

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown, MA

**WEDNESDAY, AUGUST 2, 2017**

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep; Marcene Marcoux, Vice Chair, Chamber of Commerce Rep.; Laurie Delmolino (LD), Historical Commission Rep; Martin Risteen (MR), Alternate; Hersh Schwartz, (HS), Alternate.

Absent: Lisa Pacheco-Robb, PAAM Rep.

Others Present: Annie Howard (AH), Building Commissioner.

**1. Work Session: VOTES MAY BE TAKEN**

**a) Update on potential violations reported to the Building Commissioner:**

- i. AH commented on TB's reference to a fence at 532 Commercial St., corner of Hancock St.; was possibly not in original renovation request when HDC had an issue with the gate; will plan site visit and report back.
- ii. TB mentioned the fence at 479 or 477 Commercial St. where they had extended the privacy fence. AH said one part they caught had been taken down, and would follow-up.

**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 September 6<sup>th</sup> agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

- i. 40 Commercial St. – To remove and replace 6 windows in kind.  
No one presented.  
TB made a motion to treat as Administrative Review; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.  
TB sought to verify replacements as simulated, divided light. LD noted that the location is at the rear of the north side of Commercial St.  
TB made a motion to accept as presented; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.
- ii. 261 Bradford St. – To replace 8 windows, re-side a west wall and replace the top of a chimney.  
Mike presented; no last name given.  
TB said he felt HDC needed to make a condition of simulated, divided-light; made a motion to treat as Administrative Review. LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.  
TB asked if Mike was replacing the chimney with same color brick; Mike said yes, noted the chimney has a large crack in it. TB asked if windows

were to be true divided light without the spacer. Mike mentioned other, original, windows do not have spacers.

TB made a motion to accept as presented; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

iii. 27 Brewster St. – To replace windows and garage roofing.

Hamisses presented; no other name included.

TB made a motion to treat as Administrative Review; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

TB noted the roof was fine as presented; asked if windows were all in kind; was told they were.

TB a motion to accept as presented; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

**c) Review and approval of Minutes:**

TB made a motion to move the minutes review to the end of the meeting; LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

- 2. Executive Session.** Binder v. HDC, Barnstable Superior Court C.A. No. 1772CV00191. A declaration and vote, under G.L. c.30A, §21(a)(3), are expected, to allow the HDC to go into executive session to discuss litigation strategy as a discussion in open session may have a detrimental effect on the litigation position of HDC. The litigation concerns requests for permission from the HDC to allow a project to remove a mounded septic system and install a new addition at 242 Bradford Street.

At approximately 3:42pm, TB closed the Work Session and directed HDC to engage in Executive Session for the next 10 or 15 minutes, which was closed to the public and not taped.

MM arrived.

- 3. Public Comments:** On any matter not on the agenda below.

No public comments or letters.

**4. Public Hearings: VOTES MAY TAKEN**

**a) HDC 17-258**

Application by **Dan Silva**, on behalf of **Elena Ende**, requesting to replace a fence at the property located at **457 Commercial Street**.

TB recused himself from hearing the case, asked MM to take over.

Seth Kaplowitz and wife, Elena Ende (EE), owners, presented, requested HDC refer to their letter. MM asked owners to elaborate on their request. SC cited Mass General bylaw wherein HDC had failed to respond to the case in 98 days and was therefore not able to mitigate on the case other than to offer a certificate of hardship.

SC handed out copies of all the documents pertaining to the case thus far and said he felt, without prejudice to their position, that the volume of documentation had well served their position in noting the distinction

between the old and new fencing. SC asked if the HDC could be impartial based on past litigation and suggested this case was the most voluminous request for a new fence in the history of HDC.

AH said she didn't have a file of letters on hand; EE said many had been submitted. MM assured the owners that all letters are always read publicly

AH left the meeting and returned shortly with the file of letters.

