

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown, MA
WEDNESDAY NOVEMBER 6, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Historical Commission Rep.; Hersh Schwartz (HS), Chamber of Commerce Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate; Martin Risteen (MR), Alternate.

Excused Absence: John Dowd (JD), PGB Rep.

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

Work Session: VOTES MAY BE TAKEN

1. Update on potential violations reported to the Building Commissioner.

552 Commercial Street

AH said the decision will be continued to the meeting of December 4, 2019, and that she would read a letter pertaining to the case, in an educational context, at the end of today's meeting.

2. 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 of November 20, 2019, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i) 6 Johnson St. (continued from the meeting of October 16th) – To replace an existing fence. Cas Benson presented; said the property is next to the little fire station and that the driveway is 40' deep with the proposed fence of 16' across to start 40' into the property; showed neighbor's Crosby fence as the size and style she prefers – a 6' high picket for the sake of privacy.

TB said that based on the change of height the decision should be considered a Full Review and the neighbors notified.

TB made a motion to continue to consider as Full Review at a future meeting. MCM seconded the motion and it passed, 4-0-0; TB, MCM, HS, MR

TB made a motion to consider the following for Full Review:

- iii) 215A Commercial St.; xiii) 19 Brewster St., UA; xiv) 22 Alden St., U3; xv) 462 Commercial St., U4; xvi) 83 Commercial St.

MCM seconded the motion and it passed, 4-0-0; TB, MCM, HS, MR.

TB made a motion to consider the following as Administrative Review:

- ii) 27 Brewster St.; iv) 183-185 Commercial St. v) 353 Commercial St.; viii) 371 Commercial St.; ix) 308-310 Commercial St., #10UB3; x) 424 Commercial St.; xi) 345 Commercial St., #AUD; xii) 597 Commercial St.

MCM seconded the motion and it passed, 4-0-0; TB, MCM. HS, MR.

- ii) 27 Brewster St. – To replace roofing shingles.

No one presented.

AH said the work had been partially completed and the deck needed to be removed; indicating that the deck on top of the roof was the area in question.

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

CM arrived to the meeting at 3:43pm.

- iv) 183-185 Commercial St. – To replace roofing shingles.

No one presented.

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

- v) 353 Commercial St. – To replace roofing shingles.

No one presented.

TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

- vi) 661 Commercial St. – To replace (4) windows and a door in kind.

No one presented.

HS remarked that the pictures were hard to view clearly and MR noted a full-lite door. TB suggested the Board was okay with the windows but questioned the door.

TB made a motion to approve with the condition that the clapboards be wood. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

- vii) 7 Conway St. – To replace a previously approved door and (3) windows.

Ed Dusek and Paul Kelly presented. Mr. Dusek said there were (3) minor changes: door replacement of (4)-lite glass panel; double-hung windows previously approved in the dormer facing Conway St to be changed to casements for safety egress concerns; permit to reduce the size of the deck to 8'4" x 4' – which was not in the packet.

TB asked if a Full Review was in order based on the door change. Mr. Dusek said the building is from about 1880 and CM suggested the "Provincetown Door" was from around 1900. Mr. Dusek said he hasn't any pictures of previous existing and that the door in the photo is of the replacement taken about (7) years ago.

TB made a motion to approve all three items as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, CM, MCM, MR.

- viii) 371 Commercial Street – To replace roofing shingles.

No one presented. TB noted asphalt shingles; straight-forward application.

TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, CM, MCM, MR.

- ix) 308-310 Commercial St., #10UB3 – To replace windows and siding in kind.

Lee White of White's Constructing Co. presented; said clapboards are wood, but the commercial windows on the first floor fixed were fixed aluminum frames and not in kind; all windows on the property are Andersons.

TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

- x) 424 Commercial St. – To replace a roof deck in kind.

No one presented.

AH said per the active leak, she hadn't been on site to determine if the deck had been removed; reported that water had presented inside the building. TB noted wood frame, captured balusters. AH said the skirt was not being removed and balusters would be returned once the work was completed.

TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

vi) 661 Commercial St. continued

Chris Beasley appeared representing 661 Commercial St. and AH informed him of the approval with the condition of wood clapboards as voted on earlier in the meeting. Mr. Beasley said Hardie Board was pre-existing all through the house.

