

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, AUGUST 1, 2018

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep. Laurie Delmolino (LD), Historical Commission Rep.; Ted Jones (TJ), PAAM Rep.; Hersh Schwartz (HS), Alternate.

Excused Absences: John Dowd, PBG Rep; Michela Carew-Murphy, Alternate.

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

TB called the meeting to order at 3:35pm.

1. Work Session: VOTES MAY BE TAKEN

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

5 Arch Street

AH reported four window replacements on the Arch St. side which were casement six-lights, double-hung, 1-over-1s.

328 Commercial Street

Shed went up at rear patio.

206 Bradford Street

AH referenced the style of fence that has gone up said it looks dramatic. MM said modifications were allowed as it was a 1950s house and stated that the fence is too high and violates the Certificate Of Appropriateness. AH said it would be worth going back for review now that the posts had gone up on Bradford St.

Bangs Street

Miscellaneous repair as indicated from picture; said it's light for light but that it didn't affect enough of the staircase to trigger code and make it come up for review.

575 Commercial Street

Roof deck was pulled up to take care of the roof leak; owners doing an evaluation to see how much of the trim is affected and they will be coming in.

5 Cottage Street

AH said she has received information from Michael; hasn't yet generated her letter to Michael.

b) Determinations 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 5, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion to accept the following as Administrative Review: i) 93 Commercial St.; ii) 248 Commercial St.; iii) 376 Commercial St.; iv) 200 Bradford St.; v) 4 Mechanic St., UB. HS seconded the motion and it passed, 5-0-0; TB, HS, MM, LD, TJ.

i) 93 Commercial St. – To re-shingle.

MM said she felt the design is significant and the shingle design should not be allowed to disappear. HDC reviewed drawings. TB made a motion to approve with the condition that the pattern of the dormer be retained. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

ii) 248 Commercial St. – To replace 2 non-supporting columns.

MM said she wanted to make certain that the replacements are exact. Vincent Duarte presented; said the columns had been there a bit longer than he had, that the replacements were wood and wasn't sure if the current capitols could be saved.

LD said the replacements look pretty close to in-kind. TB said the existing are so handsome that it would be nice to replace exactly as is, asked if the capitol is available with fluted column. Vincent Duarte said he would check with the manufacturer, that he wasn't looking to start anything new in terms of the design and that the tapered design was preferred.

MM made a motion to accept with the first option being that the capitols are retained if possible with a replacement piece; or, among the options given, that the columns of the last design will be used. TB seconded the motion and it passed, 5-0-0; MM, TB, LD, TJ, HS.

iii) 376 Commercial St. – To replace a chimney and install a new rubber roof.

TB made a motion to approve with the condition that the chimney be the same color and size of brick and mortar, grout and grout lines as previous. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, TJ, HS.

iv) 200 Bradford St. – To replace 2 windows in kind.

Gabrielle Ribbeau presented; said she's had the house since 1978 and that the existing Anderson windows on the garden side are the originals from '95 or '96 and not true divided-light; referenced a photograph and requested approval for Marvin simulated true-divided – that these are the closest she's found in two years to match her preference.

TB made a motion to review all four windows under this application as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

TB made a motion to approve as presented; to feature 8-over-8s on the first floor windows as depicted in the photograph. MM seconded the motion and it passed, 5-0-0. TB, M, LD, TJ, HS.

- v) 4 Mechanic St., UB – To replace 7 windows in kind.
MM said it was unclear what had been there before even as the photographs were good; asked if wood windows were going to be vinyl.
Derrick Burgess spoke in reference to the photograph presented; said they looked like old, Anderson 400 series, simulated divided light with a pre-finish and couldn't tell if they were wood but said they would look like what was there.
LD said she thought it might be wood based on the presence of a storm window. Derrick Burgess spoke with Josh Piper on the phone, confirmed they were old wood windows and that the reason for the height on the doghouse dormer is because it's a loft and if lowered would be too close to the floor.
MM said she would prefer the front windows remain wood and is less concerned with the sides. Derrick Burgess said wood would need a storm window and that the Anderson, which is insulated and offers better protection, had a better look.
LD said she hadn't done a site visit to the property, which MM recommended for the board.
TB made a motion to move the decision to the meeting of Sept. 5th. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

- vi) 25 Bangs St. – Remove a flue in the rear of the building.
TB noted a cinderblock flue chimney added in the 70s, indicating it was less than 50 years old. MM said chimneys are expected to be retained even if they are not in use; TJ replied that not if they are less than 50 years old. AH said to remember that Bangs St. stops being a public way when one is standing in front of No. 25 and noted that the property had been before the HDC in the past.
TB made a motion to consider the application as a Full Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

