

TOWN OF PROVINCETOWN
HISTORIC DISTRICT COMMISSION

REGULAR MEETING MINUTES OF
June 3, 2015 3:30pm

MEETING HELD IN THE JUDGE WELSH HEARING ROOM

Members Present: Martin Risteen, Lisa Pacheco Robb, David McGlothlin, Mark Westman, Laurie Delmolino and Thomas Biggert

Members Absent: Marcene Marcoux

Staff Present: Gloria McPherson, Town Planner and Leif Hamnquist, Permit Coordinator

Meeting called to order by Mr. Thomas Biggert at 3:30pm

1. Administrative Reviews

- a) 4 Bradford Street – replace two windows in kind and replace a door – **Approved**
- b) 476A Commercial Street – amend previously approved decision to eliminate a window on the south and change trim detail from flat stock to 'Boston Weave'- **Approved**
- c) 5 Anthony Street – replace stairs in kind – continued to June 17 to get more information; applicant to appear
- d) 50 Bradford Street – upgrade handrails and balusters and replace decking – **Approved**
- e) 143 Commercial Street – amend previously approved decisions, to remove dormers from front building and reduce the height and width of the rear cottages per ZBA recommendations- postponed
- f) 13 Wareham Street – replace front deck/stair in kind, replace several windows in kind and replace a slider in kind - **Approved**
- g) 259-263 Commercial Street – install 6' wooden stockade fence - **Approved**

2. Discussion with Kaye McFadden regarding a potential violation at 48 ½ Bradford Street.

-Kaye McFadden of Cape Tip Construction appeared before the commission and explained the history of the building and explained that most of the structure had been removed during the 1970's but 3 of the original main walls still remained.

3. Discussion with Scott William Grady regarding the proposed demolition of the rear portion of the structure located at 26 Alden Street (the Grace Gouveia building).

-Scott Grady, project architect, and Paul LaRouchel, project engineer appeared before the commission to present the reasons why they need to do further demolition on the rear portion of the structure at the property at 26 Alden Street.

The commission discussed how they should proceed with the case and it seemed like the commission would like a full review.

David Golden explained that the project is on a tight schedule and explained that it would be hard to retain contractors.

Ms. Pacheco Robb argued that since the original scope of work included demo the commission could approve the difference in height and extension of demolition though an admin review and the commission agreed.

4. Review and approve Minutes of the May 20, 2015 hearing

Motion made by Lisa Pacheco Robb to approve the minutes of May 20, 2015 as written and was seconded by Laurie Delmolino. The motion passed unanimously 5-0-0.

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

-Geoff Larsen, Building Commissioner, appeared before the commission to discuss enforcement action at 169 Bradford Street and handed out some material to the commission and explained the material and where he stands at this point on the project. Mr. Larsen explained that it was his opinion that the level of demolition that took place at 169 Bradford fell within the scope work that had been originally proposed and approved.

Ms. Pacheco Robb explained that the demolition that had taken place was far beyond the 25% allowed by the Historic Bylaw because all of the original sheathing, stud walls and rough openings had been removed.

Mr. Larsen explained that he needed to be true to public safety and adhere by the building code.

Mr. McGlothlin agreed that safety was very important but believed that at the point of where so much demolition had taken place the HDC should have been informed and the applicant should have come back.

Mr. Biggert laments that different regulations conflict with each other but the mission of HDC is to preserve as much of the old material as possible.

Mr. Risteen felt there was a point that the problem could have been caught and remediation taken place.

The contractor, Richard Salvador, explained to the HDC that much of the original materials have been saved and stored and will be used as flooring and accents throughout the building.

Ms. Delmolino asked if it should be assumed on projects of this scope that demolition will be necessary to complete the work.

Mr. Salvador explained reasons why new sheathing and stud walls were need to complete the project.

Thomas Biggert opened the public hearing portion of the hearing at 5:42

6. Public Hearings

- i. **Case #FY15-88 (Continued from May 20; New information received regarding request for Certificate of Hardship)**
Application by Derik Burgess of Cape Associates Inc on behalf of Ye Olde Whaler Condo Association requesting approval to deviate from a previously approved design regarding the finished height of a reconstructed roof deck at the property located at **538 Commercial Street**.