TB made a motion to re-consider the approval of 661 Commercial St. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

TB made a motion to approve Hardie Board and remove the condition on 661 Commercial St. MR seconded the motion and it passed, 5-0-0; TB, MR, HS, CM, MCM.

xi) 345 Commercial St., #AUD – To replace south elevation deck and stairs in kind.

No one presented.

AH said area is in the flood plane and Azek would be appropriated per the lower deck and stairs up to the design flood elevation; spacing of horizontals would be no greater than 4"; expressed her regret that no one was on hand to present and explain the plan.

TB made a motion to continue to the meeting of Nov. 22, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, CM, MR.

LD arrived to the meeting at 4:03pm.

xii) 597 Commercial St. – To replace (5) windows and a door in kind.

Linda Lisbon presented; addressed door in question as wood to be replaced as a solid wood door, no glass; said door faces east almost at the end of the building at the beach and that she wasn't clear per the door materials as she hadn't opened the box yet.

TB said the HDC was in agreement on the windows. Discussion on the first floor door continued with speculation as to whether the application could be approved pending confirmation of the door details. Ms. Lisbon said the door is at least 70 years old and totally rotten and that she would be leaving Town after today.

TB made a motion to continue the decision to later in the meeting. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM. HS conveyed to Ms. Lisbon that the windows were approved.

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

21 Off Cemetery Road

AH said a letter needed to be written pertaining to the demotion delay.

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

TB remarked that Google Maps now places the Provincetown Historic District on its site.

5. Public Hearing: VOTES MAY BE TAKEN

a) HDC 19-030 (request to continue to the meeting of December 4th)

Application by **William N. Rogers, II**, on behalf of **New Hop Holdings, LLC**, requesting to renovate a structure, including putting a one-story addition on the first floor to replace an existing outdoor stair entrance, extending a first floor deck on the east elevation and adding

egress stairs, and adding two dormers and a new second floor inset deck on the south elevation at the property located at **429 Commercial Street**.

TB made a motion to approve the request to continue the decision to the meeting of December 4, 2019. LD seconded the motion and it passed 5-0-0; TB, LD, HS, CM, MCM.

b) **HDC 20-046** (*postponed from the meeting of October 16th*)

Application by **Mark Kinnane**, of **Cape Associates, Inc.**, on behalf of **Barry Peskin**, requesting to not install a chimney on the structure located at **11 Brewster Street**.

Mark Kinnane presented; made case for elimination of the chimney by claiming the existing as non-repairable. MCM said the HDC has been consistent on the retention of chimneys.

TB took a poll and all (5) sitting Board members voted in favor of keeping the chimney.

Mr. Kinnane said that the chimney was only the Administrative Review portion of the application and asked that the HDC address other aspects including a small 4' fence about 25' back from the driveway for the daughter's unit. TB said this request is not a part of the current application. AH replied that Mr. Kinnane's other talking points are part of the application.

MCM said she'd prefer a picket as opposed to a solid fence, and HS concurred.

TB made a motion to approve the 4' picket fence but to deny the removal of the chimney. MCM said she'd prefer to vote following a site visit. Mr. Kinnane displayed the former application that was approved, but MCM said she would not have approved it. TB countered that as the fence had been previously approved it should be cleared in today's application.

TB made a motion to approve the 4' or 3' picket fence as proposed. LD seconded the motion and it passed, 3-1-1: TB, LD, CM, in favor; MCM, opposed; HS, abstained.

MR later sought confirmation that it would be the entire chimney system to be replaced.

xii) 597 Commercial Street continued:

Linda Lisbon showed pictures on her phone of the existing door and stated the replacement as a two-panel wood door, for which CM requested a picture, with specs.

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

c) **HDC 20-053**

Application by **Peters Property Management**, on behalf of **Provincetown Condominium** to remove and replace a fence on the east elevation and to install a gate on the west elevation on the property located at **577 Commercial Street**.

Laurie Ferrari presented with pictures of the east side, and west side showing just a gate; said fence would not be painted, but kept natural.

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

d) **HDC 20-073**

Application by **Ian and Eric Tzeng** requesting to install a fence around a swimming pool on the property located at **8 Cudworth Street**.