- vii) 577 Commercial St. – To re-shingle, replace glass panels, replace a door and remove and replace windows.
TB and MM agreed there is a lot going on in this application. No one was available to present. MM said all-Aztec trim would be a problem.
TB made a motion to consider the application as a Full Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

- c) **Review and approval of Minutes:** June 1, July 20, August 3, September 21, October 5, 2016; February 1, February 15 and April 19, April 26, May 3, May 17, June 7, June 21, July 5, 2017; May 10, June 27 and July 18, 2018.
TB made a motion to postpone review and approval of minutes to the end of the meeting; TJ seconded the motion and it passed, 5-0-0; TB, TJ, MM, LD, HS.

2. **Public Comments:** On any matter not on the agenda below.
None.

3. **Public Hearing: VOTES MAY BE TAKEN**
TB opened the public hearing at 4:14pm.

a) **HDC 18-224** (continued to the meeting of September 19th)

b) **HDC 8-269** (continued from the meeting of June 20th)

AH reported that the applicant has requested to withdraw the application without prejudice.

TB made a motion to accept the applicant's withdrawal without prejudice. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, TJ, HS.

c) **HDC 18-279**

Application by **Regina Binder**, on behalf of **199 Bradford St., LLC**, requesting to replace trim, siding and roofing materials, to add a covered Porch and balcony on the south elevation, to reduce the size of the window openings on the west elevation and to replace windows on the south and east elevations on the structure located at **199 Bradford Street**.

TB noted that while the new drawings are on hand today, they had not been submitted as required by last Thursday which, MM said is the rule as applied to all applications and necessary for the HDC to give its full consideration in a timely way.

TJ asked if putting it off is counterproductive since the plans are as proposed and the applicant would be able to use the time to make changes. LD said she agreed; that while she wished the HDC had the plans earlier, it would be good to give feedback today. MM said she countered this proposal in that past examples have led to confusion and delays when partial information or incomplete applications have been submitted.

TJ responded that MM's way was the best way to do it, but that such a delay would cost the applicant five weeks. HS said she preferred the delay and felt that the HDC needed the time to think about the new plans as it would also be unfair to those who have come fully prepared, preferred the delay. TB wondered if staff error was to blame for the delay, but AH said she had only gotten the drawings from Angela at about 1:30pm today.

Ginny Binder, Angela McCarthy owner, and Dave Barksy architect presented.

Ginny Binder said she thought the full set of existing drawings had been submitted back in May but when they had to go for a continuance they resubmitted new plans dated July 31, 2018. AH said the original plans are dated May 20, 2018 and those before the HDC today are dated July 31st.

TJ interjected before the vote could be fully counted in saying that the house has been open to the elements for five months and needed immediate attention. Angela McCarthy replied that she was given approval to take out the windows to which TJ said the original glass had to stay in the sashes. TB remarked that this is correct for historic buildings in general but that HDC has not mandated guidelines for the removal process.

Angela McCarthy said her father came home from hospice and passed away during this process which is why they hadn't had the project finished in four weeks, but that she would have it closed up by this weekend and that she saved some of the original materials; informed LD that the building is from 1850, and Ginny Binder said it was a hybrid.

TB made a motion to accept a time-waiver to September 19, 2018. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS. TB made motion to continue the decision to the next meeting. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

d) **HDC 18-302**

Application by **Lexvest Group** requesting to convert two existing hotel rooms to ADA-compliant rooms, adding an exterior ramp for the rooms and the lobby on the structure located at **280 Bradford Street**.

Rich Mills of RKM Management and Eric Shapiro of Lexvest presented. Rich Mills said the Cape Colony is looking to upgrade for ADA compliance.

TB noted drawings were a bit abbreviated, asked where the ramp was on the second drawing. Rich Mills cited a concrete ramp system in front of the existing walkway in the lower level of the wing which would be extended out for appropriate footage and then have a graded ramp up to the rooms. Eric Shapiro said the rooms would also be upgraded.

No public comments or letters.

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

f) **HDC 18-304**

Application by **John Livingstone & Joan Gaffney Livingstone**, requesting to modify east and west elevation windows and doors and to add a cable system to a second floor bathroom and a landing and stairs to an existing roof deck on the north elevation on the structure located at **522 Commercial Street**.

