

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, JUNE 20, 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.; Ted Jones (TJ), PAAM Rep.; John Dowd (JD), PBG Rep; Hersh Schwartz (HS), Alternate; Michela Carew-Murphy (MCM), Alternate.

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

TB called the meeting to order at 3:36pm; introduced JD to HDC as PBG Rep; former Chair and 10-year board member.

1. Work Session: VOTES MAY BE TAKEN

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

469 Commercial St.

TB asked of the fence at 469 Commercial St., if the Board of Select (BOS) was planning to issue a curb cut. AH said not until there is an application, that they are having a hard time getting in touch with Mr. Bryan (sp).

5-7 Point Street

TB spoke of the changed-out windows that do not match the originals and did not come before HDC. AH said she hadn't gotten a building permit as yet. TB suggested issuing a violation for the 2-over2 unit that had been replaced with a 6-over-6. MM agreed. TB said someone came across a real estate broker's sheet that clearly showed 2-over-2s. MCM said she thought in the application it stated that the 2-over2s were to be swapped out for 6-over-6s to match the downstairs; that the windows were a combination. TJ said the problem was that all three home owners changed out windows without approval, but the photo had presented 2-over2s. AH said she needs the photo with a reference to a date before she can follow through with a violation. MCM suggested a request for more information. TB advised that HDC gather more information and continue the discussion at the July 18th meeting.

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 July 18, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i) 3 Carver St. (continued from the meeting of May 16th) – To replace 10 windows in kind.
Hal Winard from Winard Construction presented, said he didn't now for a fact if it was wood; that it was pretty far away.
TB noted they were 1-over-1s to be replaced with 1-over-1s. MM said they were highly visible, asked if they were wood. LD said it looked like the ones on the first floor were 2-over-1s. MM referenced the application stated 'in-kind' when it could not be determined if that indicated wood.
TB made a motion to continue the decision to the meeting of July 18th after Hal Winard was able to determine the true nature of the fenestration and replacements.
Hal Winard said windows facing the water are nothing but trouble; that it is difficult to paint the units once they start flaking; that clad is the best way. JD agreed, noted minimal visibility, to which other board members agreed.
TB made a motion to accept as Administrative Review; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, JD.
TB made a motion to accept with the condition that the window units be 2-over-1s instead of 1-over-1s. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, JD.
- ii) 514 Commercial St. – To re-shingle, replace a rubber roof and replace 2 windows in kind.
Hal Winard presented; said they would be all wood windows at the East End Firehouse.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, TJ, JD.
TB made a motion to accept as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, TJ, JD.
- iii) 111 Commercial St. – To replace windows, doors and shingles.
No one presented. JD said he is at No.112, but there are three or four buildings between his property and the applicant and it was determined he was not a direct abutter.
TB read the application aloud, determined the request to be in good order, to which HDC agreed
TB made a motion to accept as Administrative Review; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, JD.
TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, JD.
- iv) 641 Commercial St., – To replace roofing shingles.
No one presented.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, TJ, JD.
TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, TJ, JD.
- v) 444 Commercial St. – To install a new metal chimney.
No one presented. AH said the permit did not include the chimney; that the approved work was interior.

TB made a motion to accept as Full Review; TJ seconded the motion and it passed, 5-0-0. TB, TJ, MM, LD, JD.

c) Any other business that shall properly come before the Commission:

AH presented drawings for HDC signatures on case **HDC 18-190**, 18 Priscilla Alden Rd.

AH referenced 143 Commercial St., cable rail and wood top cap rail on walk-way deck on beach-side building; was approved with conditions. MCM noted materials were both wood and steel; TB read from applicant's statement that said it was their understanding that the final approval was never made contingent on wood as the top, middle and bottom rail as this is something they would never have agreed upon; a combination of wood and steel cable was the only stated condition of approval which is what, they said, they have provided.

MCM said she did not agree; that HDC was clear in saying the applicant needed to match the photograph they had presented. LD agreed and said they couldn't have been more clear; that TB had been very specific in his description as mimicking the look of the old wood horizontal rails.

