels and other descriptive markers; educational music and narration inside the cabs, would be working within an editorial process.

TB asked if the designs were complete. TS said a wood roof, MCM's choice, was high maintenance. MCM said she thought they were looking for wood all around. TJ said the design couldn't look more uninteresting, but LD suggested it shouldn't detract from the Bas Relief.

TS said they did a dozen different design versions. TJ said he'd like to see more gravitas and more in general. HS asked for other designs to make comparisons. DW referenced forums wherein the planners were directed to keep it low and plain upon incentive from the community.

LJM asked for some direction. TB asked if HDC could review more design options – that there was consensus on that.

## **REVIEW OF ALTERNATE DESIGN PLANS**

HDC reviewed alternative plans at the bench for a brief interlude with TS, LJM, DW and DG and made observations and commentary; indirectly on mic. DG asked for a point of order and everyone resumed their seats.

MCM asked of a time-line for construction and completion; the 400 Celebration was mentioned. MCM said she liked the church-looking design option the best and would like to see something historical rather than just a transportation opportunity. TJ said he wrote a book about American architecture from 1900 to the 1920s and that a long flight of steps was considered a noble attribute until the ADA came along. LJM said they only had a 44'-wide piece of property. TJ said it's not his job to tell them how to design.

MCM asked if the Holocaust Museum design with glass and light might work.

TB replied to DG that it seemed clear the design would not pass tonight. LD & HS said they would accept current plan; MCM, TJ & TB would not approve; TB said they needed another go-round. LJM asked what exactly to prepare for going forward. TB said something more

detailed with more embellishments that related to surrounding structures as well as PM.

TS said per public forums indicated they wanted something sympathetic to the Bas Relief and he felt a glass box was not that. HS noted a slow elevation that took care of a need for stairs.

TB read bylaw summarizing new construction; said HDC needed more cues from surrounding area. TS asked for reference; TB replied whatever is visible in the surroundings. DG asked for clarification; JB noted large architectural variety among neighborhoods; TB cited cedar and other standard elements in both commercial and residential areas.

Paul deRuyter, chair of Building Committee spoke; said he was hoping to achieve something today with sufficient confidence that they were satisfying the design criteria; said they were a non-profit and had spent a lot of money. TB said HDC was approving the concept of the funicular but it was the style of the structures that is still on the table and that this current design would not fit in any where in town.

TB made motion to continue the decision to the meeting of May 16<sup>th</sup>. DG said the time waiver extended to May 18<sup>th</sup>. LD seconded and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

TB made a motion to adjourn the meeting at 7:26pm; LD seconded the motion and it passed, 5-0-0. TB, LD, TJ, HS, MCM.

Respectfully Submitted,  
Jody O'Neil