TB said that while the perspective was available, there were missing drawings of the existing building.

John Livingstone approached the panel for clarification and the HDC informed him it needed all the existing elevations for the structure, as TG were presently missing.

TB made a motion to continue the decision to the meeting of Sept. 5, 2018. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

j) **HDC 18-006**

Application by **Kenneth G. Ross** requesting to construct a 136 sq. ft. addition on the rear of the structure located at **20 Court Street, #3**.

Ken Ross and Robin Reed, Esq. presented. Robin Reed said the north side elevation is the only one that is remotely visible from the street, and that it would be prohibitively expensive for Ken Ross to go back and get additional drawings from the architect, the addition is a bathroom to the first floor.

TB said it's quite visible from Winthrop Street. Robin Reed disagreed, said it is not visible in that case at all, that there's a cottage between Ken's property that would block the cottage.

AH suggested the HDC hear the case in the proper order of the agenda. TB agreed but MM said this was inconsistent with what the HDC had been doing.

k) **HDC 19-007** (*request to postpone to the meeting of September 5th*)

e) **HDC 18-303**

Application by **Maria Friedman Rice**, on behalf of **The Gallery Condominium Association**, requesting to replace existing wooden clapboards with stained fiber cement clapboards on the structure located at **430 Commercial Street**.

Marla Friedman Rice presented, said she's owned her condo for more than 25 years and that the clapboards have been painted between five and seven times over that period and the paint is no longer holding; presented a fiber-cement board that, she said, looked just like wood and that she has seen several local buildings that use this material.

LD said that while the material presented isn't being approved, boral – a wood, epoxy composite – has been, and was recently allowed on a front façade at the corner of Bradford and Gosnold; said she didn't know if it needed to be painted.

No comments or letters.

MM said she was not in favor of the material presented and that wooden clapboards needed to be maintained based on their high visibility. TJ agreed, as did HS.

Maria Friedman Rice asked if wooden shingles were acceptable. MM said that was a style issue. TB asked if the current front entrance was the original entrance; Maria Friedman Rice said she didn't know. MM added that Azec can look quite distorted as it ages so the promises made on some of these materials don't hold up.

Maria Friedman Rice asked if wooden shingles on three sides would be acceptable and said she's had professional painters come every three years.

LD said she could go with either shingles or clapboards. TJ said he thought the building was from 1810. TB did a poll and found three in favor of clapboards.

LD asked if a colored stain would hold up. Maria Freidman Rice said the people she spoke with said it couldn't be done; that the shingles have been replaced on two sides and those have held up well.

TB made a motion to deny the application. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, TJ, HS.

g) HDC 19-001

Application by **Robin B, Reid, Esq.**, on behalf of **Jeanne & Richard Barry**, requesting to amend a previously approved plan to allow a porch across the full width of the original structure on the property located at **10 Whorf's Court**.

Robin Reed presented, along with Jeanne and Richard Berry, and said the previous application was to honor the zoning set-back and that they were going to Zoning tomorrow for approval in seeking an extension to the existing non-conformity.

TJ asked if the owners were happy with the originally approved design. Richard Berry said they were but wanted the symmetry of the full porch.

TB made a motion to approve as presented. LD seconded the motion and it passed, 4-0-0. TB, LD, TJ, HS.

MM left the meeting at 5:00pm.

h) HDC 19-002

Application by **Tom Thompson**, on behalf of **Sophia Lee & Nicole Barnum**, requesting to replace existing windows, add windows to the west elevation, add a new egress door on the north elevation, re-shingle the roof and add a

picket fence across the front yard at the property located at **259 Bradford Street**.

Tom Thompson presented, said new elevations are dated July 20. LD said she would recuse herself as she has a financial relationship with both the owner and the buyer.

Tom said he would like to scope the view of the three sitting board members and go from there; noted the front façade faces Bradford St. but said a lot of the property is not visible from a public way; that the big area of change concerns replacing three double-hung windows with three smaller windows to take in more view laterally; on rear elevation, restoring a regulation egress door and replacing a large 6-over-6 with a smaller 6-over-6 to better fit the gable and better deal with the rains; on west elevation, three casement windows to be installed; fence to be installed will be traditional picket, 36" with caps on the posts.

No public comments.

TB read a letter of support from neighbors at 262 Bradford St., Karen Jasper and Janet Beattie.

TJ read a letter in support from Richard B. Higgins at 554 Commercial St. A third letter of support was submitted from Frederick M. Ramos II at 557 Commercial St.