Sasha Richter read his letter in support of the new fence and as the property in question had been in his family for years; said he felt the new fence featured better materials and would keep the house classic, suggested his grandfather would be proud of the new fence.

Ted Jones read his partner's letter, as a neighbor, one or two houses away; cited the owners as good neighbors and felt that no one should fault them for the new design as the property is in keeping with the 1920's look of the house.

LD read a letter from owners at 453 Commercial St. in support of the fence replacement and renovations.

AH read a letter from Scott Rogers at 455 Commercial St., abutter, asking what fence was to be replaced; was hoping the fence in question was on the opposite side of the property.

MM read a letter in support from Peter Petos and Ted Jones.

LD apologized for the abysmal amount of time it's taken to hear the decision; referenced HDC's request for more information without having a handle on the time-frame for that, but her recollection was that HDC had not gotten requested information.

SC countered with dates of correspondence going back to April; said on May 12<sup>th</sup> he submitted all requested materials; that they were not on the agenda for June 21<sup>st</sup> when, he suspects, the case was determined to be a Full Review which, he said, was a decision they were informed of on June 27<sup>th</sup>; lamented no meeting minutes for 2017 dating past March; cited other cases of work orders for fences that were permitted to go forward without documentation and just based on the applicant's word that the replacement would be in kind.

MM stated that if the fence had been replacement in kind, it would have been decided as Administrative Review, but as the owner designated specific design changes, that altered the status of the application.

MR said he went on a site visit, remarked that the new fence was not in-kind, but had some questions as to what set-backs were involved; said he was not opposed to the new fence.

HS noted the new fence as not being in-kind, that the dimension varies between 5 inches and 3'7"; is not opposed to either design offered.

LD said the problem was that once changes had been made then the issues the replacement raised needed to be addressed, specifically because it is not in-kind.

MM said the changes the applicant made triggered HDC's intervention as the replacement was no longer grandfathered-in; that she understood an owner's wish for privacy, but the public's view and general streetscape of the town were also important considerations.

MM made a motion to approve as presented with deviations from in-kind nature of replacement as stated on original application. LD seconded the motion, and it passed, 4-0-0. MM, LD, MR, HS.

**b) HDC 17-296** (continued from the meeting of July 19<sup>th</sup>)

Application by **Peters Property Management**, on behalf of the **Willows Condominium**, requesting to replace asphalt and rubber roofs, to replace deck boards and deck trim with Azek, to replace pressure-treated railings and lattice with white rails and balusters and to repair deck framing as required on the structure at the property located at **25 Tremont Street**. Barry Pike (BP) and Laurie Ferrari presented.

LD spoke of visibility in terms of the buildings: From West Vine St., A1 but A2 is not as visible; also visible is Building B, southern deck; D1. D2, distantly; and the east and west side of G1. Visibility from Tremont St. regards C1 & C2, and F1. LD stated that most of the elevations are minimally visible to the point where she couldn't tell the difference between a decent composite and wood.

TB said the bylaw doesn't account for visibility, but for his own sake, he would choose himself to err of the side of wood.

MM said she, too, would prefer wood; asked the applicant if they were going to support consistency as previously stated concerning the completed work on E1 & E2.

BP said he was an owner and trustee at the Willows for the last 15 years; referenced being before HDC for E1 & E2 buildings and that the Willows is probably known for being the building with the lattice work. BP said that what he thought was cedar lattice needed to be addressed before it failed due to age. BP reminded HDC it had twice before permitted composite on the property with E1 & E2, and that while he preferred using materials that align with the property's significant footprint, the maintenance and upkeep would be a difficult task without approval for the rails and balusters as requested.

TB read a letter in support from Marjorie P. and D. Reed residents of the Willows.

LD read a letter in support from BP and Paul Carey at 25 Tremont St.

MM read a letter in support from Unit #C2 of the Willows, claiming that today's composite materials are of a much better quality.

