

Town of Edgartown
Historic District Commission
Post Office Box 5158 ~ 70 Main St.
Edgartown, MA 02539
508 627-6155 ~ HDC@edgartown-ma.us

~Historic District Commission~ Minutes



Thursday, December 7, 2017

Members in attendance: Christopher Scott-Chairman, Susan Catling, Carole Berger, Cari Williamson (A), Ken Magnuson, Julia Celeste & Edith Blake. Absent: Cassie Bradley.
Staff: Bricque Garber.

Public Hearing: 8 Atwood Circle (29B-51) Deluna LLC. Patrick Ahearn/agent.
Applicant proposes a new foundation for main house, new screened-in porch to be added. 1 story connector to be built between existing house and existing garage. Small cupola to be added to garage and 2nd floor addition above existing living room. There was a site visit just prior to this hearing. Mr. Scott called the meeting to order at 4:00 and read the public hearing notice: Mr. Ahearn presented the plans for 8 Atwood Circle. Mr. Ahearn: The existing original part of the house remains intact. They will be restoring the house, removing the vinyl siding and replacing with clapboard and adding copper gutters etc. Plans show a 2nd floor addition to the right side of the house where there is currently a porch. The addition is more historically sympathetic than the current addition. There is a mud-room connector added which will create a private court yard. The house is low into the ground and the house has a problem with mildew. Plans show a new, antique brick, foundation, which will raise the house 2 feet. The additions to the existing footprint are the mudroom, covered porch and connector. Plus the 2nd floor addition. Planned is a simple pea-stone drive with a cobblestone apron. There will be an Edgartown fence and herringbone, brick, walkway to the house.

Member comments: Ken noted that this plan cleans up the additions that have been added over the years and the raising of the house is needed. Christopher Scott requested a synopsis of the history? Patrick went over the photos and referenced the additions over time. The original house dates from the early 1800's. Edith noted the stories of a ghost in residence. Cari sees this preservation is clean and much nicer than what exists. Mr. Scott opened the meeting for public comment: Stacy Wallace, direct abutter likes the plans but is concerned about her retaining wall that is within inches of the existing garage. Patrick said they will not change garage. Stacy noted a large tree and wondered how the side of the garage will be reshingled without the removal of the trees and is looking for some security or bond if there is work done from her property. Patrick noted that once the contractor is chosen there will be discussion regarding the wall and how to do the work without hurting the retaining wall. Stacy is concerned about her view to the Harbor and

thinks that her view of the Harbor will be disturbed. Patrick noted that laws regarding private views over private property do not exist. She said that the statement regarding views is too broad. Discussion ensued regarding views and the additions proposed. Patrick made the argument that an addition to the other side would not be appropriate to the main body of the house. Stacy Wallace asked why they can't move the addition to the left side and said it would be better for the road ways, kids on bikes, etc. Patrick noted the changes make it possible to have a master bedroom and ability to step out to outdoor space. Patrick described the reasons for why the additions as planned make more sense. Mary Gentle, abutter, sees the view concerns as legitimate and is concerned about parking and the width of Atwood. Patrick noted that you can park 2 cars on the concrete drive area on site and one more in the garage. Mary is concerned about the elevation of the property previously proposed noting approval that this plan raises the house only 2 feet. Minah Worley is an alternate on the HDC but speaking tonight as a member of the public, sees sound reasoning for this design approach. Mr. Gentle noted that the Master Bedroom as planned has view. Patrick described that this plan works with history of the main house in an attempt to celebrate the original house and affords the client more space on the 2nd floor. Stacy voiced continuing concern about her retaining wall. Chris noted that the conversation is straying into construction issues and this is not the purview of the HDC. Mary asked about the setback requirements. Patrick said it is 5 ft but this house is pre existing non-conforming. Chris noted that this is an issue for the building inspector. Mr. Scott closed the Public Hearing. There being no further questions from the commissioners, Carole Berger made a motion to approve the application. 2nd, Ken Magnuson. Chairman Scott polled the members for comments: Ken likes the plan as it cleans up the non historic additions and respects the historic house. Julia likes that this plan preserves the original box. Susan noted the changing of the mismatched additions and removal of the vinyl siding will enhance the historic home. Cari agrees and added the antique brick foundation is a good design idea, noting that the 2 foot elevation is needed. Edith approves of the design as she can see the old house here. Chris finds the plan acceptable and noted that these changes are consistent with the HDC guidelines. Unanimously approved.

