

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Judge Welsh Room, Town Hall
Provincetown MA

WEDNESDAY, SEPTEMBER 27, 2017

Members Present: Thomas Biggert (TB), Chairman Martin; Risteen (MR); Hersh Schwartz (HS); Marcene Marcoux (MM); Laurie Delmolino (LD)

Absent: Unexcused Absence Lisa Pacheco Robb

Others Present: Annie Howard (AH), Building Commissioner

The meeting was called to order by TB at approximately 3:30pm.

1. WORK SESSION: VOTES MAY BE TAKEN

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

- i. AH reported that she is still playing telephone tag with Reanne Cole (sp) contact at 20 Winthrop St. per the fence that went in.
- ii. AH advised that 421 Commercial St. is replacing from first floor window sills down to the water table in kind with HDC-approved hardy board as a truck jumped the curb and the board was damaged.
- iii. MM asked about the fence that is not approved at the corner of Allerton and Bradford Sts. AH said they cut it down, changed the gate, did some remediation; will verify if it is now in compliance.
- iv. AH noted she is still pursuing the iron-gate fence installed at 532 Commercial St. at Hancock in the Fanizzi's restaurant vicinity.

AH reported that there are many items on HDC agenda awaiting in her inbox.

b) Determination 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 October 4th Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion that the following be considered as Full Reviews to be read at a later date: ix., 6 Cottage St.; x., 25 Tremont St., #A1; xi., 104A Bradford St.; xii., 197 Bradford St.; xiii., 156 Bradford St., #6; xiv., 446 Commercial St.; xvii., 4 Mozart Ave., #3 .

LD seconded the motion, and it passed, 5-0-0.

TB made a motion that the following be accepted as Administrative Review to be read today: i., 8 Commercial St., #B2; ii., 342 Commercial St.; iii., 12 Franklin St.; iv., 35 Pearl St.; v., 539 Commercial St.; vi., 12 Washington Ave.; vii., 66 Commercial St.; viii., 144 Commercial St.; xv., 520 Commercial St.; xvi., 18 Pleasant St.; xviii., 99 Commercial St.
MM seconded the motion, and it passed, 5-0-0.

- i. 8 Commercial St. – (continued from the meeting of Sept. 6th) – To replace a front door in kind.
Kirsten Kelly (KK), presented, said she works for the contractor.
TB asked if the replacement door was wood; Kirsten said she thought some of the material was fiberglass but that it was a replacement in kind. HDC agreed it was in kind after reviewing photo.
TB made a motion to accept as presented; LD seconded the motion, and it passed, 5-0-0.
- ii. 342 Commercial St. – To re-side.
No one presented.
TB made a motion to accept as presented; MM seconded the motion, and it passed, 5-0-0.
- iii. 12 Franklin St. – To replace windows in kind and re-side.
No one presented.
LD noted that wood windows were being replaced with Andersons.
TB made a motion to accept as presented; LD seconded the motion, and it passed, 5-0-0.
- iv. 35 Pearl St. – To re-roof.
No one presented.
AH said that due to last week's canceled meeting and leak situation, she allowed the contractor to go forth with repair.
TB made a motion to accept as presented; LD seconded the motion, and it passed, 5-0-0.
- v. 539 Commercial St. – To re-side.
No one presented.
TB made a motion to accept as presented; MM seconded the motion, and it passed, 5-0-0.
- vi. 12 Washington Ave. – To re-roof.
No one presented.
TB made a motion to accept as presented; LD seconded the motion, and it passed, 5-0-0.
- vii. 66 Commercial St. – To replace windows in kind.
No one presented.
TB read aloud from the document, noting wood interior, fiberglass exterior and no structural changes; made a motion to accept as presented. LD seconded the motion, and it passed 5-0-0.

viii. 144 Commercial St. – To replace windows in kind, re-roof and re-side.
No one presented.

TB read aloud from documents; LD noted scratched-out writing where it was stated rear door to be replaced by French door.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 5-0-0.

xv. 520 Commercial St. – To replace a gable end in kind.
No one presented.

MM questioned if trim replacement was wood.

TB made a motion to accept as presented, wood trim; LD seconded the motion, and it passed, 5-0-0.

xvi. 18 Pleasant St. – To replace 8 windows in kind.
No one presented.

