

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

WEDNESDAY, SEPTEMBER 6, 2017

Members Present: Thomas Biggert (TB), Chairman; Marcene Marcoux (MM), Vice Chair; Martin Risteen (MR).

Absent: Lisa Pacheco-Robb; Laurie Delmolino; Hersh Schwartz.

Others Present: Annie Howard (AH), Building Commissioner, who welcomed everyone back from a long break.

1. WORK SESSION: VOTES MAY BE TAKEN

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

- i. AH referenced an e-mail she had previously sent concerning a fence violation at 20 Winthrop St., but her information had gone out in error to the previous owner from the contact in the assessor's database. The mix-up has been corrected and a letter went out today to the current owner, without the benefit of review from HDC.
- ii. TB asked if there was any movement on the curb-cut at 469. AH said she's spoken with Dave about it as the correspondence has gone back and forth, but offered no updates at this time.

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 Public Hearing agenda below or the September 20, 2017 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion accept as Administrative Review the following cases. MM seconded the motion, and it passed, 3-0-0:

i., 176 Commercial St., #4; ii., 176 Commercial St., #2; iii., 6 Lovett's Ct.; iv., 5 Bradford St.; v., 208 Bradford St., #D6; vi., 441 Commercial St., #3; vii., 8 Commercial St., #B2; ix., 539 Commercial St.; x., 52 Commercial St.; xi., 24 MacMillan Wharf; xii., 553 Commercial St., B; xviii., 99 Commercial St.; xxiii., 606 Commercial St., #2; xxiv., 3 Atkins Lane; xxv., 644 Commercial St.; xxvi., 72 Commercial St.

TB made a motion to accept as Full Review the following cases. MM seconded the motion, and it passed, 3-0-0:

viii., 479 Commercial St.; xiii., 206 Bradford St., xiv., 4 Fishburn Ct.; xv., 30 Alden St., #1; xvi., 3 Atlantic Ave.; xvii; 74 Commercial St.; xix., 22 Bangs St.; xx., 20 Court St.; xxi., 18 W. Vine St.; xxii., 3 Cudworth St.

- i. 176 Commercial St. #4 – To replace 6 windows in kind.
No one presented.
TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.
- ii. 176 Commercial St., #2 – To replace 4 windows in kind.
No one presented.
TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.
- iii. 6 Lovett's Court – To replace 10 windows in kind.
No one presented.
TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.
- iv. 5 Bradford St. – To replace a roof.
No one presented.
TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.
- v. 208 Bradford St., #D6 – To replace roofing shingles and 4 skylights in kind.
No one presented.
MM said she had a question if skylights were to be exactly in kind. AH suggested the units would be marginally different based on the flange, but will not be horrifically different, adding that they don't make those anymore.
TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.
- vi. 441 Commercial St., #3 – To replace 2 windows in kind.
No one presented.
TB noted Anderson 400 series, made a motion to accept as presented. MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.
- vii. 8 Commercial St., #B2 – To replace a front door in kind.
No one presented.
MM questioned if the replacement was in kind; noted that it appeared on the application that the front wood door was to be replaced by fiberglass, and suggested that HDC needed more information.
TB made a motion to continue the case to the Sept. 20th meeting pending more information. MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.
- ix. 539 Commercial St. – To replace a roof.

No one presented.

TB and MM noted the application was very straight-forward. TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.

- x. 52 Commercial St. – To replace clapboards.

No one presented.

MM noted that the application stated they were using cedar and sought to make sure that all the trim and molding was to be cedar.

TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.

- xi. 24 MacMillan Wharf – To replace windows and doors in kind.

No one presented.

AH said the building was the Harbormaster's Office. MM asked if 4 doors were in question, noted some of the older doors looked like wood, and asked if the replacements noted as energy-rated meant fiberglass. AH said it did. TB questioned if energy-rated notated wind and temperature.

