

**HISTORIC DISTRICT COMMISSION**  
**PUBLIC MEETING**  
Town Hall  
Provincetown, MA  
**WEDNESDAY JANUARY 15, 2020**

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

Excused Absence: Christopher Mathieson (CM), PAAM Rep.

Others Present: Anne Howard (AH), Building Commissioner; Thaddeus Soule, Town Planner.

**Work Session: VOTES MAY BE TAKEN**

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

AH said there are a lot of violations pending, but nothing involving Historic at the moment, however permits have come in per Admin Reviews affecting siding and/or roof, but not including trim, and which include:

611 Commercial Street; 147 Commercial St., 9 Commercial St.; 252 Commercial St., 384 Commercial St.; 6 Dyer St.; 661 Commercial St.; 142 Commercial St.; 514 Commercial St.

32 Bradford Street

HS asked if there was any progress to report at the building across from Liz's Café which appears to be open and exposed for a long time. AH said there has been no activity to facilitate getting the work done, but that she has verbally communicated with them about the situation and has a meeting tomorrow with the engineer about the property; will provide HDC with updates as they come in.

**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 February 5, 2020, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

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

i) 50 Commercial St., #1; ii) 539 Commercial St., #8; iii) 306 Commercial St., #2; iv) 8 Wareham Rd., UA.

MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

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

v) 5 Conwell St.; vi) 232 Bradford St., #2; vii) 15 Atwood Ave.; viii) 10 Atwood Ave.

MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

i) 50 Commercial St., #-1 – To replace (24) windows in kind.

Margaret McNeil presented. HS said she had done a site visit and that the owners were seeking a Fibrex composite of 40% pine and 60% poly-vinyl chloride.

Ms. McNeil said the windows are in pretty poor shape and confirmed storm windows were utilized and that some of the windows had been replaced about five years ago, which AH confirmed.

LD said her recommendation would be to leave the front windows as is and replace others as needed; noted front façade as striking and historic. HS acknowledged the building as local artist Ross Moffett's cottage and workshop circa 1860-80, and would prefer the front to be all wood and the windows on the sides to be replaced with wood at the closest flanks to this elevation. JD agreed in opting for wood windows as most historic, but questioned a jarring look of mismatched units.

MCM said the natural replacement material should be wood, if they couldn't be restored. Ms. McNeil said restoration might be possible in some cases, but that insulation was a major concern. HS recommended Nancy Barrington of Orleans, MA, whose company, New House, restores windows at a good price. MR noted the front windows as maintaining the historic integrity of the building and would therefore confine his recommendation to replacing in wood.

Ms. McNeil pinpointed the new replacement windows on plans presented which, she said, numbered (10) or (15).

AH related to the HDC that its criterion for window evaluation has not changed. TB polled each Board member for its input on Fibrex verses wood for each area in question.

LD made a motion that all the windows on the front façade shall remain or be repaired as needed and the two side windows be replaced in wood as needed. JD seconded the motion but MCM deflected, opting instead for all (24) windows to be replaced in wood, as she said was in keeping with the HDC policy of consistency.

TB made a motion to approve with the condition that the front, Commercial St. facade windows remain or be restored as is, two side windows on the left and right be replaced, as needed, in wood, and the rest of the windows be permitted for Fibrex. JD seconded the motion and it passed, 3-2-0; TB, JD, LD, in favor; HS, MCM, opposed.

Ms. McNeil clarified the approved conditions and asked if an alternative material from JB Sash might be acceptable and if there existed a re-cycling depository for old, wood windows. MCM said she would email Ms. McNeil per those who collect old wood units.

ii) 539 Commercial St., #8 – To replace (3) windows in kind.

AH referenced the building as Fanizzi's restaurant, said it has been before the HDC many times over the past five years for window replacement.

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

iii) 306 Commercial St., #2 – To replace an exterior door in kind.

Kaye McFadden presented; said they were trying to use a similar door as exists in the complex, 9-lite, fiber-glass; door opens out making stormers impractical; noted that the building is commercial and AH added that Smalls Court is a private way.

TB polled the Board and wood was preferred as a replacement in the majority, excepting JD who confirmed that the door in question is the only door on the ground level as seen by Commercial St.; didn't much mind the traditional fabric existing.

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

iv) 8 Wareham Rd., UA – To replace (10) windows in kind.

Kaye McFadden presented; said building is a two-family house and that the upstairs has already replaced with vinyl windows; that they are open to 6-over-1s; confirmed pine trim.