AH read her own hand-written notes wherein it stated that approval was on the condition that the walk-way rail be a combination of wood - with top, middle and bottom as wood and steel in-fill.

TB made a motion to re-state the conditions for approval as top, middle and bottom wood-rail. LD seconded the motion and it passed, 4-0-0; TB, LD, TJ, MCM.

d) Review and approval of Minutes:

TB made a recommendation to postpone review and approval of minutes to the end of meeting; suggested a future meeting for the approval of minutes and reading of decisions as the next regularly scheduled meeting won't be for another five weeks based on the July 4th holiday.

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

3. Public Hearing: VOTES MAY BE TAKEN

TB opened Public Hearing at 4:00pm; welcomed JD back to the Board.

MM invoked the Mullin Rule; read into the record her statement that she had missed the HDC meeting involving the cases **HDC 18-262, 18 Pearl St.**, and **HDC 18-269, 259-63 Commercial St.**; said she reviewed the video recording of the hearing on these two cases on June 18, 2018 and was fully prepared to sit on these decisions.

LD invoked the Mullin Rule; read into the record her statement that she had missed the HDC meeting involving the cases **HDC 18-107, 509 Commercial St.**, and **HDC 18-056, 53 Commercial St.**; said she reviewed the video recording of the hearing on these two cases on June 20, 2018 and was fully prepared to sit on these decisions.

TB invoked the Mullin Rule; read into the record his statement that he had missed the HDC meeting involving the cases **HDC 18-056; HDC 18-107; HDC 18-224, 1 High Pole Hill Road; HDC 18-249, 6 Atwood Avenue; HDC 18-252, 452 Commercial St.; HDC 262, and HDC 18-269** which were held on June 6, 2018. TB said he had reviewed the video recording of the hearing on these cases on June 20, 2018 and was fully prepared to sit on these decisions.

TB read a disclosure of an appearance of a conflict of interest, referencing a form he said he filled out and signed on June 20, 2018 regarding his position as a designee of the Pilgrim Monument & Provincetown Museum; said he is not a representative of the PMPM but rather a designee for the Board of Select to approve and felt he was treated extremely unfairly at the last meeting as was the applicant, Town Counsel, Town Staff and the other members of the HDC; that he had taken an oath to be fair and objective in his position as Chair of the HDC and regarding his ability to sit on the decision of **HDC 18-224, 1 High Pole Hill** and the approval of a funicular.

a) **HDC 18-056** *(continued from the meeting of May 16th)*

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**.

Lester J. Murphy, Don DiRocco and Leif Hamnquist presented.

Lester Murphy said the demolition was given up a long time ago even as it remains on the application; said their redesign reflects HDC's concerns with the so-called tower.

Don DiRocco said they changed the look from Commercial St., marrying the eave to the two story structure; said nothing else had changed.

MM said she was happy with all the iterations; LD said it was much more harmonious. TB said he felt the applicant had addressed every issue they had; felt the connector is more successful from the front than the back but still acceptable as presented.

TB made a motion to approve as presented; LD seconded the motion and it passed, 4-0-0. TB, LD, MM, HS.

b) **HDC 18-107** *(continued from the meeting of June 6th)*

Application by **KA Bazarian**, on behalf of **509 Commercial St., LLC**, requesting 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**.

Lester J. Murphy; Lyn Plummer presented.

Lester Murphy spoke of the revised plans in the packet; said Town had received information from Sarah Korjeff, Preservation Specialist from Cape Cod Commission (CCC) with recommendations for alterations, asked if HDC is willing to consider a re-design with those changes; added that they have found no way around raising the structure, which, he said, was also Ms. Korjeff's determination and that the question is how best to do it; said one measure is to pull the building back about 15' off the street and fill with landscaping involving fencing and planting, which could have the effect of softening the look.

TB read a letter into the record from Sarah Korjeff which included an historic photo from Mass Historical Commission (MHC) inventory along with comments and recommendations and which referenced the original fish store house with simple gable roof form, wide cornice, rake molding, original windows and entry on the front side along with the building's relationship to the street as the elements that should be preserved to maintain its contributing status on the National Register.