AH said it might mean replacements are needed every 3-5 years; that the structure was less than 50 years old and so would not be included in the HDC restrictions.

MR said he didn't have a problem with the replacement being fiberglass considering the location. MM said that considering the location, she preferred wood.

TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.

- xii. 553 Commercial St., B – To replace a slider in kind.

No one presented.

MM remarked that the application appeared pretty straight-forward.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

- xviii. 99 Commercial St. – To replace a deck.

AH informed HDC that the contractor was present.

MM said she saw the case as replacement in kind, and noted that the removal was not done by the applicant.

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

- xxiii. 606 Commercial St., #2 – To replace an exterior door in kind.

No one presented.

AH dispersed materials and acknowledged, as did TB, Ellen Battaglini's hand at keeping the paperwork organized and in flow.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

- xxiv. 3 Atkins Lane – To replace a stockade fence with a board and cap fence.

George Roberts presented; compared current fence with neighbor's fencing, stated preference for lattice cap and lowering the height.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

xxv. 644 Commercial St. – To replace a roof and windows in kind.

No one presented.

MM remarked the replacement seemed pretty traditional.

TB noted Anderson 400 series, made a motion to accept as presented. MM seconded the motion, and it passed, 3-0-0.

TB, MM, MR.

xxvi. 72 Commercial St. – To replace 4 skylights and a door in kind.

No one presented.

MM remarked her concern that replacement is to be exactly the same size. AH said they were pretty jammed up with the screened-in porch and that if they were going to change the size they would have done it prior.

TB made a motion to accept as presented; MR seconded the motion, and it passed, 3-0-0. TB, MR, MM.

At the completion of Administrative Reviews, AH asked HDC if it felt it had a quorum to sit on case viii., 479 Commercial St. as a Full Review as TB is an abutter. TB moved to place 479 Commercial St. aside and to be considered that day should another HDC board member appear to make a quorum.

c) Review and approval of Minutes

TB directed HDC to move item to the end of the meeting; MM remarked that there are no minutes.

2. PUBLIC COMMENTS: On any matter not on the agenda.

a) A.J. Santos (AS) spoke on the fence at 479 Commercial St. for John Murray and Harvey Reese (sp), apologized for the fence put up by the fence company. AS said he felt the case had already been tainted by the current sitting board members and identified TB as the abutter who brought the grievance.

TB verified he had brought the violation to HDC and offered to recuse himself from the current discussion, leaving the room.

MM said she had no problem in terms of the fence, but that abutters are required to be notified of changes. AS said the installed fence never went before the Zoning Board of Appeals and there was a change of hands in terms of property ownership. AS said he was in agreement with the case as a Full Review and the need for abutter notification.

b) Tammy Arcuri (TA) of 206 Bradford St. presented with her young daughter to request a 4' high fence be placed at the property on Bradford St. for protection of the girl at play. TB said the case was up for Full Review shortly and TA and daughter returned to the audience to await their review.

3. **PUBLIC HEARINGS: VOTES MAY BE TAKEN:** Opened at 4:02pm.

a) **HDC 18-005**

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**.

TB said he spoke with applicant today to make sure he would not be trespassing on the property and applicant responded that he would see TB in a month. AH said she had a letter of request for postponement.

MM asked if the structure was in the historic district and if it was a demolition. AH responded that the structure was in the historic district and it was up to HDC to make the determination.

MM questioned the time-issue of the application, as it initially came in June. AH corrected herself that the structure was not in the historic district and is therefore generated by the Building Commissioner. MM requested applicant sign a time-waiver in order to continue, which can be done electronically.

TB made a motion to require a signed time-waiver for continuation; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

TB made a motion to continue hearing the case at the September 20th meeting; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

b) **HDC 18-009**

Application by Tammy Arcuri requesting to install a fence at the property located at **206 Bradford Street**.

TA and daughter presented.