TB noted two-over-twos, made a motion to accept as presented; MM seconded the motion, and it passed, 5-0-0.

xviii. 99 Commercial St. – To replace cabin windows in kind.

MM asked for the number of windows; presenter responded, 17. MM said she was fine now that she had actual photos in hand and was pleased to see wood windows..

TB made a motion to approve as presented; MM seconded the motion, and it passed, 4-0-0. TB, MR, HS, MM. LD recused herself, but remained seated as it was Administrative Review.

c) Review and approval of Minutes:

TB inquired of AH if there had been any progress in securing a recording secretary. AH responded there had not. MM requested AH send her AH's meeting notes; AH said she would forward her notes.

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

No public comments.

MM sent her sympathies to the family of Jules Popko who passed on Sunday; said the annual Lobster Pot holiday celebration was born of his work; a gentle soul who cared about the historic nature of Provincetown.

LD asked if a couple of months ago she had texted HDC about a casement window at 67 Commercial St., in the rear of the property, which was installed, it appears, to open fully and accommodate an egress that mimics much better a double-hung window; structurally changes the dormer design. LD pondered if this is a feature to consider going forward.

3. Public Hearing: VOTES MAY BE TAKEN

a) HDC 18-005 (*postponed from the meeting of September 6th*)

Application by **Najjia Mahmoud & Mark Sellers**, for the removal of a one-story dwelling and two sheds at the property located at **25 Cottage Street**.

No one presented.

AH said she had spoken to the applicant yesterday; they were in Providence, RI last Wednesday when the meeting was canceled, asked if they could be excused from attendance. AH explained without their presence there was the potential of a delay to six month, depending on HDC's findings.

MR said he made a site visit and while he was not physically on the property, from his viewpoint over the fence, he found the cottage to be what some might refer to as a camp.

TB read a letter from the architect, Peter DiCarlo with back-story on the property; original owner was a Russian immigrant; structure dates back to 1964; corroborated the chicken coup theory; poultry barn has been assumed to date between 1964 and 1965, however missing documentation could put its origins back to 1941, as materials used were popularized during WWII.

AH said the two other structures are Pine Hollow sheds which were used as sleep houses last year and are not in the historic district. MR sited potential health issues.

MR requested postponing the decision for one week so he can gather appropriate information, but said he felt confident in advocating for the demolition of the structure based on his initial evaluation. AH read the time-waiver motion request on the part of the applicant dating to today's meeting.

MR made a motion to waive the delay of demolition; LD seconded the motion, and it passed, 5-0-0.

MR to send letter.

b) HDC 18-013

Application by **Fine Arts Center** requesting to replace all exterior windows, trim and siding, to add two windows on the north elevation and to replace a main entrance stairway in kind on a structure located at **4 Fishburn Court**.

Bob Bailey (BB), Facilities Manager, Fine Arts Work Center; Michael Roberts (MR), Executive Director, Fine Arts Work Center, presented.

BB said they are trying to replace the windows as historic as they can make them; where there are awnings or casement windows they are changing them for double hung, two-over-twos; referenced site lines from Pearl St. First floor has existing 6-over-6's, but they are proposing to change the whole face to 6-over-6's and anything from Pearl St. will use existing light.

BB continued: All windows for the rest of the building will be replaced 2-over-2, double hung, plus shingling replacement; had requested two windows on the north side but now only wants one – for the kitchen; main entry-way has brick work with cinderblock underneath which is deteriorating; will be replaced in kind.

On south side, an existing egress and casement window on top; BB said they can make an 80" door of 5 panes down and 3 across which would be become a door for egress instead of a window.

TB complimented the Fine Arts Work Center on submitting such a complete application package.

No public comments or letters.

MM said she was impressed with the application, especially lucid photos; appreciated that applicant received advice from the Provincetown Historical Commission and the Mass Historical Commission (MHC). She appreciated all the commissions working together on this fine project.

MR said he was grateful that the application has been drawn out over time to give him a chance to familiarize himself with the process; thanked HDC for writing a letter to MHC on their behalf.