HS read a letter from an abutter at 175 Bradford St. Extension who felt the replacement would be a compliment regarding the latticework and also improve the overall quality of the neighborhood.

TB read a letter in support from a neighbor at 21 Tremont St. noting in detail the current quality of composite

MM read a letter from a neighbor, James McGuire, on West Vine St., who found the composite materials complimentary.

LD read a letter in support from Gary A., owner of Unit #2 at the Willows for the past nine years, who felt the change would be more secure, require less maintenance.

TB asked when the work was done on E1 & E2; BP said it was the fall of 2015, which MR concurred from memory. MR added that he wasn't particularly fond of the materials but as they had already been approved, it was alright by him and also would work in this situation.

LD asked if the bylaw as pertaining to a 1990's build would be a different standard from an historic building. MR replied that this approval would not be a blanket approval for Azek to be the law of the land.

MM said a lot of composites would still be an issue if they were written today as the emphasis is always on wood-use; added that she felt that 40 decks at the Willows was a lot; preferred Azek flooring but wood railings.

LD said that she looks down the road when making decisions to avoid a case where an applicant who is denied cites a neighbor who was by approved by HDC for the same conditions, but that in this case composite would be consistent with the architecture.

MR asked LD to further reference the visibility of the various buildings and that maybe there would be a wood composite.

LD said her determination was that anything more visible than Building E would be subject to wood, which would be C1 and A; but structures such as F & G, which are not highly visible, could be fine with composite.

BP said his suggestion would be to use wood on the A building but the C & E buildings would work with the composite affording less of a view.

HDC discussed which buildings would qualify for high-visibility based on photos that BP brought to the bench; reached a consensus with A, B & C, but not unified on D. BP said that this scenario rendered the property 50% wood; LD said it was 40/60.

TB made a motion to accept with a provision that Buildings A, B & C be wood and that Buildings D, G & F may be accepted as composite. LD seconded the motion, and it passed, 5-0-0. TB, LD, MM, MR, HS.

BP asked if he could take the decision back to the owner who might have a preference for the B Building; that he wasn't comfortable speaking on the owner's behalf. MM said no, that the vote had been made and the case gone on for quite some time. LD said he could always opt to return with a new application.

c) **HDC 18-001**

Application by **Joyce Holupka** and **Pamela Cyr** requesting to renovate the exterior of a structure, including roofing, siding, windows and exterior decks on side and rear elevations on the property located at **487**

**Commercial Street.**

Ryan Campbell (RC) and Pamela Cyr (PC) presented. RC said he was working in a consulting basis and also disclosed he was a member of the Planning Board; that the idea was to clean up the house and extend the rear roof to cover the decks; the front of the house would remain the same other than changing the shingles; to eliminate a walk-back with east side, exterior stairs going up to the house.

RC said the current fenestration was of varying sizes and limiting in terms of movement; that the back decks were to be re-built; exterior siding will remain cedar on three sides and the front change to be more historically accurate; windows replaced in kind; replacement fence will extend and a gate removed on the west side; Anderson A-series windows with divided light in front; rear windows to be Anderson A or Weather Shield.

No public comments or letters.

HS commented that she loved the door on the west side; MM agreed. RC said they were planning to refurbish and maintain it.

TB said he felt the applicant had done a good job with the house and came up with an appropriate solution; remarked that the Bay in the front

was not an original element but had come to be a defining feature; only thing he said he had issue with was the over-reach with five skylights.

LD said she thought HDC looked to max out skylights at two. AH said 212 Bradford St. on the west side has three skylights. RC said they could go with two skylights.

AH mentioned that the dormers might be an issue. LD asked about the cornices on the rear end to be replaced; RC said there are none there now, would replicate what is on the front. LD also said she was confused about the gabling, which was clarified in the diagrams. RC addressed the south elevation which he said would make sense to be done all in glass, which AH remarked was similar to a flexi-frame at Bay Shore Condos.