AH referenced the International Swimming Pool & Spa Code.

Dan Solien presented in favor of a 6' solid fence with gates, consisting of a 4' solid panel and 2' lattice panel at the top; fence to be wood, white stain with traditional details.

No public comments or letters.

LD spoke on the picket fence restriction of 4' to which AH cautioned in regards to safety concerns pertaining to a pool setting. Mr. Solien replied that as the yard is of shallow depth it's difficult to achieve privacy with lower height elevations. LD noted the set-back as 40' off the street, which she said was significant in providing privacy, but Mr. Solien replied that a person over 4' tall could be in view of the yard and pool. AH mentioned the Code as pertaining to public and semi-public pools and that Provincetown does not set a 6' height for private pool barriers which other Cape towns do; State code calls for 48" on height.

Mr. Soltien said the plan would be to drop back the fence to 4' in height over the back of the property, mounted to the top of the retaining wall, so it wouldn't loom over the property; said retaining wall is about 30".

TB stated picket fence policy of 4' at most which can rise to 6' when situated 10' back from the face of the structure. TB questioned if an exception could be in order, or a remedy, and MR suggested that public safety might be a factor. MCM made the case that an exception not be granted in lieu of practicing consistency. AH said the Zoning Bylaw does not address fencing around pools.

Mr. Soltien asked if they could go to 6' if they are 10' back as indicated in the diagram and MCM said there are other ways to gain privacy. AH said a traditional picket does not have an intermediate center rail with space no greater than 4" between pickets for an open appearance and the slats themselves are 3½" with or no more than 1¾" spacing.

TB made a motion to approve with the condition of a 4' open picket fence which may graduate up to 6' at 10' past the face of the building, with a maximum of 1¾" spacing. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

e) **HDC 20-077** (*request to continue to the meeting of December 4th*)

Application by **Don DiRocco**, of **Hammer Architects, LLC**, on behalf of the **Delft Haven II Condominium Association**, requesting to raise all structures, construct new entry stoops at existing entrances, replace windows and doors, add a door, reconstruct/repair breezeway areas and repair/replace siding and roofing shingles as needed on the property located at **7 Commercial Street, U1-5, U2, U3-4, U6, U7-8 & U17**.

AH announced that the applicant requested to postpone the decision to the meeting of December 4, 2019, which was within their time-permit allocation.

TB made a motion to approve the request to continue the decision to the meeting of Dec. 4, 2019 as presented. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, CM.

f) **HDC 20-079**

Application by **Sean Curran, Architect**, on behalf of **Robert Lieberman**, requesting to build a second-story rear addition above an existing second-floor rear deck and include dormers on the east and west elevations and a gable roof on the structure located at **124 Commercial St.**

Sean Curran and Ron Lieberman, co-owner, presented. Mr. Curran said the addition was to be seamless with the existing roofline going backward toward the addition and that the gable would be matched to the addition, as well; roof pitch of dormers to match originals on front of house and moldings and roofing materials to match, with cedar shake shingles.

Mr. Lieberman said the building would be their primary residence and confirmed that they own the building, both units; spoke of two neighbors who were in support, including one named Bob and someone at 122 Commercial.

AH reported no letters on file. Mr. Lieberman remarked that the original deck was a point of contention and that this addition was designed with respect to those concerns.

CM said he appreciated the design and that he had messaged with JD per the application. CM then related JD's observation that the corner-boards by the previous owner are too wide. Mr. Lieberman said he appreciated that suggestion and that they would probably apply a cedar roof; said they have mechanicals underneath and that they are starting to get moisture there and are trying to avoid lifting the house at all costs.

LD addressed west side elevation in that the dormer starts 2' below the ridge as opposed to 6" or 8" below that line. Mr. Curran said it wouldn't be a problem to make an alteration to 6". HS said she liked the whole plan, remarked that it was very well done. MR said he'd been by the property several times and asked after the size of the dormer, which LD said is typically requested to not go all the way to the end but to be set back a bit. Mr. Lieberman said the doorway to the addition would not be practical without the dormer position.

Mr. Curran expressed on the diagram how the height of the roof pitch worked to integrate more seamlessly into the whole schema and so draw less attention to the addition. TB agreed

with Mr. Curran's rationale and said they wouldn't want the dormers to flatten out too much, which AH concurred, cautioning against creating complications for the interior egress window. MCM said she would agree with the plan as presented and found the design thoughtful.