-Derik Burgess, general contractor, and Ms. Ross, condo trustee, appeared before the commission to present the certificate of hardship based on the suggestions of the commission at the May 20 hearing.

Ms. Ross read a statement from the condo association to support the argument for approving the certificate of hardship.

Kevin Dharty, condo trustee, explained how the project has effect his life throughout the past year and doesn't know where he is going to be in the next couple months and pleaded for the commission to approve the proposal.

Michelle Opeck, condo trustee, explained her history in town and at the property and explained how the deck is the only place for her and other trusties to gather and how the financial hardship of the deck renovation has been burdensome.

Daryl Smith, condo trustee, spoke in favor of the certificate of hardship being granted.

Pamela Rossi, condo trustee, gave her reason to why the hardship should be granted. She thanked the commission for their time and made a statement on behalf of the condo trusties that could not make it to the hearing.

Heath Gatlin, from the public who had already written a letter, spoke in favor of the hardship being granted.

Andrea Sawyer, from the public, spoke in favor of the hardship being granted.

One additional letter of support was read into the record.

Mr. Biggert explained to Mr. Burgess that a violation has occurred and what needs to be done to rectify it.

A general discussion about who had caught the error in construction and at what point the remediation had started and Mr. Burgess explained the series of events that happened and would like to take all responsibility for the errors.

Mr. McGlothlin asked for Mr. Burgess to explain where the true deviation from the original approval had occurred.

Mr. Westman asked the commission to approve the certificate of hardship and read from the Historic bylaw to support his claim. He also mentioned that the minutes do not reflect the extensive nature of the hearing on may 20.

Ms. Pacheco Robb was encouraged by the show of support from the neighborhood.

Mr. Biggert asked Mr. Biggert if there was any way for the deck to come down 13 inches and Mr. Burgess explained that the only way to facilitate that would be through extensive demolition and displacing the condo owner for another 6 months.

Ms. Pacheco insisted that the deck could go down 6 inches based on the drawings.

Mr. McGlothlin stated that the community supports the deviation; it has been built and he can be in support of the project.

Ms. Delmolino was struck by how much the deck means to the condo community and since there was no objection from the public she could support the project, but would like to see the deck reconstructed to be lower at some point.

Mr. Biggert would like to talk to the engineer because Mr. Biggert feels that the engineer is the responsible party.

Motion made by David McGlothlin to approve case FY15-88 as presented and was seconded by Laurie Delmolino. The motion passed 4-0-1. (Thomas Biggert abstained)

ii. **Case #FY15-89**

Application by Nathaniel McKean on behalf of Michael Frattarelli requesting approval to construct a roof deck and spiral staircase on the rear portion of the structure, install 6 skylights, reconstruct a demolished chimney, and install 3 casement windows and replace a door on the east elevation at the property located at **11 Conant Street.**

-Nathaniel McKean, project contractor, and Michael Fratterelli, home owner, appeared before the commission to present the revised drawings.

Mr. Fratterelli reviewed the revised drawings with the commission and the commission gave their comments.

A general discussion about the revised drawings and fenestrations options ensued.

The commission agreed that the applicant had fulfilled the commission's request and allowed 4 skylights to be installed.

Motion made by Thomas Biggert to approve case FY15-89 as revised with the condition that revised drawings be submitted and was seconded by Laurie Delmolino. The motion passed unanimously 5-0-0.

iii. **Case #FY15-90**

Application by John DeSouza on behalf of William Docker and Tom Stearns requesting approval to construct a second floor addition on the southern portion of the structure at the property located at **12 Mechanic Street**.

Laurie Delmolino and David McGlothlin recused themselves from the case.

John deSouza, William Docker and Tom Stearns appeared before the commission to present the revised drawings based on the commission's recommendations from the May 20th hearing.

No public comments and no new letters.

Ms. Pacheco Robb thought the revised drawings were great.

Mr. Risteen felt the revised design was appropriate.