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

Ms. McFadden said they'd look to employ 6-over-6 on the front and 6-over-1 on the side and back.

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

Discussion with Attorney Lester J. Murphy, and Leslie Schneeberger regarding the structure at 259 Commercial Street.

Lester J, Murphy and Leslie Schneeberger presented. Mr. Murphy said the upstairs portion to the right is the only area under consideration for this application and the construction involves the re-installation of an upper window; changes to roof and façade to go down to the rear of the building; owners hoping to improve the historical nature of the property.

Ms. Schneeberger said the renovations were to make the two units one uniformed dwelling. Mr. Murphy said they were seeking input from the HDC before submitting their design plans to the condominium association for its approval.

JD noted windows on the second floor that are not historical to the Town. Ms. Schneeberger concurred and said there would be adjustments made to the current designs to correct errors in the fenestration and that the windows would be 2-over-2s.

MCM took issue with the amount of cable railing, which she said was her only concern. Ms. Schneeberger said she felt the cable disappeared as opposed to wood calling attention to itself. TB observed that the plan seemed to be going in the right direction and Mr. Murphy said they would look into the cable railing.

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

None.

**5. Public Hearing: VOTES MAY BE TAKEN**

TB opened the Public Hearing at 4:30pm.

**a) HDC 19-109 (continued from the meeting of December 18th)**

Application by **William N. Rogers, II, P.E. & P.L.S.**, on behalf of **Builder Boys 286.5 Bradford, LLC** requesting to construct (5) buildings with 12-over-12 gable roofs and dormers on the property located at **286½ Bradford Street**.

Attorney Lester J, Murphy, Jr., Gary Locke, engineer, and Jay Abbiuso, co-owner, presented. Mr. Murphy said this property was before the HDC with significantly different plans.

Mr. Locke said the (3)-unit buildings are to have (6) bedrooms each and that brick walks would be used as well as traditional elements as ascribed by the HDC.

No public comments or letters.

HS read into the record the HDC bylaw for new construction, 15.15; said she questioned dormers on both sides and the spacing of the windows within the dormers.

Mr. Abbiuso dispersed pictures of existing properties along the street for comparison and said the 6' tall fence the HDC previously approved has since been installed.

JD said that under the HDC purview as the buildings are not visible, it would not be sensible to nit-pick design aspects, but TB offered that there was visibility. LD agreed with JD, per the dormer approval, in terms of the set-back. MCM said her main issue was per building #2 in that it offers a hodge-podge of windows.

TB said he felt the design was uninspiring and a lost opportunity in that apartment complexes do not belong in the historic district. MCM agreed with TB, but said she understood the applicant seeking to take advantage of new opportunities in construction.

Mr. Abbiuso said the dormers give more interior square footage and that they sought to move quickly on community housing units.

MCM spoke of the mish-mash in style, but MR said the design is not relevant as the plan lies outside of the HDC's purview. JD recommended the lintel above the door be wider, chunkier, preferably double the height of the long panel above the side-lights; trim be angled out and not flat-stock, as well as an adjustment to the gable ends – which Mr. Locke said will remain as is.

LD made a motion to approve as presented. HS seconded the motion and it passed, 3-1-1: LD, HS, JD in favor; TB opposed; MCM abstained.

b) **HDC 20-112** (continued from the meeting of December 18th)

Application by **Mark Kinnane, of Cape Associates, Inc.**, requesting to demolish and rebuild a rear section of a structure and add a dormer to create a second floor on the property located at **18 Prince Street**.

AH announced that the applicant had requested and signed for a continuance; remarked that JD had not received the plans.

TB made a motion to accept the time waiver as requested. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MCM.

TB made a motion to continue the decision to the meeting of February 5, 2020. JD seconded the motion and it passed, 5-0-0; TB, JD, LD, HS, MCM.

c) **HDC 20-118**

Application by **Walker Architects**, on behalf of **Lise Motherwell**, requesting to install a louvered shade system on an existing deck and an abutting covered porch on the structure located at **651 Commercial Street**.

Lise Motherwell and Robert Steinberg presented. Ms. Motherwell said the request was to build a trellis on the east side to provide shade; new, white pergola will block the trellis from the street and that the design is consistent with the existing structural elements.

Bob Hazard of 652 Commercial Street spoke from the public, saying he was not opposed. Ms. Motherwell referenced about (10) letter on file in support; said they are taking pains not to block anyone's view.

TB read off the names of those who had written in support of the project from (7) letters.