TB noted a contemporary fence for a contemporary house, which is not in general in keeping with HDC bylaws.

MM asked to verify height; TA said she preferred 6; but would work within bylaws at 4' and 6' where it is permissible.

TB referenced the fence at Spindler's, which TB pointed out was not subject to the same guidelines as it is a commercial property.

MM remarked that an exception could be made for the proposed style of the fence as it is in keeping with the restrictions HDC put on the property years before in maintaining a 1950's look.

TB noted that the bylaw does require that a 6' height begin 10' back from property line but that he is otherwise fine with the proposal. MR concurred.

TB made a motion to accept as presented with the condition that the height and style of the fence be constructed as accepted. MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

c) **HDC 18-014**

Application by **Tom Thompson (TT)**, on behalf of **Richard T. Silverman**, to change an existing seasonal porch into a year-round room in the structure at **30 Alden Street, #1**.

TT presented, identified the dwelling as the rear unit, not visible from the street; that the structure consists of 3 buildings set on a large sloping lot, new construction in 1999. Request is for replacement consisting of casement windows with cedar shingles and painted wood trim to match.

TT read bylaws to make case for a compatible re-vamp.

TB read a letter by Rick Nunikoff (sp), neighbor and a Trustee of the condo association; wrote in support of request.

TB mentioned that applicant had some traditional elements in request, and noted that the structure is less than 50 years old. TB stated his preference for double-hung windows over casements.

MR said he had no issues in regard to the design.

MM remarked she had no problem with the design as she had gotten a very clear sense of what is being proposed; noted no change in height and a minimal change that is in keeping with the property.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

d) HDC 18--015

Application by **Tom Thompson**, on behalf of **Robert Sanborn** (RS), to replace a gable with a shed dormer and remove a raised deck and replace it with similar landing on the north elevation, replace a sash in kind, replace French doors with a single door and re-locate a front doorway on the structure at **3 Atlantic Avenue**.

Robert Sanborn (RS) and Tom Thompson (TT) presented. TT spoke of L-feature of 2-story Tudor-style building built in the 1950's. Replacement is to include a simple set of egress steps and simpler style entry door; materials in keeping with those existing.

TT read Section 15 bylaws to support reasoning for design requests.

TB read a letter from Gary Vance (sp), representing abutters, in support of design, citing the reconstruction will make the dwelling safer and more livable.

TB read a letter in support from neighbors at 5 Atlantic Ave., 156 Commercial; 168 Commercial St.; 166 Commercial St.; 4 Atlantic Ave; 1A Winthrop St.; 21 Court St.; 158 Commercial St.; 9 Atlantic Ave.; 6 Atlantic Ave.; 7 Atlantic Ave, stating design is in keeping with current style and will make structure safer.

TB complimented applicant on design, asked per windows in the dormers if they had grids. TT responded they were single-light windows in keeping. TB thought they might be more appropriate as double-hung, that smaller windows were not necessarily historic, although it was not a deal-breaker for him.

MM said she agreed with TB. TB asked applicant if he might consider doing smaller 6-over-6's. TT confirmed with RS that the single-light was the preferred look.

MR said he didn't have a problem as presented, that he saw a mix of windows already in place. TB agreed. MM said it was fine as presented.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

e) HDC 18-017

Application by **Cheryl Stewart** requesting to fill in a section of fence at the property located at **74 Commercial Street**.

Cheryl Stewart (CS) presented, described modifying the exiting fence to open up the back porch area, requested to remove existing 5' fence and bring up slanting fence section to match, and a 3' wide by 6' high gate.

Rachel White (RW) spoke as a very close neighbor, stating that anything CS proposed would be conducive to the betterment of the neighborhood.

MM said she was fine with the plans and added that with RW's support any doubts she had would soon vanish.

TB made a motion to accept as presented; MM seconded the motion, and it passed, 3-0-0.