TB asked if it was possible to add a couple of windows. Mr. Lieberman said windows were discussed and he would consider adding one. Mr. Curran said they added a window on the rear side and that the necessary special dimensions would permit a window as such.

TB made a motion to approve as presented with the condition that a window is added on the new east side rear dormer. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MCM.

g) **HDC 20-080**

Application by **Ryan Campbell**, on behalf of **Elena Hall**, requesting to lift and renovate an existing cottage, including replacing a foundation, siding, trim, roofing, windows, doors, decks, stairs and railing and to add (1) window and relocate (2) windows on the property located at **397A Commercial Street**.

Ryan Campbell presented; said the cottage has been many things in its history and has also been moved in the past; said the lift would be less than 18" to grant three steps to get inside and that Ms. Hall would be making this her primary residence and, as such, it needed to be made year-round suitable; exterior trim to be kept the same; exterior windows as is, excepting the east and west side; skylights added for ventilation as no air conditioning will be utilized; doors to be made full-lite rather than adding windows; small stoop off the front; stairs going down to a little garden area and to the existing parking lot; on the back, deck to be kept the same size; foundation will be put in via hierarchal piers, so they'll only need to dig down 8'; horizontal boards around the front; picture window and other window are of sentimental value to Ms. Hall; hurricane shutters employed; front of house to be standard picket rail and horizontal wood at the back; roof structure is to be replaced but sight lines remain the same; shed to be replaced as is, following construction; awaiting availability of solar shingles, or else will use solar array below the east-side skylights. LD asked why not the west side. Mr. Campbell said the pitch of the roof is still shallow enough so they'll catch the light.

Rachel White spoke from the public, expressing her gratitude to Ms. Hall for selling the property parcel for the sake of a public park and encouraging the HDC to approve Ms. Hall's plans as they align with the Town's composition. Mr. Campbell said as the owner of neighboring Spindler's restaurant, he was personally pleased with this proposal.

LD said she found minimal change at a distant building and could approve as presented. Mr. Campbell said they believed the building stemmed from early 1900s. HS said she would approve as presented, as did MCM who asked after the original glass which Mr. Campbell said they couldn't keep, but for which they would find a suitable alternative. CM asked about the doors on the water side which are currently wood and said he felt the original door would probably have been a Provincetown Door. MCM said there is usually a lot of lee-way given on the waterside.

MR sought a further explanation for the door, but said he was fine with the plan. CM said the water-side is what comes up to the HDC'S purview and said he felt one contemporary door and one Provincetown door would better in keeping with what is historically proper in Town.

TB asked if the railing on the water side is wood, as it appears to be cable. Mr. Campbell said it would be a horizontal wood railing. TB said the skirting would be vertical and horizontal and that the door on the street side was more key in keeping as historically correct; recommended adding a glass panel for the dog to look out; commented on the small typeface of the diagram. Further discussion on the door that is favored by the owner's dog followed.

TB asked per the copper overhang, suggested it appeared a bit fancy, which Mr. Campbell said came out about 18", or 20". LD asked what the defining character of the structure might be. CM said that the idiosyncratic style defines its character to which LD said is simply utilitarian.

AH recommended the HDC stick to the architectural features in its deliberations.

TB made a motion to approve with the condition that the skirting be vertical and not horizontal. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, CM, MCM.

h) **HDC 20-083**

Application by **Kevin Bazarian**, on behalf of **Steven Ballerini**, requesting to remove an additional section of the rear wing of a structure that was the subject of a previously-approved Certificate of Appropriateness on the property located at **72B Commercial Street..**

Kevin Bazarian and Rachel White, abutter, presented; said homeowners were hoping to tear-down and rebuild as is; referenced previously approved dog house dormer and work done in the renovations of the other part which uncovered a rotting foundation, sagging roof, crooked walls; said owners are hoping to tear down and put back as it, but with a new foundation; said from the chimney forward indicates the second phase.

AH said the property is not in the flood plane and so would not trigger FEMA. Mr. Bazarian said owners are aiming to keep the house as historically proper as possible.