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

d) **HDC 20-119**

Application by **Tom Thompson**, on behalf of **George Rogers & Patrick Watson**, requesting to extend an additional 3' a previously-approved second-floor shed dormer on the front elevation of a structure at the property located at **3 Atkins Lane**.

George Rogers, Patrick Watson and Tom Thompson presented. Mr. Rogers said proposed changes included making the front dormer more elegant with a lighter imprint and a need for a little extra breathing space in the interior.

John Livingstone, abutter, spoke in favor of the proposal.

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

e) **HDC 20-126** (request to postpone to the meeting of February 5<sup>th</sup>)

Application by **Kevin Bazarian**, on behalf of **Tom Tannariello**, requesting to construct a pergola over an existing deck and to install a picket fence in the front of the structure at the property located at **6 Pleasant Street**.

AH reported that the applicant is not in Town to sign the needed time-waiver and that one had already been required based on how the delays fell into the schedule.

TB made a motion to accept the time-waiver as requested. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MCM.

TB made a motion to continue the decision to the meeting of February 5, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MCM.

f) **HDC 20-130**

Application by **Hans Olsen**, of **HSO CONTRACTING, LLC**, on behalf of **Jill Botway**, requesting to remove an existing French door and enlarge the existing opening to accommodate a five-panel folding glass door system at the property located at **161 Commercial Street**.

Tom Lynch and Terry McCumber presented. Mr. Lynch noted the existing door as a three-panel, fiber-glass door which, he said, they need to expand on for accessibility.

No public comments or letters.

AH remarked that similar door changes had been approved at Bubala's and Pepe's restaurants, and TB said the plan was great, with others in agreement.

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

g) **HDC 20-131**

Application by **Ted Smith, Architect, LLC**, on behalf of **Grant Hester**, requesting to construct a one-story addition and a wood deck on the rear of the existing structure on the property located at **240 ½ Bradford Street**.

Ted Smith presented.

TB made a motion that the addition cannot in any part be seen from a public way and is therefore not in the JDC purview. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MCM.

h) **HDC 20-133**

Application by **Ted Smith, Architect, LLC**, on behalf of **Joshua Ronnebaum**, requesting to revise a previously-approved project and change a one-story addition with a shed roof to a one-story addition with a flat roof, including a wood deck and railings, at the property located at **122 Commercial Street**.

Ted Smith and Kay McFadden presented, referenced previously approved shed roof which Ms. McFadden said she realized would cut off most of the back gable trim and that the rear egress had been lost on the second plan. Mr. Smith spoke of the need to replace the stairs.

AH announced Whorf's Court as a public way and that the trade-off with this design plan amendment is that the applicant would return to the Zoning Board for approval.

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

HDC determined that Mr. Smith would submit new plans with the stair element included.

i) **HDC 20-134**

Application by **Peter McDonald, Architect**, on behalf of **Jay Anderson**, requesting to demolish a three-story, non-contributing structure and rebuild two residential buildings at the property located at **53 Commercial Street**.

Lester J. Murphy, Jr., Attorney and Peter McDonald presented. Mr. Lester thanked the Board for conducting a site visit to the property earlier in the day, noted the structure up for demolition is about 51 years old and not a contributing structure to the Historic District, is in a very poor state of repair, not structurally sound and full of mold, unsafe; added that a portion of the building is in the FEMA velocity zone making renovation problematic and that a new design plan to follow the approval of a demolition was also before the Board.

No public comments or letters.

JD, LD, HS and MCM all voiced their approval in favor of demolition. TB said his initial vote against demolition concerned the large amount of wasted wood and the process of carting away materials to be burned, impacting negatively on the environment.

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

MCM said she would be willing to take some of the discarded wood and Mr. Murphy spoke of efforts to conserve materials pertaining to a case in Dennis on the Cape some years back.

### New Building at 53 Commercial Street

Mr. McDonald said the new plan calls for two residential buildings, slightly different than the two that had been previously approved; shed is now attached to the southern, not the front, building; took cues from neighboring buildings for materials, roof pitches and window styles.

MCM said the elevations appeared mislabeled and the matter was cleared up with the north elevation signifying the east. Mr. Murphy handed out the previous plans for comparison.

No public comments or letters.

TB began discussion going elevation by elevation and it was offered up that the tower had been eliminated. LD asked why the previous design had been abandoned after the HDC had spent a lot of time deliberating and approving the plan. Mr. McDonald said it was due to his coming on board after the approval and cited Mr. Anderson's unhappiness with the former.

