

**HISTORIC DISTRICT COMMISSION**  
**PUBLIC MEETING**  
Town Hall  
Provincetown, MA  
**WEDNESDAY MARCH 4, 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.; Martin Risteen (MR), Alternate.

Excused absence: Michela Carew-Murphy (MCM), Alternate.

Unexcused absence: Christopher Mathieson (CM), PAAM Rep.

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

**Work Session: VOTES MAY BE TAKEN**

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

AH reported that neither 206 Bradford Street nor 552 Commercial Street have filed an appeal per HDC denials on their fence plans, and so will each be given a violation notice as the time-frame for filing an appeal has passed; said a first fine is a fixed amount, followed each day in turn by an additional offence, but will need to check the bylaws for exact amounts.

Shed at 12 Franklin St. has a vinyl window, spacer bar in place and muttoms sandwiched between two pieces of glass. AH said the owner is trying to get in touch with Jaime McGrath of Pine Harbor wood products. TB said he went by the property and felt pretty certain it was true simulated divided-lite and AH said perhaps an amendment has been put in place.

**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 March 18, 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) 4 Johnson St.; ii) 355 Commercial St., U6; iii) 577 Commercial St.

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

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

iv) 25 Watson's Ct.; v) 8 Court St., UC; vi) 211 ½ Bradford St. vii) 3 Pilgrim's Landing.

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

i) 4 Johnson St. – To replace (14) windows in kind.

No one presented.

AH said the center door is new; referenced existing awnings per plans. TB noted “factory-painted” but could not determine wood; said building is historic.

TB made a motion to approve with the condition that the only windows to be replaced are on the sides and rear. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MR.

ii) 355 Commercial St., U6 – To replace (2) decks in kind.

No one presented.

JD asked if the railing proposed is acceptable. LD said the balusters appear to be captured. TB sought clarification per the drawings on what exactly was to be replaced.

TB made a motion to approve with the condition that the railings all be true captured balusters. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MR.

iii) 577 Commercial St. – To replace (3) doors and railings in kind.

No one presented.

TB noted that the application is a continuation. AH showed photos of the doors to be replaced.

TB made a motion to continue as presented with the conditions that any trim replaced be wood. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MR.

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

30 Shank Painter Road

Chris Snow presented plans with the understanding that while the application and its features are not in the HDC's purview, he wished to keep the Board informed of the project and stated that any of the HDC's suggestions would be taken back to the design team and passed along to the Planning Board; noted a drastically reduced scale with a mansard design; have pending Zoning Board permitting dependent upon the reduction in mass; pointed out landscaping as an attempt to mimic Province Landing; said project is the first project the Town is examining under the Affordable Housing provision in allowing waivers of zoning under a complex formula.

HS remarked that she appreciated many aspects of the design and was looking forward to an historical look utilizing wood materials and hoped in 50 years it could be considered an historic structure. LD remarked on a bang-up job, stated wood as much as possible. JD said he didn't have any problem with the design. TB appreciated the detailing. MR echoed an appreciation of red cedar shingles and use of wood as has appeared in the builder's previous projects.

**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 4:01pm.

**a) HDC 20-112 (continued from the meeting of February 19th)**

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**.

Mark Kinnane presented; dispersed new plans; said they dropped the middle section to a single story and added to the back, as proposed by the HDC; extended the back further to gain needed space for interior as desired.

No public comments or letters.

JD said the plan is a much better solution, makes the front part of the building look more historic; size of windows appear appropriate and to match those in the front; French doors are set-back as a connecting piece which also seems appropriate. MR said he is comfortable with the changes. LD spoke about the preference for the height of the original building to remain prevalent and suggested dropping the ridge line of the addition by about 2' to honor the original, to which HS agreed.

TB said he agreed with LD on the roof line and noted the difference between 16 Prince and this property in that this is a half-Cape, said he'd like to see more windows. Mr. Kinnane said they could make the height adjustment work. LD said more windows in the rear structure would be preferable on the A elevation. Mr. Kinnane said they could also accommodate this request and that they are able to add a window on the front now that they are keeping the original staircase. TB said at a minimum, 2<sup>nd</sup> window on the second floor.