Rachel White said she's been in and out of these houses over many years and gave some back history of the property; weighed in on the need for some form of upgrade and thanked the HDC for its service to the Town.

No letters or additional public comments.

MCM said she was fine with the plan, but TB sad he wasn't comfortable with a tear-down not knowing enough about the building. AH said she wasn't able to ascertain the condition of the building on a site visit as there were too many stored tools in the space, but suggested the 25% ruling could determine applicability. LD reminded the HDC that, in cases where structural engineers' reports had determined structures were not deemed salvageable, a consideration above 25% of a building's square footage or foundation was applicable. Mr. Bazarian said a Zoning ruling would be made at tomorrow's meeting on phase (2) of the plan.

MCM cautioned against setting a precedent whereby future applicants seek to replace an unsalvageable property with one over-sized in scale. TB recommended the Board take its time with this case and continue the decision following a site visit for the interior, scheduled for 3:00pm on the day of the next meeting of November 20, 2019. MCM asked that, out of respect for Mr. Bazarian's time, an approval might be made today based on a future determination that the wood or material or structure is unsalvageable, but this was nixed as impractical.

TB made a motion to continue the decision to the meeting of November 20, 2019 with a site visit at 3pm on that same day for whoever on the Board is able to attend. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MCM.

MR said he had already conducted a site visit to the property.

3. Any other business that shall properly come before the Commission (continued):

TB read a letter from the Mass Historical Commission regarding the project at the Masonic Lodge building at 119 Bradford Street as submitted to the MHC on September 23, 2019, seeking a determination by the HDC regarding the interior; discussed by the Board as beyond its purview.

TB made a motion to establish an Educational Subcommittee. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

TB made a motion to nominate LD to chair the Educational Subcommittee. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM. LD accepted.

MCM made a motion to nominate MR as Vice-Chair of the Educational Subcommittee. TB seconded the motion and it passed, 5-0-0; MCM, TB, LD, HS, CM. MR accepted.

HS volunteered to serve as Clerk of the Educational Subcommittee.

6. Review and approval of Minutes:

TB made a motion to approve the meeting minutes of September 4, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

TB made a motion to approve the meeting minutes of September 18, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

7. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

1. TB made a motion to approve the September 4, 2019 decision of **HDC 20-018; 5 Conwell Street**, written and read into the record by HS. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.
2. LD made a motion to approve the October 16, 2019 decision of **HDC 20-039; 8 Bradford Street**, written and read into the record by HS. TB seconded the motion and it passed, 5-0-0; LD, TB, HS, CM, MCM.

CM left the meeting at 5:50pm.

Discussion was continued on the chimney and a Certificate of Occupancy pertaining to 11 Brewster Street.

3. TB made a motion to approve the November 6, 2019 decision of **HDC 20-053; 577 Commercial Street**, written and read into the record by MCM. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, MR.
4. TB made a motion to approve the November 6, 2019 decision of **HDC 20-073; 8 Cudworth Street**, written and read into the record by MCM. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, MR.
5. TB made a motion to approve the November 6, 2019 decision of **HDC 20-079; 124 Commercial Street**, written and read into the record by MCM. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, MR.
6. TB made a motion to approve the November 6, 2019 decision of **HDC 20-080; 397A Commercial Street**, written and read into the record by MCM. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, MCM, MR.

HS reminded LD that she is to write the decision for **HDC 20-041; 199 Bradford Street**.

HS reminded TB that he is to write the decision for **HDC 20-047; 647 Commercial Street**.

3. Any other business that shall properly come before the Commission (continued):

TB elected to write the letter pertaining to 21 Off Cemetery Road..

AH remarked on the letter from the MHC, saying she had written a letter herself to the owner and stated they are not removing or repairing the foundation but re-pointing some of the bricks and, as such, this work and paint colors are not in the HDC'S purview.

AH referenced an e-mail she received from Ken Roginski, Architectural Design Consultant and Senior Historic Preservation Specialist, who wrote to inform staff and the HDC that many new windows in the Historic District reflect incorrect color placement.

TB made a motion to adjourn the meeting at 6:38pm. LD seconded the motion and it passed, 5-0-0;
TB, LD, HS, MCM, MR.

Respectfully Submitted,
Jody O'Neil