

**TOWN OF PROVINCETOWN**  
**HISTORIC DISTRICT COMMISSION**  
**REGULAR MEETING MINUTES OF**  
**September 16, 2015 3:30pm**  
**MEETING HELD IN THE CAUCUS HALL**

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

**Members Absent:** David McGlothlin

**Staff Present:** Gloria McPherson, Town Planner

-Mr. Biggert announced to those here for full review that they will need a unanimous vote to get approval. Applicants can request to postpone their hearing until next meeting when there will be more members present.

**Meeting called to order by Ms. Marcoux at 3:34pm**

**1. Administrative Reviews**

- a) 368 Commercial Street – approved
- b) 3 Cook Street – approved 3-2-0, the commission will go back to view to see if they can tell the fence is mostly composite material rather than wood
- c) 480 Commercial Street – postponed, no one present to answer questions
- d) 494 Commercial Street – approved
- e) 174 Commercial Street – approved

**-Mr. Biggert opened the public portion of the meeting at 4:02.**

**2. Public Hearings**

**Case #FY16-7**

**Application by Peter Page on behalf of Daniel Luethi** requesting to modify an existing dormer at the property located at **6 Dyer Street**.

Daniel Luethi, owner, presented the project. He would like to extend a dormer to allow for more head room in a second floor shower.

Peter Page, contractor, was present to answer questions and explained there were 3 options presented.

Mr. Luethi explained that the bigger dormer versions will require a Special Permit from the ZBA, and he wanted to know which scheme the HDC approves before they applied to the ZBA

Mr. Biggert stated that option number two looks the best to his eye, but wanted to confirm that the dormer would be set back from the front face of the building the same distance as the dormer on the other side.

The commission generally agreed, but continued to discuss alternative dormer possibilities. The commission agreed that the new window on the north elevation dormer should match the existing window on the north dormer

***Motion made by Thomas Biggert to approve case FY16-7 with the condition that option #2 be used and was seconded by Laurie Delmolino. The motion passed unanimously 5-0-0.***

**Case #FY16-13**

**Application by Deborah Paine Inc.** requesting to install an enclosure around an externally mounted condenser unit at the property located at **555 Commercial Street, Unit D.**

Applicant requested to postpone to the meeting of Oct 7. Mr. Biggert moved to accept the request, Ms. Pacheco Robb seconded.

Upon discussion, the HDC agreed to open the hearing and allow abutters to speak.

Ms. Pacheco Robb recused herself from the proceedings.

Gregory Walker, 557 Commercial St, spoke in opposition to the application. He stated that as abutters, they should have some say as to the placement of the condenser units since they block the view to the bay. They are not comparable to window units which are exempt from review, because they are mounted to the outside of a building and not in a window, and are much larger than window units.

James Materese, an abutter, spoke in opposition to the application. He stated that he wanted them to look at other options, such as condensers on the ground. Since there are other options, why put them on the side wall of the building.

The Commission will read letters at the next meeting.

***Motion made by Thomas Biggert to continue case FY16-13 to the October 7<sup>th</sup> hearing and was seconded by Marcene Marcoux. The motion passed unanimously 5-0-0.***

**Case #FY16-9**

**Application by Blue Selenium Solar on behalf of Joy and Frederick Long** requesting to install 19 solar panels upon the south-west facing roof plane at the property located at **90 Commercial Street.**

Ms. Delmonlino recused herself.

Fred Long, owner, and Justin Reichers from Blue Selenium Solar, were present to present the application.

Mr. Reichers said there are 19 panels proposed. The panels are the most attractive panels made today, they are slim, black, and have no lines.

No public comment and two letters of support in the file were read into the record.

Ms. Marcoux stated that the panels are placed on the side that is less visible and thought it is an acceptable installation.

Mr. Biggert preferred an even number of panels.

Ms. Marcoux thought the panels as they were set up draw the eye to the roof rather than the panel.

Ms. Pacheco Robb is in favor of the project and believes that solar panels generally fade into the background. She supports the plan.

Mr. Biggert asked where the equipment was mounted.

Mr. Reichers stated that these are the most modern panels and all the equipment that used to be separate but are now integrated into the panels.

***Motion made by Thomas Biggert to approve case FY16-9 as presented and was seconded by Marcene Marcoux. The motion passed unanimously 5-0-0.***

**Case #FY16-12**

**Application by Ambrose Homes, Inc. on behalf of Custodio and Karen Silva** requesting to construct an addition on the north side of the structure, reconfigure/install/replace doors and windows, construct an outdoor stair and replace siding and roofing at the property located at **9 Bradford Street**.

Ms. Marcoux invoked the Mullin Rule and submitted an affidavit to that effect.

Ms. Pacheco Robb was not present last meeting and is not sitting on the case.

Ezra Ambrose passed out revised plans to the HDC.

