



HISTORIC DISTRICT COMMISSION

July 7, 2010

Grace Gouveia Building- Room 10

3:30 p.m.

Members Present: Polly Burnell, Nathan Butera, John Dowd, Marcene Marcoux, David McGlothlin and Carol Neal.

Members Absent: Lynne Corbett

Staff: Russell Braun, David Gardner, and Maxine Notaro

The meeting was called to order at 3:30 p.m.

Work Session 3:30 p.m. Administrative Reviews

124 Commercial Street – corner of Wharf's Court. A redrawing of everything that had been previously approved was submitted and approved by all.

Review and approve previous minutes

Motion: Move to accept the June 16th minutes as written.

Motion: Polly Burnell **Seconded:** Marcene Marcoux **Vote:** 4-0-1 ab (CN)

•Discussion on Policy and Procedures

•Any other business that shall properly come before the board

Neither of the two above subjects was discussed.

FY10-39 (Revised plans for signatures)

Application by Robert Valois on behalf of Clipper Ventures Realty Trust at the property located at 335 Commercial Street, Provincetown, MA.

Continued Case to be heard at 3:30 PM

A letter was received from Robert Valois asking for both a continuation until the July 21st meeting and a waiver of time constraints. This was an agreeable request.

FY10-30 (Revised plans submitted as per HDC requirement)

Application by Deborah Paine Inc. on behalf of Russell Friedman and Wayne Briggs for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to demolish and rebuild the main house utilizing the existing footprint with small conforming expansions with a screen porch and; to relocate the existing studio with new concrete footings at the property located at **8 Fishburn Court, Provincetown, MA.**

Marcene Marcoux, a member of the HDC, began the hearing by stating that she thoroughly read Chapter 39, Section 23D and since she had read all the minutes relating to the case and since she had also run the tape of the meeting which had been made by Katherine Russo, she felt she was well equipped to sit on the case even though she had not been in attendance for the original presentation. The town counsel's input was sought and he felt that Marcene would NOT be able to sit on the case because of her absence at the initial presentation.

Marcene then stated that she had a PhD in Anthropology and as such was qualified to read and interpret Chapter 39, Section 23D – also she totally disagreed with the findings of the town's counsel. Marcene also said that if the members didn't agree she would take the case to the Attorney General.

The members of the HDC then weighed in:

David McGlothlin said that MM failed to point out that the person who took the video is an abutter and according to town counsel the video cannot be used. David further felt that the HDC should be very careful about its decision. The video is in question and even though it was done by PTV – the abutter is the issue.

Polly Burnell said that she agreed with David - that it was taken by an abutter which opens up a “can of worms.”

Maxine Notaro said that the minutes are not used in these cases and she got that opinion from town counsel.

Carol Neal said that we have to take the advice of town counsel.

John Dowd said that the tape may have been adjusted so its not an official tape.

Nathan Butera said that now that there is advice from town counsel - for us to ignore that advice is not good and it becomes a big issue. He also agreed with Maxine that we don't know if the tape was edited.

David Gardner, in an attempt to clarify the situation said that town counsel is saying that you didn't object when the proceedings were taped by an abutter. You're just asking for a formal vote.

Deb Paine then announced that she has the ability to request that a member of the HDC board be recused.

Motion: Move to accept the recommendation of town counsel.

Motion: John Dowd Seconded: Carol Neal Vote: 4-1 opp(MM)-0.

David M. said that he had received a letter from Tom Thompson stating that there were a few things that were missing in the application.

Maxine N. said that the original application has everything in it and the letter that Dave referred to did not get sent to Maxine.

Deborah Paine finally began explaining her design for 8 Fishburn Court. She had been asked to look at an addition on Mozart Avenue and she also mentioned that the design she created was also mandated by the needs of the owners as well as the title V plans for the property designed by Wm. Rogers, II. Deb also said that the design is in scale with the neighborhood and the vast majority of the neighbors are in favor of this design.