Ms. Korjeff's letter listed recommendations for changes to the front façade, the building scale with street relationship, and for moving the building back 15' from the street; as well as landscaping for the front setback area and the elimination of the cupola in light of an increased 10' building height raise.

Lester Murphy said they had not yet incorporated Ms. Korjeff's recommendations into their design as they only received the letter today, but are willing to comply to the greatest extent possible; said cupola should not have been on the plan as it was eliminated previously; that the entry door would work with captured balusters on a Juliet porch and that, based on Ms. Korjeff's recommendations, plans would allow for removal of the middle window, or, as Lyn Plummer said could be worked to not indicate a false window.

Lester Murphy said they saw no problem with raising the two smaller side windows on the 2nd floor to be parallel with middle window. Lyn Plummer said the floor height had changed so the ceiling height had to change as well which is why the window appears higher. AH spoke of ways to address window heights relative to wall scale. Lyn Plummer said they don't have a problem altering the window height, referencing the third floor attic.

Public Comments

Phillip Cozzi of 508 Commercial St. spoke; said they've looked at the project since last August, that he had approved the first set of plans and that ultimately there is shared responsibility to what has happened at the site by the owner, builders and HDC; has been in the design business for 30 years and he was unaware they were changing the floor plates of the building; believes he is the only person who has the existing dimensions of the house and photographs that show exactly what the floor structures and heights were as he had a client who was interested in purchasing the house; said the idea that things were not to code is completely inaccurate and the idea all along as to blow the house up; that the set-back will take away a large section of the view from his own house of five years; said there's been no real effort by the designers to maintain the integrity of a beautiful historic building and that there should be some compromise in the raise and not set it back, that this sets a precedent; encouraged all to think clearly about this and not try to flip it; concluded with his disappointment at where we are at now and hopes it gets better in the future.

Kristin Heine of 508 Commercial St., requested Town Planner weigh in on raising the building 9'-10' feet to accommodate FEMA which, she said, seems to have arbitrary rules, and parking underneath will be a detriment to the historic character of the Town; referenced 487 Commercial, which she and her husband, Phillip Cozzi, worked on as designers as an example of

arbitrary FEMA rules, and the fight from the owner at 457 Commercial St. not to raise that property even as they are much lower down in the flood plane.

AH responded that she doesn't feel FEMA is arbitrary; that in different parts of Town there are differences based on base flood elevations and that this area in question has the most severe which is 15 in the velocity zone; said there are different elevations in the 9th edition of the building code than in the 8th edition which is how this permit first came in but that the V Zone did not change and is at 2'; said there were two things in play here: evaluation that is done by a fair market value appraisal of the structure – not the assessor's appraisal; mentioned that some properties came in a much higher than 509's which meant that they had more room to play with before they triggered FEMA; said the appraisal was quite low at 509 when it came in which meant it would be hard not to trigger FEMA at 50% rebuild costs; said the Town has not adopted a look-back in regards to closing and re-opening permits in order to re-evaluate permitted work; said the applicant put in split AC units and received a slightly higher appraisal on the structure.

AH said the structure itself is subject to three exemptions as long as work on these exemptions does not take away from its status as a contributing structure to the historic district and that it is not in her purview to make those determinations; stated that if work on the foundation affected more than 49% of the linear perimeter of the foundation than both the foundation and the structure are required to comply with the FEMA height regulations; referenced St. Mary's and other properties that were able to comply under 49% and so avoid the raise; and said an applicant in the A or B Flood Zone does not have the option for a partial raise or mitigation.

Jessica LaMontaigne spoke, said she owns property on a wharf in the West End and they were told they'd have to raise 5 or 6' and they felt that would be wrong for the look of the Town; suggested Town would do well to consider going to the State for variances in lieu of taking cases on as they came along.