Continuation of Public Hearing: 76 S. Water Street (20D-167) James and Tanya Dixon. Patrick Ahearn/agent. (Susan, Christopher, Ken, Cassie, Julia, Edith & Cari)
 Applicant proposes to add a Nantucket dormer on the South Water St. elevation. Cover the porch over existing brick patio, new foundation, build a new carriage house behind existing house, remove an existing cottage at rear and rebuild, add cabana with chimney and outdoor shower, pool and spa. Continued from November 11, 2017. Patrick Ahearn appeared to present the plans. He noted that the design elements were separated between this and the previous meeting. The 2 'Dog House' dormers, as shown on the latest set of plans, were approved by HDC. The ZBA has approved the guest house configuration. At this point the discussion concentrated on creation of a 2nd floor porch and the first floor plan details for door and windows & guest house, visible from the street. Patrick provided pictures and described the changes to the addition of a 2nd floor deck over the existing porch and the rebuilding of the guest house. He provided photos of other homes in the district that have side porches and 2nd floor water views, noting that the proposed 2nd floor deck captures a view of the harbor. Applicant is now proposing to leave the original windows and doors without any modifications. This plan makes no change to the

fenestration of the existing doors and windows. Q: Julia asked about the number of doors on the 2nd floor. A: only one. The porch side is white clapboard and creates a formalized entry to the house by adding the porch, said Mr. Ahearn, noting that this change helps with the architecture of the house. The guest house is smaller and the garage sets way back on the lot and does not compete with the main body of the house. Christopher Scott opened the meeting to the public. There being no Public comment, the public hearing portion of the meeting was closed, and the commissioners were asked for questions and comments. Q: Julia asked how much of the new garage carriage house is visible from the front. Patrick noted that the existing building is more visible from the front than the proposed new garage noting that the existing building is 2 stories and is 20' tall the proposed building is 22', and that what is seen straight on, is less visible than the existing building and is in scale with the house that is 32' tall. Julia noted that the window change is an improvement but is quite concerned that the "down the road" there may be an application to enclose the porch which would change the facade. Patrick assured the members that the interior plan has changed and there would be no reason or future plan to enclose the porch. Susan Catling noted this plan as an improvement to the historic house. Christopher Scott made a motion to approve this new plan (dated 12.7.17) which includes 2 dog house dormers and no change to the S. entry wall under the porch. Susan Catling provided the 2nd. Unanimously approved.

81 Main St. (20D-121) Dukes County Court House. Martina Thornton/agent. Change to approved plan. Applicant proposes to change posts from bronze to mahogany. Martina explained the bid price, with brass posts, was beyond the budget and the contractors suggested mahogany posts with brass rails noting it may be a more historic look. Julia Celeste made a motion to approve. 2nd, Cari Williamson. Approved.

45 Cottage St. (20B-86) Harland & Patricia Kent. Patrick Ahearn/agent. Applicant proposes to replace window & front door, add railing over porch, add fencing and porch columns. Patrick provided plans. He 1940's house recently purchased and was renovated 20 years ago. Applicant wants to change windows to traditional 9x9, remove the supporting brackets from the overhang and add columns to create a portico. There is no access to this area from the 2nd floor. They are adding a small railing on lower porch and fencing for pool. This is an attempt to put the house back into historic character. Julia Celeste made the motion to approve. 2nd, Susan Catling. Approved.

44-46 Main St. (20D-191.1 & 194) New Moon Property, LLC / Behind the Bookstore. Sean Murphy/agent. Applicant proposes to install 5 green canvas sails awnings and retractable rain awning in current configuration for the 2018 summer season. Mr. Scott is recused as Pam Scott has worked for the applicant in the past. Mr. Murphy made the application to use the configuration as used during the 2017 season. Susan described the history of this project for new members. She noted that this owner bought the bookstore in 2012 but has lived here much longer. In 2015 there was an application for 2 green sails. In 2016, 3 sails were approved but 5 were installed. The rain sail was not constructed as originally described in the application. There has been much back and forth regarding the rain tent concerning visibility, supports and lighting. Susan noted there is a history with the movie poster box which was not built with the approval of the HDC. In 2017 violation letters were sent concerning lighting, specifically green spotlights.