The meeting was then opened up to the public:

Tom Thompson, an architect, then read a lengthy letter of issues about the application and its perceived incompleteness. Maxine pointed out that many plans (as well as some he had submitted in the past) had not been colored and had the overlays, etc. addressing all his many complaints. Tom wants the application stopped until all these missing things are provided and he wants the Historic District Commission to reject this application.

Katherine Russo, an abutter and PTV film recorder, also stated her disapproval of the proposal which she felt would loom over her property.

Donna Flax, Katherine's partner, also stated much of what had been said before.

Russell Friedman thanked the HDC for their patience and said that he and Wayne Briggs had purchased the house last July and fell in love with the simple beauty of the house. He had a scale study done and spoke to Russell Braun about his tentative plans. He also said that Tom Thompson was one of the bidders on the project and Deb Paine was the chosen person to do the project.

Wayne Briggs, the other owner said that he had been coming to town for 20 years and has always loved coming here. They have the support of most of their neighbors and never intended causing all this dissension.

Tom Thompson said the attack that he suffered was inappropriate. Then Tom presented other issues. He was given time to talk.

John Dowd, in an attempt to soothe both applicants and abutters said that the HDC has never said that you couldn't make changes. You, yourselves, love where you live and hopefully we'll all still be all part of this community so let's try to mediate this problem.

The public portion was closed:

Dave McGlothlin said that until this case is finalized let's just hear - in the future - things that we haven't seen today – NO MORE REPETITION.

Deb Paine explaining away Tom's pink additions and colorations to the design alleged that Tom's plans are inaccurate.

The following motion was made to end this meeting's discussion:

Motion: Move to continue the case until the August 4th meeting with a waiver of time constraints.

Motion: John Dowd Seconded: Carol Neal Vote: 5-0-0.

New Case

FY10-43

Application by, Ed Dusek and Paul Kelly of Manitou Architects on behalf of Sandra Anderson for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicants seek approval to restore existing clapboard siding, replace trim moldings, replace windows and

remove and replace the existing garage building at the property located at **10 Court Street, Provincetown, MA.**

The two architects presented the application for Sandra Anderson. There is a garage on the property and the new owner wants to replace it with a new garage, install plumbing, and raise the level of the roof a bit. The reason she wants to raise the roof is so that she can store her kayak on the 2nd floor of the proposed, newly constructed garage.

There was a letter from an abutter, Tom Provost, who was in opposition to this application. After his letter was read he also stated, in person, his objections to the plan which would take place 12" from his house. The proposed building (garage) will be an additional 6 feet in height. Also, adding plumbing would make it a definite rental and not a garage. The new owner has already asked neighbors what they thought she could rent it for.

The architects – arguing for their client – said the 2nd floor would have a 4 ft knee wall and would only be used for kayak storage. There's clearly no intent of making this a living unit!

Polly said that the demolition is problematic for her.

Nathan wondered why it had to be demolished?

Carol said that there are lots of ways to store kayaks rather than demolishing a building and building it up again.

David agreed with Polly and Carol and said that he'd hate to see it torn down and it's historically significant.

Marcene said that she doesn't have a problem with some modification of the structure but not a demolition.

The architects concluded by saying that you could just push the building over easily.

Motion: Move to accept the proposal for modifications to the main building but not to the garage.

Motion: John Dowd Seconded: Polly Burnell Vote: 5-0-0.

●Cliff Schorer, **1 Commercial Street**, discussion and update on Memorandum of Understanding

Cliff Shorer went over details of the ongoing project to the satisfaction of the HDC.

Motion: Move to accept the proposal as presented.

Motion: John Dowd Seconded: Carol Neal Vote: 5-0-0.

Cliff then announced – as an aside – that he would like the property to be carbon zero and suggested a wind turbine to power the entire property. He’s going through the process and there will be a lot of press for this. It would be located on the back end of the hill.

208 Bradford Street – approved – unit 5

Marcene composed a letter to be sent to Allene Thibodeau. It was passed around for everyone’s approval.

The Building Commissioner received a complaint about means of egress and said that it had nothing to do with HDC.

24 Franklin Street – John said that he had spoken to the owners and the entire fence will be reworked.

Adjournment happened at 6:06 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by _____ on _____, 2010.
John Dowd, Chairman