Ms. Marcoux asked what led to the change from December, when the clients had an approved decision from the HDC. She noted that the clients are stating the need to rush, but that issue is not the problem of the HDC, because the HDC had approved many changes.

Ron Slowek stated that based on the last meeting and comments made, the addition that was wrapped around the building is now completely gone. The front mass has been brought in considerably to raise the roof pitch. They added dormers similar to those that were approved at 11 Bradford.

Custodio Silva, owner, noted that they have worked diligently with Town staff and the Board to make something acceptable.

One additional letter of support read into the record.

Mr. Biggert stated that the presentation is very easy to understand, with the existing and proposed on the same page.

Ms. Delmolino thought the addition looks like an historic addition. She would like to see the new roof start lower from the peak.

Mr. Risteen likes all the changes made, thinks they reflect the comments from the HDC

Ms. Marcoux thinks the revisions are fitting, even though they are different than what was originally approved in December.

Mr. Biggert agrees that the changes are fitting.

***Motion made by Thomas Biggert to approve case FY16-12 as presented and was seconded by Laurie Delmonlino. The motion passed 5-0-0.***

**Case #FY16-14**

**Application by Pavel Fiodarau** requesting to remove a door on the east side of the structure at the property located at **105 Commercial Street, Unit 2**.

Pavel Fiodarau presented the application on behalf of the owner and explained the owner would like to remove the door to add kitchen cabinets.

No public comment. No letters in the file.

Mr. Biggert asked if the applicant would consider replacing the door with a window.

Ms. Pacheco Robb noted that the door looked like it was a later addition.

Ms. Marcoux said the commission doesn't usually allow someone to just remove a door and shingle it over. Not a good precedent to set that a door can just be removed and replaced with nothing.

Mr. Biggert stated that the building was considerably altered, so he's not opposed to the request.

***Motion made by Thomas Biggert to approve case FY16-12 as presented and was seconded by Lisa Pacheco Robb. The motion passed 4-0-1. Marcene Marcoux abstaining.***

**Case #FY16-15**

**Application by John W. Tyler** requesting to replace wooden balusters with stainless steel cables at the property located at **381 Commercial Street**.

John Tyler, one of the owners at Bull Ring Wharf, presented the application. Explained the history of the much altered 18<sup>th</sup> - 19<sup>th</sup> century wharf building. The owners would like to replace deck balusters with steel cables. He stated it is not visible from Commercial Street.

No public comment. No letters in the file.

Ms. Marcoux stated that many years ago, the HDC worked with owners of many structures that were turned into condos to bring these structures back to a more historic appearance. Steel cables do not fit the structure, which is a wood structure. Wood is more the appropriate choice for these types of renovations especially since this is part of the entire Bull Ring wharf building. She noted that visibility is included from the water, not just the street.

Mr. Risteen stated that there is a consistency with wood railings throughout. The overall integrity of the design would call for a wood deck and the distinctive railings that are on the side of the structure in question.

Ms. Delmonlino stated that there have been occasions where the HDC has approved steel railings on the water side, but in this case, because it is so visible, she would not be in favor.

Mr. Westman would normally approve steel railings, but hearing the history gives him pause.

Ms. Pacheco Robb noted that the decks in question look like they were added later than the other decks and railings on the wharf structure.

Mr. Biggert agreed with Mr. Risteen that the decks on the side are a better example of what should be done on the rear of the structure. He also agreed with Ms. Delmolino that the decks are highly visible.

Mr. Tyler rebutted some of the comments of the HDC, noting that it is located adjacent to Pepe's.

Ms. Marcoux said that the key issue is that Pepe's is a commercial building and it doesn't have the same historic nature as the Bull Ring Wharf Building.

***Motion made by Marcene Marcou to deny case FY16-15 as presented and was seconded by Thomas Biggert. The motion passed 3-0-2. Lisa Pacheco Robb and Mark Westman abstaining.***

**Case #FY16-16**

**Application by John W. Tyler** requesting to replace wooden balusters with stainless steel cables at the property located at **379 Commercial Street**.

John Tyler, one of the owners at Bull Ring Wharf, presented the application.

No public comment; no letters in file

Mr. Biggert agreed that the deck structure is not as visible because it is on the far side of the public way.

Ms. Marcoux is not in agreement. Thinks the building is historic and in harmony with the rest of the wharf.

Ms. Delmolino said they are different buildings with different levels of integrity, so not as concerned about the steel cables here.

Ms. Marcoux stated that the history is linked with the Bull Ring Wharf, and wood is more appropriate to the structures.

The Commission generally discussed looking at projects on a case by case basis rather than being slavishly consistent.

Mr. Risteen made a case for consistency of the architecture and would like to see a consistent treatment of this building with wood railings rather than cables.