MCM spoke as member of the public and said that while the Town has to prepare for properties being raised based on rising sea levels, it can address the issue of parking; suggested a joint application across Town boards, including the BOS, to the CCC to get its input on the issue of new parking designations. Lester Murphy stated it was not 9' for parking but that the 9' was for the FEMA regulation which only then resulted in the new condition for providing available parking. MCM asked if it was correct from what she'd read that there is an exemption for Code Compliance which would not be contributing to the FEMA mandate. Lester Murphy replied that the CCC had already been contacted on all the issues concerning this case.

JD spoke as a member of the public; said that in his earlier tenure on the HDC they never allowed an applicant to move their building back and thought it could set a precedent; suggested HDC take into consideration a photograph of the former building with original orientation of the windows and with respect to the sides of the building; that the doorway should not be a window but look like a paneled doorway from the 19th century; what looks like a baseboard on the house should be eliminated and shingled down to the bottom with a cap on it; that the eave details should be retained. JD said he

thought a 9' raise would never look like a foundation and the only option is to make it look like a pier with water flowing beneath it.

HDC

MM said it would be helpful to have the MHC's recommendations from today's letter alongside the applicant's current design plans, which Lyn Plummer agreed to and requested HDC's specifics before going forward.

Lester Murphy spoke again of moving the building back and introducing landscaping to soften the impact of the raise.

Jeffrey Rubiero, Town Planner spoke, gave background on the process and how the CCC came on board; said he used to work for the CCC and referenced a workshop on climate change attended by himself and AH and that he had Ms. Korjeff's presentation cued up for HDC's purview; said the determination by the State is that the building must be raised for FEMA compliance and made safe for habitation or else be condemned, and that these requirements are folded into the Building Code. Jeffrey Rubiero said he would recommend HDC mandate applicants comply with the minimum required going forward and that he agreed that people should not be permitted to raise their structures to whatever elevation they seek.

MM said her frustration is that HDC has been dealing with the case since 2016 and she would appreciate the opportunity to see how the recommendations are to be applied in a specific, not abstract way. LD said she'd like to see the presentation by Ms. Korjeff.

In presenting the five-minute Power Point synopsis of the half-day workshop, JR reported that 511 of the 889 registered buildings in flood hazard areas on Cape Cod are in Provincetown; that foundation work that went over the 50% marker disqualifies the historic exemption in the flood zone; comparable references were made by examples in Newport, R.I. and Mandeville, LA.

TB asked Jeffrey Rubiero how he personally felt about moving No. 509 back 15 or so feet. Jeffrey Rubiero replied that in this particular circumstance with the severity of the lift and proximity to Commercial St. that it may be better for the district as whole in maintaining the character of Commercial St. to move it back; said that the original building was built on piles and thought it had likely been shifted in time anyway, cobbled together over time; noted the CMU blocks are not original to the structure.

LD asked Jeffrey Rubiero to remark on the option for the owner to send an application to the State. Jeffrey Rubiero responded that he was unsure if there would be any grounds for the applicant to request a Building Code variance and that this would be a pretty extreme step. LD said they were trying to exhaust every avenue against raising the building 9'. Lyn Plummer said they tried to throw out various options and AH said no; and that they have stated repeatedly they didn't want the raise.

AH said to consider if the foundation is changed to the extent that it is a new foundation; if the existing foundation is substandard and the building cannot be properly connected to the foundation that is currently there; cited

a 1965 CMU, poorly grouted, non-supported on the footing, no positive attachment foundation. LD pointed out that the applicant's engineering report doesn't answer the question if all options had been properly explored.

AH said it's too late to appeal the current building permit because the time period has elapsed. Lester Murphy said there isn't 50% of the foundation left that can support the building.

TJ spoke from the public, suggested there are properties in this town that are not able to be redesigned according to the owner's plans while also protecting historic properties, to which Lester Murphy said was akin to taking someone's property and added that this is an unfortunate issue facing every coastal town in the country and probably in the world.

TB said that the issue had been fully explored and that raising the building seemed to be the only option. MM said she wanted design list particulars in front of her. Lyn Plummer said she had no problem incorporating HDC's recommendations in the next plans but wanted to leave today with all the points fully expressed. TB said he agreed with raising the building with pilings and eliminate the skirt so the Bay is available to view by the public.