TB said he felt there needed to be more uniformity with window sizes, to which LD concurred. Referring to the A4 elevation, TB gave an example of ganging together too many windows. JD said he felt the architecture is much too complex for what is appropriate to the Historic District. LD said she agreed with JD and added that skylights would be preferable to what is now being offered. Mr. McDonald countered that there was approved window ganging in the previous design but noted that the sizes were then more in line.

Previous plans were referenced as dating to October 15, 2018, by Hammer Architects.

Mr. McDonald said he would be amenable to eliminating the bump-out and the HDC agreed that the overall shape and volume of the construct was acceptable.

MCM spoke of the need for consistency on the part of the HDC in terms of design approval where visibility is at issue; cited discrepancy in the case of 286 ½ Bradford vs. 53 Commercial.

JD recommended making all the windows a consistent size, adjusting the rake line of the shed and making the (3) windows on the southwest 2<sup>nd</sup> floor centered over the screened-in porch. TB pushed for the windows on A.5 to be the same size and lose the small GHG window as well as the pop-up on the A.3 elevation on the 2<sup>nd</sup> floor.

TB stated the drawings were very hard to read and AH asked if Mr. McDonald could consider a larger font, which he said would be fine.

Mr. McDonald said they were planning to use Alaskan Yellow natural cedar on the roof, which he said was a better quality.

JD asked Mr. McDonald if the windows on the 2<sup>nd</sup> floor in question could be made traditional 24x24 glass-to-glass size, such as are seen all over Town, which AH corrected to 20x24 based on the sash. JD then confirmed the request that the big window in the middle be made the same size as the one under the gable. A request was made to eliminate the G.A awning windows, opting for a 4-lite, 24" or higher unit in the gable ends of both buildings.

JD took issue with the shack, which he felt was incongruous to the rest of the building in its new, attached version, argued that the HDC has changed-out buildings that are 150 years old in Town and that, in this case, there is an opportunity to alter the configuration as an improvement; stated his preference for a center-pitch. TB said he could go along with JD's point, but that he also considered the Town as a mixture of differing styles through the years, to which MCM concurred, but with another plea for consistency in the Board's deliberations.

Per G.4, TB related that there was a time when garages couldn't be included in a structure under the HDC's purview. AH said that the pre-existing structure does have a garage. MR cautioned against deliberating on interior design aspects.

TB made a motion to accept the time-waiver as proposed. LD seconded the motion and it passed, 4-0-0; TB, LD, JD, MCM.

TB made a motion to continue the decision to the meeting of February 19, 2020. LD seconded the motion and it passed, 4-0-0; TB, LD, JD, MCM.

Revised plans were requested to be submitted by February 13, 2020.

## 6. Review and approval of Minutes:

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

TB made a motion to approve the meeting minutes of November 6, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

## 7. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

It was determined that decisions on approved cases would be written as follows:

**HDC 20-131, 240 ½ Bradford Street:** LD

**HDC 20-134, 53 Commercial St.,** demolition letter: MR

**HDC 20-133, 122 Commercial St.:** TB

**HDC 20-130, 166 Commercial St.:** MCM

**HDC 20-118, 651 Commercial St.:** JD

**HDC 20-109, 286 ½ Bradford St.:** HS

1. MCM made a motion to approve the January 15, 2020 decision of **HDC 20-130; 161 Commercial Street**, written and read into the record by MCM. TB seconded the motion and it passed, 3-0-0; MCM, TB, JD.
2. TB made a motion to approve the January 15, 2020 decision of **HDC 20-118; 651 Commercial Street**, written and read into the record by JD. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.
3. TB made a motion to approve the January 15, 2020 decision of **HDC 20-133; 122 Commercial Street**, written and read into the record by TB. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.
4. TB made a motion to approve the January 15, 2020 decision of **HDC 20-119; 3 Atkins Lane** written and read into the record by LD. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.
5. TB made a motion to approve the January 15, 2020 decision of **HDC 20-131; 240 ½ Bradford Street**, written and read into the record by LD. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

AH confirmed that all (5) sitting Board members present had voted that **240 ½ Bradford Street** was not in the HDC's purview, as it was not visible.

TB asked for a volunteer to write the HDC portion of the Annual Town Report, due January 24, 2020. LD said she would get it done and submitted by deadline to AH or Town Clerk.

AH confirmed that all Board members had completed an updated ethics' test.

HS announced that she was sworn in today to the Historical Commission Board.

TB made a motion to adjourn the meeting at 6:45pm. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

Respectfully Submitted,  
Jody O'Neil