AH requested clarity on the distance that would separate the structure from the property line on the north side regarding additional fenestration; must be 3' or less.

LD complimented applicant on being well within HDC guideline and metrics and for probably pulling back in history how the house looked like.

TB made a motion to pass on the condition that one or two windows may be added on the north side. MM seconded the motion, and it passed, 5-0-0.

c) **HDC 18-026**

Application by **Paul Fiore & David Foley** requesting to renovate additions on a cottage, including replacing a skylight and windows on the south elevation and replacing siding, trim, roofing shingles and an entry door, located at **25 Bangs Street**.

MM recused herself and publicly stated that she is an abutter and therefore cannot comment nor vote on this case; left the room.

Paul Fiore (PF) presented; proposed work is only for main structure; Marvin windows will replace those on the east elevation, maintain look; said they did research to try and gain historical perspective; requested to remove back portion of house, repair retaining wall and rebuild rear of house. General concept is that front of house stays as is, but with added door; new bedroom at the back of the house. PF referenced 404 Commercial St. in a photo for proposed fenestration comparison.

TB read a letter from abutters and neighbors in support: 17 Bangs St.; 24 Banks #2; 6 Upper Miller Hill Rd.; 7 Upper Miller Rd.; 21 Bangs St.

LD said she broke up her evaluation into 3 buildings; one highly visible, one basically invisible, and the addition somewhat visible; asked if PF would consider double-hung windows as they would let in good light. PF suggested there wasn't proper room to accommodate that aspect.

HS said she supported a full-light door; TB concurred.

TB mentioned that the metal roof on the dormer is not in keeping with the bylaw, is not a fan of the bump-out; suggested that a re-build of the rear structure will make it more prominently visible.

PF said they like the look of plank siding and cedar shingling. MR supported this aspect, said it mimics the smaller-structure-look of the town as it's developed over generations.

LD said she liked the funky quality of the re-vamp but it doesn't fit into HDC guidelines; asked what the design might look like without the bump-out and a flat façade instead and if PF would consider going back to the drawing board.

TB stated he is okay with the east and west elevations, but suggested PF focus on re-configuring the front door, which HDC agreed needs work.

TB made a motion to continue the decision at the Oct. 4th meeting; LD seconded the motion, and it passed, 4-0-0.

MM returned to the meeting.

d) **HDC 18-027**

Application by **Michael Rabadt & Richard Urkiel** requesting to re-locate an existing window on the structure at **20 Court Street, #1**.

Richard Urkiel (RU) presented; stated request is due to a re-model of a galley kitchen involving new counters and repo'd appliances; existing window also needs to be relocated, somewhere around 3' or 4' depending on counters and slightly shorter than existing window - currently a double hung, 6-over-1; requested to replace with an Anderson casement window that is 20" wide by 30" high; work would be facing north side, somewhat visible from Court St..

RU gave a little back history, stating the building is from circa 1850 and was used for a time as a convent for Catholic nuns who fled Castro's Cuba in the late 1950's and that the sun porch had been used as a chapel.

LD remarked on the variety of window types on the structure, so she didn't feel she had a problem with the remodel of this one in particular; invited RU to visit her own historic home with the same windows to offer suggestions on relocation.

TB said he had issues with moving the window as it serves as defining fenestration. LD asked if it was possible to add horizontal rails.

MM didn't have a problem with the application request in that it was one window and made a motion to approve as presented. LD seconded the motion and it passed, 4-1-0; MM, TD, MR, HS in favor; TB, opposed.

e) **HDC 18-028**

Application by **KA Bazarian Construction**, on behalf of **Beverly Serbian**, requesting to install two additional windows on the south elevation of a garage addition located at **18 West Vine Street**.

Beverly Serbian (BS), Lyn Plummer (LP) and Kevin Bazarian (KB) presented.

KB stated the additions would be on a gable end to join one window at the location that has already been approved; said the view from Atwood cannot be seen at all, partial view on Tremont.

BS read her letter to HDC, said she was appealing to the board from her heart as she has owned her property since 1988 and since then has seen it crowded in by many additions to the neighborhood such as Gale Force Condos; highlighted the many neighbors she's lost.

TB read a letter in support from Michael Rose of Gale Force Condominiums.