LD said she felt the front façade should not be changed from the photograph; that she liked JD's piling suggestion and with a quite of few of them so it resembled a dock; said the idea of a berme could minimize the number of cars underneath and said she felt the little cantilever is a little odd and not authentic, would rather see a door floating.

MM said keeping the façade as close as possible to what was there is crucial; the push-back could soften the look; is intrigued by the re-design but couldn't come to a decision today.

Lester Murphy mentioned that if the building is not moved back there may be a set-back issue with the placement of the balcony; said there could be a front door to nowhere. TB asked if stairs could be added. Lynn Plummer said they don't have egress to the second floor, or it would need to be a zig-zag stair and eliminate the three parking spaces to the right of the building; said they could go back to the drawing board on this aspect, but it may not work out after the push-back.

TB said what HDC wants is to approximate as much as possible from the original façade. HS said she liked the idea of keeping the door and not having the stairs be all over the place; that instead of fencing, she preferred the idea of plantings. TB said HDC has no purview of landscaping, but Lester Murphy said he understood the ask in terms of street-scaping.

TB made a motion to grant a time extension to August 1st 2018; MM seconded the motion and it passed, 4-0-0. TB, MM, LD, HS.

TB made a motion to continue the decision to the meeting of July 18th 2018 at 4:00pm at Town Hall. MM seconded the motion and it passed, 4-0-0. TB, MM, LD, HS.

c) **HDC 18-224** (continued to the meeting of July 18th)

d) **HDC 18-249** (continued from the meeting of June 6th)

Application by **Custom Crafted Homes**, on behalf of **Jeffrey Giles**, requesting to rebuild the southeast elevation of a structure, including adding a farmer's porch, enlarging windows, adding dormers on the northeast and southwest elevations and to slightly expand the rear of the foundation of the structure located at **6 Atwood Avenue**.

Peter Sandorse, architect for Jeff Giles, presented; said they worked to get the front façade back to its original look, looked to push the dormer over to the left to create a cheek; tried to keep the dormer as small as possible to make the building on the right the primary façade; felt it more harmonious.

TB asked why he was presenting two front elevations; Peter Sandorse replied that at the last meeting, HDC requested to see visualized what removing the dormer from the historic façade would look like.

TB repeated his opposition to the roof deck; said railing are to be captured balusters not asphalt railing. LD said it's not visible from a public way, that it is the ridge not a railing that is exposed. TJ said he liked the design better at the last meeting than now, asked if asphalt-colored paint could be an option; said he liked the original house and while the current design is nice it doesn't look like an old house. Peter Sandorse said the changes were in keeping with historic buildings, ceilings would be 7' but that this was still livable.

HS said she agreed with TJ on asphalt-color paint option, is not opposed to the façade being pushed over. LD referenced the historic part of the building and cautioned against a design that would divert attention away from that; said she preferred the previous plan, asked if the ridge cap could be the same height so it would better blend. MCM thanked the applicant in being most accommodating of HDC's requests; said she agreed with LD on the ridge line, but liked the roof deck as it is not as aggressive as others and would approve the current plan with the exception of the roof ridge.

TJ said he would not approve the plan as is; asked of the brick material for the chimney and suggested cedar shingles would be preferable to asphalt; said he was getting a modern edge off the building in general.

TB agreed with TJ in terms of a too-contemporary look in design, such as two sets for four doors; suggested some grouping of 2-over-1s, getting rid of the square windows. LD reminded HDC that a contemporary edge to a new addition is allowable and MCM said that in some cases, by State guidelines, is preferable if it is harmonious. TJ said the porch was terrific. TB said if the roof deck stays he can't support the plan. LD took issue with TB's assessment of the roof deck as it is not visible from a public way.

LD made a motion to accept as presented. MCM seconded the motion and it passed 3-2: LD, MCM, HS, in favor; TB, TJ opposed.