***Motion made by Marcene Marcou to deny case FY16-16 as presented and was seconded by Thomas Biggert. The motion passed 3-1-1. Lisa Pacheco Robb opposed to denial and Laurie Delmolino abstaining.***

#### **Case #FY16-17**

**Application by Foley Fiore Architecture on behalf of Timothy R. Lynn and Gary J. Sullivan** requesting alterations to case #FY15-77 to add shutters and remove railing on the south elevation, change windows on the dormer and install two skylights on the east elevation, install French doors and trellis on the north elevation, and remove a door and construct a 9 foot wide dormer on the west elevation at the property located at **414 Commercial Street**.

Paul Fiore, project architect, presented the application. Mr. Fiore brought the commission through the project elevation by elevation and explained the history around recent approvals.

No public comments and no letter in the file.

Ms. Marcoux would like to state her dismay with the pattern of people coming back within a short amount of time to ask for more changes once there is an approval in place. The commission discussed this emerging pattern.

Mr. Fiore explained that he measure the structure himself and dealt with the inconsistencies with previous approval.

The commission discussed issues surrounding inconsistent/inaccurate drawings.

Ms. Pacheco Robb liked all the proposed changes except for the new dormer on the west elevation.

Mr. Biggert agreed with Ms. Pacheco Robb and doesn't agree with the west side dormer.

The commission began discussing the project elevation by elevation.

Mr. Biggert liked the new dormer configuration on the east.

The commission concentrated on the south elevation.

Mr. Biggert stated that the commission would like to see the original fenestration remain and if possible have that pattern wrap around from the front when possible. He would like to see a window on the east elevation towards the front.

Mr. Biggert asked if two skylights were needed.

The commission will allow the two skylights but would like a window added to the east elevation. The commission concentrated on the west elevation.

The commission generally agreed that the west elevation was appropriate but they did not like the proposed dormer.

The commission then concentrated on the north/rear elevation.

Ms. Pacheco Robb agreed with the choice of door on the north.

Mr. Fiore asked about the board's stance on standing seam metal roofing within the district. The board generally found that metal standing seam cladding was inappropriate.

***Motion made by Thomas Biggert to approve FY16-17 with the conditions that a window be added to east elevation and remove the dormer on the west elevation and was seconded by Lisa Pacheco Robb. The motion passed 5-0-0.***

**Case #FY16-18**

**Application by Cotuit Solar LLC on behalf of Stephen Cook** requesting to install 18 solar panels upon the west facing roof at the property located at **9 Arch Street**.

Joe Hackler, of Cotuit Solar, appeared before the commission to present the proposal and handed out updated drawing panel arrangement. He explained that the roof in which the array will be placed is fairly flat and the array may not even be seen from the road.

No public comments and no letters in the file.

Mr. Biggert asked if the panels were low profile and Mr. Hackler answered in the affirmative.

The commission found the arrangement to be appropriate.

***Motion made by Thomas Biggert to approve FY16-18 as presented and was seconded by Lisa Pacheco Robb. The motion passed 5-0-0.***

**Case #FY16-19**

**Application by Peter Page on behalf of Andy Wentz** requesting to reduce the size of a double hung window on the east elevation and replace various windows in kind with a change to the muntin pattern on the rear structure at the property located at **422 Commercial Street**.

Peter Page, project contractor, appeared before the commission to present the proposal.

Ms. Pacheco Robb wondered why would the owner want to change the 6/6 muntin pattern.

Mr. Page explained that the owner felt the 6/6 pattern was not appropriate for the structure.

Ms. Pacheco Robb saw no reason to change the muntin pattern.

Ms. Marcoux agreed with Ms. Pacheco Robb about the windows.

The commission agreed that the muntin pattern should not be changed and that it was ok to reduce the size of the window on the west.

Mr. Risteen discussed this structure in context with the structure on the front of the lot and would like to see consistency in design with that structure.

***Motion made by Thomas Biggert to approve FY16-19 with the conditions that the window remain a 6/6 muntin pattern and was seconded by Marcene Marcoux. The motion passed 4-0-1. Martin Risteen abstained.***

Other Business

The commission discussed the demolition at 48a Bradford Street.

Mr. Biggert read an email from Marcene Marcoux into the record that addressed concerns about the procedure of the demolition delay that occurred in regards to the demolition of the structure at 48a Bradford Street.

Mr. Biggert read an email from Gloria McPherson, town planner, in response to Ms. Marcoux's email.

The commission had a general discussion about the demolition delay bylaw.

Ms. Pacheco Robb mentioned 143 Commercial Street in regard to demolition delay and if it applied.

***At 6:42 a motion was made by Thomas Biggert to adjourn the commission and was seconded by Lisa Pacheco Robb. Motion passed unanimously 5-0-0.***

Respectfully submitted,  
Thomas Biggert  
Chair