LD suggested reducing the number of windows on the third floor from three to two, which RC agreed on and said he could make fixed; also pointed to the use of cable rails in the design.

LD made a determination that HDC needed to see new designs for the south elevation before full approval.

TB made a motion to accept with the conditions that there be three skylights instead of five; that concerning the rear south elevation with glass on third floor there will be a two panel window in the center instead of three; and that new south elevation drawings will be submitted. LD seconded the motion, and it passed, 5-0-0. TB, LD, MM, MR, HS.

RC said he would bring the new drawings by the next day.

TB remarked that this was the first case of FY2018. AH reported that the HDC had made 296 cases in FY2017.

**d) HDC 18-003**

Application by **KA Bazarian Construction**, on behalf of **Maria Cirino**, requesting to modify a previously approved plan by changing window and door locations on the structure located at **16 Carver Street**. Lyn Plummer (LP) and Phillip Miller (PM) presented.

LP stated that the original drawing specs were incorrect; changes had been made and were in the packet. LP went through the elevations in turn which included north side door will be wood with half-glass; west side window sizes changed in the dormer to become egress windows and windows to right of door have been removed to accommodate a kitchen; east side have better window alignment; added a door for egress for first unit; sub-elevation has larger window on second floor; replace stationary door on first floor with a slider door.

PM added that the roof line had changed, as well. LD asked if the roof was being raised; LP replied it was not. PM said the previous drawings had an incorrect roof pitch which is now corrected in the new designs.

No public comments or letters.

AH reminded the HDC to verify the date of the plans in their decision.

MM said she felt the alignment was better.

LP said they were keeping the chimney.

MR said HDC can't consider anything on the interior, based on bylaws.

LD voiced concern with the height of the newly proposed dormer. MR said the issue HDC has with this dormer, as opposed to the one that was approved on the other side of the building, is the degree of visibility at hand. LD suggested two dog-house dormers as an option. PM said he

worried that this re-vamp might push it too Victorian, preferred something more evolutionary, Greek Revival.

LD asked why windows were now gone on the porch; LP said there is a need for room for kitchen cabinets.

TB sought verification on number and size of windows. PM said they are as originally approved; discussion followed on second floor elevation windows which, LP noted, appeared to be now 4" shorter.

AH stated that the required dimension for a window egress is 24" or 20" wide by Mass Amendment State Code; new clear opening must be 5.7 square feet, which determined the design would pass as presented.

MM said she could go with the design, but also with a consensus in another direction.

MR said he would have preferred to keep it as is; asked if applicant had thought of every alternative. PM said they had referenced buildings in town but as a huge fan of Greek Revival, alternatives would make the look too busy. MR then said he could live with it.

LD initiated a discussion on the railing, of which AH said there are examples in town, including 72 Commercial St. with stair railing to screen porch; 68 Franklin St. on second floor porch; fish shacks by West End Parking Lot.

TB made a motion to approve as presented; MM seconded the motion and it passed, 4-1-0. TB, MM, MR, HS, in favor; LD, opposed. LD said she stated her opposition to the design based on loss of dormer which was a key architectural feature of pre-existing building.

## **5. Deliberations on Pending Decisions: VOTES MAY BE TAKEN**

Decision by MR; not read aloud, but reviewed by HDC.

### **HDC 17-284: 46 Bradford St.**

TB made motion to approve the decision; MM seconded the motion, and it passed 5-0-0. TB, MM, LD, MR, HS.

TB confirmed to MR that HDC would approve his revamped decision form at the next meeting and begin using for decisions going forward.

## **6. Any other business that shall properly come before the Commission.**

Tom Thompson presented final drafting plans to scale of approved design at 35 Alden St. from Sept. 20, 2016.

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

TB made a motion to adjourn the meeting at 6:30 pm; LD seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, HS.

Respectfully Submitted,  
Jody O'Neil