AH noted that the approved plans are dated June 19, 2018.

TB called for a 5-minute break at 6:05pm. MCM left the meeting.

e) **HDC 18-252** (request to withdraw)

AH stated that the applicant had written to request to withdraw without prejudice the new application and that they would continue to exercise in

good faith what had been approved last year; advised TJ not to deliberate on the case.

TB asked if HDC could deny the withdrawal. AH said they would have to have findings to deny the withdrawal. TB said this was a problem because they were intending to execute plans that were structurally deficient; that the new posts would be wrapped not turned. AH said that if

HDC opted to postpone approving the request to withdraw, she would retrieve the applicant's file for further deliberation.

TB made a motion to postpone the vote until the end of the meeting; LD seconded the motion and it passed, 4-0-0. TB, LD, MM, HS.

f) **HDC 18-262** (continued from the meeting of June 6th)

Application by **Roofing and Siding of Cape Cod, LLC**, on behalf of **Lucy B. Siegel**, requesting to replace windows in kind and replace a picture window with two double-hung windows on the structure at **18 Pearl St.**

Dimitry Labrovich presented, said the client just wants to replace her outdated windows, distributed photographs, mentioned previous problem with the grilles, said new grilles will be applied on the outside with spacers, simulated divided-light.

TJ said he had a site visit and felt the fixed, historic window is not suitable for replacement as requested. MM said she agreed with TJ.

Dimitry Labrovich said they were also proposing to replace eight windows with 6-over-6s, same size and openings and that they are still considering what to do with the picture window in order to get more air. TB agreed with the idea of a side-window.

TB made a motion to accept replacement of double hung windows and not picture window; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, TJ, HS.

g) **HDC 18-269** (continued from the meeting of June 6th)

Application by **Olivier Jamin Changeart** requesting to extend an existing deck on the south elevation and to add a chimney on the east elevation of the structure located at **259-263 Commercial Street.**

No one presented; HDC discussed the previous meeting wherein the applicant had not produced plans for review, noted that the chimney had been approved.

TB made a motion to continue the case subject to getting a signed time-waiver to the meeting of July 18, 2018 at Town Hall. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

h) **HDC 18-277**

Application by **A.J. Santos**, on behalf of **Larry Isleib** requesting to replace front stairs and basement windows on a structure at the property located at **3 Cook Street.**

A.J. Santos and Larry Isleib presented. Larry Isleib said that a portly UPS man had taken down the railing and so the stair unit was removed to preserve the house, and that the Maple tree was taken out by the second storm in January; said the semi-circular set of stairs had blocked the windows below but an estimate to replace the stairs in kind came in at 54k to fabricate the stairs and another 4k to install the unit.

Applicant submitted pictures of alternative replacement that show massing and railing; said the second part of the application is to replace basement windows with Anderson insulated glass to prevent splashing from storms or irrigation system; presented a sample of a hand rail, said materials on the deck are mahogany for hand rail, azek on spindles; posts are cedar with round ball cap, and cladding or decking would also be mahogany.

No public comments or letters.

JD said he thought it was a very handsome design, a great job in restoration so far, suggested when looking at photos of 19th century properties they're always painted; said he understood not painting mahogany in terms of upkeep, but advised it would be more historically correct if painted. Larry Isleib said he understood the sentiment that a stained white shade would look better and concurred. HS said she thought the white would blend in better.

TJ asked if curved stairway was an original feature; Larry Isleib said no, that it was put in by Penelope Peacock in 1939 or 1940, that the house dated to approximately 1840 and had aluminum siding put on in the 1940s. LD confirmed that azek had been approved for the front-facing fence in a previous application as it sits in a high moisture area.

MM said she had no problem with the design or the mahogany but does have a problem with the azek in that it's in a high visibility area and requests wood. LD agreed with MM on the issue of azek, said it was an experiment to use azek on the fence at that time, but in this situation wood is preferable.

A.J. Santos responded that the azek proposed would blend in, to which TB and LD said up-close one could certainly tell the difference. Larry Isleib spoke of the maintenance needs involved with non-azek of every two-three years.