MM read a letter in support from Dana Gold of 22 West Vine St., believing the windows will be in keeping with structure being built, will bean upgrade, location makes it a non-issue and residents should enjoy the water.

TB read a letter in opposition from neighbor directly across the street, at 17 West Vine, Unit #1 claiming applicant has already deviated from plans previously approved by HDC; that historic quality of original structure has been compromised by a variety of styles in reconstruction of garage and additions.

TB read a letter in support from neighbor at 14 West Vine St., #1.

MM read a 2nd letter from the neighbors at 17 West Vine, Unit #1 further detailing their opposition.

MM spoke of the many times this property has come before HDC and cannot consider this decision as just a fenestration request; is taking a holistic approach.

MR said he didn't have a problem with the additional two windows and that making a site visit has been helpful in getting a better picture than what is written. LR concurred; suggested that there are times when renovating that unforeseen changes crop up honestly; mentioned it's a 1980's building and garage.

HS said she is also in favor of approval as she felt the blocking is minimal and understood the desire for ocean views.

TB said he was more concerned with the loss of rake boards than the addition of the windows; said he could support the proposal if the three windows were centered between the rake boards. KB said he was alright with that option but for BS it would put the window in her stairwell, which she does not prefer.

MM made a motion to approve as stated and presented; LD seconded the motion, and it passed, 3-2-0. MR, HS, LD in favor; TB, MM opposed.

f) **HDC 18-029**

Application by **KA Bazarian Construction**, on behalf of **Maria Cirino**, requesting an alteration to a previously-approved plan requiring a structure to remain at a height of 16" when a height of 17' 1" is needed in order to comply with the MA State Building Code at the property located at **3 Cudworth Street**.

Lyn Plummer (LP) and Kevin Bazarian (KB) presented.

KB said the new building height is 13 + ¾" taller based on the lumber needed for construction; 2x4's now need to be 2x8's, and so on.

LP reminded HDC that she had been advised to put in a new application based on the height issue, which AH concurred.

LD said she would be in favor of the proposal, citing applicant's work in trying to keep elevation down; change to aesthetic is minimal.

MM asked if only the garage, without the crawl space, was to be re-built, would the height still need to rise. LP said that would require another re-design and that structure would not resemble what is there.

MM conveyed her concerns that there seems to be a trend where HDC approves heights and then those heights are revised with requests to go higher.

HS said she doesn't have a problem with the extra 13" as it keeps the building looking like it should look.

MR said he is in favor of the plan as presented.

TB said he is alright with the proposal as HDC doesn't have much of a choice in needing to keep the building aloft and made a motion to accept

as presented. LD seconded the motion, and it passed, 4-1-0. TB, MR, HS, LD in favor; MM, opposed.

4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN.

MR said he went to a site visit at 99 Commercial St. for an informal meeting with the State DEP and conservation agent, with the owners on hand. MR recommended HDC submit a letter to the DEP stating that HDC has approved. LD was on hand informally as an abutter. MR said he will be getting written information from the DEP Coordinator.

Decisions by HDC, read by MM:

d) HDC 18-027: 20 Court Street, #1. Decision from 9-27-17.

b) HDC 18-013: 4 Fishburn Court. Decision from 9-27-17.

h) HDC 17-182: 306 Commercial St., Unit B. Decision from 3-15-17.

TB made a motion to approve the decisions of **HDC 18-027; HDC 18-013; HDC 17-182.** LD seconded the motion, and it passed, 5-0-0.

At MR's request, HDC reviewed and approved MR's re-tooled decision form which is now three pages in total.

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

34 Commercial St. awning.

AH reported the retractable, permanently fixed awning at 34 Commercial St. is greater than 54" and sits in a through-lot, Pointe St. to Commercial St.; currently difficult to see with the fence in place. LD questioned the bylaw concerning this new feature. MR offered to make an awning inquiry with the MHC. AH asked HDC to put 34 Commercial St. awning on a future HDC agenda.

LD stated she would be late for the Oct. 4th meeting; to miss Administrative Review.

TB made a motion to adjourn the meeting at 6:18pm; LD seconded the motion, and it passed, 5-0-0.

Respectfully Submitted,

Jody O'Neil