Motion made by Lisa Pacheco Robb to approve FY15-90 as presented and was seconded by Thomas Biggert. The motion passed unanimously 3-0-0.

iv. **Case #FY15-93**

Application by K.A. Bazarian on behalf of Maria Cirino requesting approval to encapsulate steel frame deck with wood and replace a black chain link fence railing system with stainless steel railing system at the property located at **421 Commercial Street Unit 3**.

Kevin Bazarian, project contractor, appeared before the commission to present the proposal.

Mr. McGlothlin thought the proposal was great.

The commission found the proposal to be an improvement.

Motion made by Thomas Biggert to approve case FY15-93 as presented and was seconded by David McGlothlin. The motion passed unanimously 5-0-0.

v. **Case #FY15-94**

Application by Leonard Deibler on behalf of Brewster and Bradford Cond. Trust requesting approval to remove two faux chimneys on the primary structure at the property located at **170 Bradford Street**.

Pavel Fiodarau, contractor and Leonard Deibler, home owner appeared before the commission to present the proposal. Mr. Deibler explained the extent of damage that has occurred because of the failing fake chimneys and presented photos to the commission to show the damage.

Mr. Fiodarau explained that he was the contractor during the time of the construction of the chimneys and explained that due to wind and vibration the means of connection started create large holes that allowed water to infiltrate the structure.

No public comments and 3 letters of support from the condo trustees of the property were read into the record.

Mr. McGlothlin, as a member of the commission at the time when it first came before the commission explained the history behind building and the permit process and let the commission know that the

chimneys were something that needed to be retained. He could not support the removal of the chimneys.

Mr. Deibler stated he would like to work with the commission for a resolution.

Mr. Risteen feels the chimney was constructed badly.

Ms. Delmolino noticed that the brick veneer was attached directly to plywood and should have been adhered to concrete board.

Motion made by David McGlothlin to deny FY15-94 and was seconded by Thomas Biggert. The motion passed unanimously 5-0-0.

vi. **Case #FY15-95**

Application by A.J. Santos on behalf of Harvey Reese requesting approval to replace the decking boards, railing system and increase the width of the stair on the deck on the south elevation at the property located at **479 Commercial Street**.

Thomas Biggert recused himself from the case because he is an abutter.

-A.J. Santos appeared before the commission to present the proposal and took the commission through the submitted material.

Thomas Biggert spoke as a member of the public, and one letter of support was read into the record.

Ms. Pacheco Robb suggested that the railing opening be reduced and would like to see the railing be constructed of wood.

The commission generally agreed that they would like to see the railing system made from wood.

Mr. McGlothlin wondered that since the cedar is being used as detail for below the deck then why can't the railing system be built from cedar or wood.

A general discussion about composite materials ensued.

Mr. Santos would like the commission to tell him what they would approve for the building.

Motion made by David McGlothlin to continue case FY15-95 to the June 17th hearing and was seconded by Laurie Delmolino. The motion passed unanimously 4-0-0.

vii. **Case #FY15-96**

Application by Kenneth Johnson requesting approval to construct an outdoor stair on the north elevation at the property located at **4 Bradford Street**.

-Kenneth Johnson appeared before the commission to present the proposal.

No public comments, no letters in the file.

Ms. Pacheco Robb thought the stair looked great and fit with the property.

Mr. Biggert wondered if the stair did not need to stick out beyond the edge of the building.

Mr. McGlothlin noticed that the main building blocks the stair from Bradford Street.

Mr. Biggert drew up options to show the applicant that a step could be removed and have the stair tuck behind the house.

Motion made by Thomas Biggert to approve case FY15-96 as presented and was seconded by David McGlothlin. The motion passed unanimously 5-0-0.

Mr. McGlothlin would like mention the work being done at 368 Commercial Street is quite drastic because a large portion of the structure has been demolished and a door has been framed in to be window.

Mr. Biggert would like to mention the 'green agenda' that he had mentioned earlier in the hearing and why he had talked about before the commission knew about it.

At 7:22, a motion to adjourn was made by Thomas Biggert and seconded by Lisa Pacheco Robb. Motion passed unanimously 5-0-0.

Respectfully submitted,

Thomas Biggert
Chair