HS said she felt it was pretty straight-forward and she had no problem with it.

TJ asked about parking as he had trouble accessing the property. Tom Thompson said a request for a curb-cut had been submitted and TJ said he had no problem with the application.

TB asked why the new door on the south elevation was not a match. Tom Thompson said they went with a larger glass door per the owner's wishes for more light. TB noted limited visibility and had no problem with the door.

TB made a motion to approve as presented. HS seconded the motion and it passed, 3-0-0; TB, HS, TJ.

i) **HDC 19-005**

Application by **Stephen Magliocco Associates, Architects**, on behalf of the **Martin R. Davis Trustee**, requesting to renovate a studio, including raising the structure, adding entrance and egress stairs to access the new structure, add a small deck outside existing French doors, selectively replace existing French doors and patch trim on the property located at **8D Commercial Street, UB**.

Alix Ritchie, Derrick Burgess of Cape Associates, Stephen Magliocco and Mary Davis presented.

AH said the water damage on this property was probably the worst.

Alix Ritchie presented photos to show the damage that started with the January storms; said she studied maps at the Center of Coastal Studies and felt there was no option to raising the building 4' for FEMA regulations, said the chimney and fireplace had to be taken out as the whole foundation is gone; said she assumed the HDC would want them to replace the chimney on the roof.

No public comments.

TB read letters in support from Sue Harrison and abutters, Brian Burr and Marco DPietro of 10 Commercial St., Unit 16.

Derrick Burgess spoke of materials to be used: decking and posts would be Epay, balusters in solid PCB and PCB in lower base-flood elevations. TB asked if they would consider doing the lattice in wood. Derrick Burgess said it was a maintenance thing and cited future costs; that the stair stringers would be pressure-treated wood, wrapped in PCB. AH said FEMA strongly recommends all materials used in base flood elevations be flood-resistant.

LD said this isn't an historic look. Alix Ritchie said she chose the smaller holes in the lattice to prevent the wildlife access.

TJ asked if the HDC was setting a precedent by allowing residents to employ plastic lattice work. Alix Ritchie said it wouldn't be visible and would be below water. AH weighed in on making allowances for flood-resistant materials. LD added that a precedent wouldn't be set as this is not in a public view. TJ referenced 509 Commercial St. for its 9' lift, but AH said that was a different flood zone.

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

j) HDC 19-006

Application by **Kenneth G. Ross** requesting to construct a 136 sq. ft. addition on the rear of the structure located at **20 Court Street, #3**.

Ken Ross and Robin Reed, Esq., presented.

Robin Reed requested to poll first before a vote if the application were to get to that point as there were only four sitting board members present. TB said that would be fine.

Robin Reed referred to photographs to determine that only a corner of the gable was visible from Winthrop St. and that a corner of the wall of the new structure might possibly be seen from Court St.; said the new addition concerns a small bathroom on the first floor as Ken Ross is considering his future years in the home; said building has gone through many renovations and the fenestration is divergent, new structure will be 130 sq. ft. and shingled and windowed in same way.

No public comments or letters.

LD said that she had been by the property that day and thought the new design was consistent with the rest of the building. TB said he agreed and TJ said that he had no problem with it.

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

Decisions to be written by TB: HDC 19-005; HDC 19-006

Decisions to be written by TJ: HDC 19-001; HDC 19-002

Decisions to be written by HS: HDC 18-302; HDC 18-303

1. WORK SESSION (continued):

d) Any other business that shall properly come before the Commission:

The HDC agreed to accept the new drawings for 139 Bradford St. from AH.

TB proposed a work session on Wed., August 22 at 3:30pm, before the next meeting of Sept. 5th, to read decisions and approve minutes.

TB gave Jody O'Neil, Recording Secretary, corrected hard copies of previous minutes to put through the electronic file and then be returned to TB

AH clarified that the initial vote on 10 Whorf's Court was an amendment to allow for the porch.

AH requested a reading of the decision of **HDC 18-292**, 310 Bradford St., concerning the demolition of the garage structure as they are trying to line-up their contractor.

TJ reported that the plans for 199 Bradford St. are incorrect. LD said they needed to be re-written. HS noted that A 3.4 is correct but A4.4 needed to be reversed. TJ remarked on a window that is included which doesn't exist.

TB made a motion to adjourn the meeting at 5:56pm. LD seconded the motion and it passed, 4-0-0; TB, LD, TJ, HS.

Respectfully Submitted,
Jody O'Neil