TB said he preferred to retain the curved look of the stair unit.

JD asked after the railing, which AH said is more hand rail than rail stock.

TB made a motion to approve with the condition that the porch and balusters and skirt-board be wood. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, JD.

TB made a motion to re-consider the case per the skirting at A.J. Santo's request; all voted for wood.

i) **HDC 18-280**

Application by **Paul Fiore** requesting to replace a retaining wall along the southwest property line at **22 Bangs Street**.

Paul Fiore (PF) presented. MM recused herself as an abutter.

Paul Fiore spoke of previous approval in October for reconstruction of back portion of house and sought a permit for retaining wall without realizing HDC had jurisdiction over that, as well; said it's basically plywood held up with plumbing pipe and a stockade fence, said they need a special permit as it is over 4'; said it will be 6x6 timbers laid horizontally supported by 6x6 timbers every 4' going down to concrete tubes on the ground.

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

TB proposed a meeting on Wed., June 27th at 3:30pm for the review of minutes and reading of decisions.

4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

HDC 18-252; 452 Commercial Street

TJ spoke on the case from the public; referenced that per the last meeting, the applicant had been instructed by TB to reapply for a new design for the porch area only; asked if now the applicant intended to go back and work on the first permit that had been canceled. TB said there was a new application for a complete renewal of the porch only; said there isn't an architect on the job but a contractor trying to fix a problem that, he said, in his view was unfixable.

TJ said he had attended all four meetings on the case; said he and the other abutters spent a lot of time talking about the third floor, a bit about the porch and a lot about the doorway and other things; said the cantilever was always in the plans and that the omission was intentional; said the abutters consulted with Costal Engineering and were informed that a 5" Victorian post would have been acceptable structurally and that a 6" post would be more than adequate.

LD said HDC was left with turn posts but not the ones it necessarily wanted. JD said the applicant's adjustment would constitute a wrapped post not a turn post which is what was approved.

AH addressed the request to withdraw HDC 18-252 and asked HDC if it wanted to take any action against HDC 18-215. TB said HDC's basis to deny the most recent application is because the posts are not turn posts. LD expressed the concern that the applicant would withdraw this application and then build based on original application, except that they would be in violation as original application stated turn posts.

LD asked if the decision was filed with Town Clerk and it was decided that would need to be verified. AH said there were no time constraints on the application. JON didn't find HDC 18-215 on the master list of filed decisions.

TB made a motion to continue the decision on the request to withdraw the application of HDC 18-252 to the meeting of July 18, 2018 at 4:00pm at Town Hall. LD seconded the motion and it passed, 3-0-0. TB, LD, HS.

AH admonished TJ against suggesting a motion as an abutter.

MM made a motion to accept the minutes with changes of July 5, 2017. TB seconded the motion and it passed, 5-0-0. MM, TB, LD, TJ, HS.

MM made a motion to accept the minutes with changes of May 10, 2018. TB seconded the motion and it passed, 5-0-0. MM, TB, LD, TJ, HS.

TB elected to write the decisions of **HDC 18-249**, 6 Atwood Avenue; **HDC 18-262**, 18 Pearl Street; **HDC 18-280**, 22 Bangs St.

MM elected to write the decision for **HDC 18-056**, 53 Commercial Street,

HS elected to write the decisions of **HDC 18-277**, 3 Cook Street.

5. Other Business

AH referenced the condition of **310 Bradford Street**, owned by Bronwyn Malicoat and asked if HDC wished to put it through demolition delay as it's a structure that's been used for the storage of cars and not for any artistic purposes by the Malicoat family; recommended to put this case on the agenda for the next meeting, or the meeting of July 18th.

TB confirmed a work meeting with AH and HDC for Wed., June 27, 2018 at 3:30pm at Town Hall.

AH reminded the HDC that decisions must be filed in a timely fashion so that appeals can be justly made; referenced **34A Pearl Street**.

TB made a motion to adjourn the meeting at 7:21pm. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

Respectfully Submitted,
Jody O'Neil