- e) Barry Pike (BP), Board of Trustees and Laurie Ferrari (LF), project and property manager, presented on behalf of The Willows, 25 Tremont St.

BP read a statement commenting on HDC's August 2017 decision concerning porches and deck replacement features that mandated painted wood which he felt went against previously accepted materials, i.e., the in-tech system, dating back to 2015. Applicant expressed desire for consistency and the nightmare involved in upkeep due to weather, while seeking to maintain historic integrity of structure and premises.

MM made the distinction in using materials suitable for a commercial property vs. residential, as in the case at the Crowne & Anchor; also stated that considerations involved visibility issues, which HDC determined after thorough site visits. MM added that she felt all parties had worked hard to reach a mediated position, and that it was determined fabricated, artificial materials could be permitted in less historic, visible areas; spoke in favor of wood whenever possible.

TB agreed with MM; that HDC had given the case a considered review and were not inclined to change its position.

BP agreed that visibility is an issue, but that in preparing for review he had read through the guidelines carefully and felt that an average person would have a difficult time differentiating between painted or treated wood, or wood vs. composite, at the property in question; cited lots of examples of composite in the neighborhood on historic buildings.

MM addressed BP's rebuttal, re-instating HDC's position.

LF said that only one building in that area is actually considered historic and that it has caused problems for the other surrounding properties; that if wood had been required throughout in the two 2015 decisions there might not be an issue today.

MR remarked on the presence of the one historic building and its wood requirement being a determining factor; said that he recalled the case but would have to review the tape to become more familiarized with the decision as he did not participate in the site visit.

BP said that they had made 25% renovations based on the 2015 decisions and moved forward based on that determination; have restored other historic aspects throughout the property.

MM acknowledged there were mutual frustrations but it was generally HDC policy to let decisions stand. TB thanked the presenters for coming in and they were excused.

- f) A man from Cape Cod Home Improvement took the mic to speak of 208 Bradford St., #5. MM said she thought the case had already been approved; it was checked and confirmed approved. MM said she had concerns on the skylights which were addressed earlier.

- g) AH gave out materials on three pending items, including one dismissal and two appearances. As discussed: 384 Commercial St.; FDA Builders, and a garage that was proposed to be torn down but was dismissed; a bench between 97 & 99 Commercial St.

MM read into the record the dismissal of the case concerning a bench between 97 & 99 Commercial, signed by Brian DeLorentis (sp) and his lawyers.

MM read into the record the appearance in a case concerning a fence between the parties involving David Berraducci vs. Linda L. Glenn Christine Rowe and the Historic Commission.

MM referenced the case of Jonathan Silverstein and Cindy Binder, citing an appearance.

- h) AH dispersed documents on the case of 452 Commercial St; a decision approved with modifications, dating to June 7, 2017. TB and MR signed off on the case; MM recused herself as she was not present for the decision previous.

4. DELIBERATIONS ON PENDING DECISIONS: VOTES MAY BE TAKEN

Decision by MR, read by MM:

- i) **HDC 17-288: 51 Commercial St.** Decision from July 6, 2017.

Decision by MR, read by TB:

- 3., d) **HDC 18-015: 3 Atlantic Ave.** Decision from Sept. 6, 2017.

Decision by MR, read by MM:

- 3., b) **HDC 18-009: 206 Bradford Street.** Decision from Sept. 6, 2017.

MR said the following decisions will be filed in the Clerk's Office on Monday: 30 Alden St.; 74 Commercial St.; 51 Commercial St.; 3 Atlantic Ave.; 206 Bradford St.; 10 Atlantic Ave.; 16 Prince St.

5. ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE COMMISSION

MR and MM remarked on the difficulty of securing a recording secretary.

AH mentioned the unexcused absences of HDC members which HDC agreed should be addressed.

TB made a motion to adjourn the meeting; MM seconded the motion and it passed, 3-0-0. TB, MM, MR.

Respectfully Submitted,
Jody O'Neil