There was no response from applicant. Susan noted the increasing confusion regarding the use of the rain tent in dry weather. Over the summer the tent was unfurled on successive sunny days and a letter was sent to the owner. Susan read an article from the MV Times, from September 2017, where the manager of "Behind the Bookstore" describing the "rain sail" as providing all weather protection. Historically, there have been complaints made to the owner from the HDC and building dept. Susan noted that the use of the Rain Sail requires yearly approval and the last approval was provisional as the rain canopy is not configured as approved for the 2016 season. Sean Murphy, representing the applicant does not understand why the history is part of the discussion. Mr. Murphy said that the owner did not receive the letter regarding the rain tent use on sunny days. Julia Celeste noted that colored flood lights were used during entire summer. Mr. Murphy noted that this is the same request as last season and that the "rain" sail be unfurled only when there is a chance of rain and remains open to dry after the rain. Ken Magnuson noted that the owners appear not to care about the effect of the large white rain tent that was not approved as built. Originally, the "rain tent" was described as translucent and not visible, but it is not translucent and is quite visible. Mr. Magnuson further noted that they were allowed to have the tent during the 2017 season only to see the effect during the season. Julia noted that there was work approved for raising a roof line that would change the visibility. It is unknown if that work was completed.

Susan Catling noted section 6 of the bylaw and noted that this part of the bylaw relates to this application. Susan further noted that this "rain tent" was not constructed as presented, from the beginning. Sean noted that the tent as approved, for last season, has not changed. There was a discussion of the history and the board's issues with the rain shield as was approved, last year. Sean Murphy noted that there was a site visit last year, followed by an approval. Carole Berger noted the issue of predicting weather but noted that there has been little cooperation or consideration, by the owner, with regard to the tent use. Carole asked about the rationalization for leaving the tent up for consecutive sunny days. Susan Catling noted the problems with policing this. Cari Williamson asked about the lighting and the spot lights and would like some assurance that there is not a continuing series of infractions for next season. James Joyce, in defense of the tent and lighting noted window display at Point B Realty has a TV screen and l'etoile constructs a large tent every year and wonders why this board is worried about a few lights. Susan explained that Letoile' constructs a tent as approved. Ken noted he has no issue with the existing green awnings, but objects to the "rain shield" open for more than one day after it has rained. Minah Worley noted that the rain tent was approved in good faith, if there is a failure to comply with the approval, it should come down. There was further discussion about how to monitor the use of the "rain shield". Mr. Murphy asked for a vote on the green sails, at this time and he will talk with the owner about how to gain a better assurance regarding the use of the rain cover only during inclement weather. The discussion regarding the "Rain Awning" will be continued. Carole Berger asked that the owner present himself in person to address the rain awning. Motion to approve the green sails in the current configuration, Ken Magnuson. Julia Celeste provided the 2nd. The green sails, as currently configured, unanimously approved. "Rain Tent" discussion will be continued to Jan 18th, 2018.

New/Old Business: Motion to approve:

**May include matters not reasonably anticipated within 48 hours of meeting.*

-Vote to adopt HDC fee schedule. A new, updated fee schedule for HDC approval was presented to the commissioners in November. Bricque described that the current schedule was adopted in 1987 and has not been updated since. The costs associated with processing applications has increased greatly since that time as most photos and plans are now emailed and multiple copies must be printed (often in color) to present to members and the public. Additionally, the postage costs have increased substantially.

The New Fee Schedule:

- *Minor Alterations/Repairs: Non Structural (roofing, siding, door & window replacement) - \$30.00*
- *Minor Alterations: Structural (inc: foundations) - \$50.00*
- *New Construction, Additions, Renovations (accessory structures two story) - \$100.00*
- *Accessory Structure: Garage, Barn, Shed, Deck - \$50.00*

Motion to approve new fees: Carole Berger. 2nd. Susan Catling. Unanimously Approved. The new fee schedule will go into effect on January, 1, 2018.

After discussion about the condition of the building at 30 Main St., a motion was made to send a letter to the owners of old 'Great Harbor Liquor Store' requesting that they paint the exterior and clean the glass window before April 1st, 2018, Julia Celeste. 2nd, Susan Catling. Unanimously approved.

Minutes: November 16, 2017. Motion to approve, Julia Celeste. 2nd, Susan Catling. Approved.

Chris Scott reported to the members that he, Carole Berger and Bricque met with Mr. Ettinger and Ms. Simpson regarding their property at 8 Pease's Pt. Way South, on Saturday, November 11th. Chris related that there was a discussion regarding the submission of a new application. Originally, these homeowners made an application in October of 2014 for a demolition and new construction, which was denied and subsequently there was a pre-application discussion in 2016.

Meeting adjourned at 6:19.

Respectfully submitted:

Bricque Garber, Assistant

Approved: _____ 12.21.17