AH said that absent the site plan she cannot determine where we are in relation to the property line. JD responded that dependent of fire codes, if another window is cleared to go in, it would be approved. AH speculated the distances needed for clearance.

Mr. Kinnane confirmed an asphalt roof; New Zealand pine that won't rot; replicating front door and planning to make it a bit taller, to which JD objected.

TB made a motion to approve with the conditions that the rear building be dropped to match the front; front door be replicated exactly; all trim be wood; rear door compliant with egress size requirements per plans dated March 4, 2020. JD seconded the motion and it passed, 5-0-0; TB, JD, LD, HS, MR.

Plans with notated new elevations to be submitted going forward.

**b) HDC 20-134 (continued from the meeting of February 19th)**

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, presented from February 24, 2020 plans; said major changes address the street-side building, elevation G3, window has been brought up to the peak. AH noted new plans not scanned in. Mr. Murphy continued; said the (3) second-story windows have been replaced with (2) larger ones, separated, and the same thing done with the windows on the first floor; Povincetown-style-door added to the plans.

No public comments or letters.

Per back building, elevation A6, Mr. Murphy said the reason for leaving (2) windows on the second floor is based on the location of the kitchen where the sink is situated, revamped for aesthetic reasons; proposed change in bump-out stairway as trying to replicate what is done in the screened-out porch. LD read through the aspects of all approved conditions.

TB made a motion to approve as presented with elevations A3 from Feb. 24, 2020, G3 from Feb. 26, 2020, and G4 and G5 from Dec. 16, 2019; JD seconded the motion and it passed, 5-0-0; TB, JD, LD, HS, MR.

Mr. Murphy offered to provide a new set of drawings for both buildings.

**c) HDC 20-155 (continued from the meeting of February 19th)**

Application by **Mike Czyoski**, on behalf of Marianne **Colacray**, requesting to construct a shed on the property located at **12 Franklin Street**.

No one presented. AH suggested continuing the hearing to the meeting of March 18<sup>th</sup> while she gets back in touch with Ms. Colacray per any progress made on the building. TB and JD said they felt the design was acceptable, and LD added that it is a utility building.

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

d) **HDC 20-158**

Application by **Tom Thompson**, on behalf of **John Meulendyk** requesting to construct a shed dormer on the east elevation of the structure at the property located at **435 Commercial Street**.

Regina Binder and Steve Jabert, builder, presented.

JD asked what happened to the 6-over-6 windows, to which AH replied that new windows had been put in that were not the approved units, which JD identified as 1-over-1s. Mr. Jabert said he is new to the project and Ms. Binder said they would take care of it; TB noted it is not a violation as yet.

Ms. Binder spoke of the dormer on the east side as being in close proximity to the building at 437 and of low visibility, referenced dormer location as facing Poor Richard's, not visible from the beach; other angles and elevations discussed, no awnings.

No public comments or letters.

AH note that the other door to the gallery is the door that has been installed but is not the same door on the design, which JD said would not be approved.

Ms. Binder said she believed the application is back before the HDC because they were initially going to go with skylights, but then needed the head-room. AH added that it's been a work-in-progress with the contractor.

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

Discussion on window ensued with JD relating that the building, as of now, looks about 1900 as opposed to 1850, and that 2-over-1s might be a good compromise for the window situation; looked to address the door that has been installed without approval and under recommendation that the Provincetown Door be considered. TB said that these issues would be addressed at a future hearing and LD said abutters would have to be notified. AH said it would need to be a full hearing as these are not minor modifications. Ms. Binder offered to draw up plans with changes discussed to be heard at the meeting of April 14<sup>th</sup>.

e) **HDC 20-164**

Application by **New Art Realty Corp.** requesting to remove existing windows on the east and west side of the patio dining area on the property located at **212-214 Commercial Street**.

Ben deRuyter, owner, and Jayck Hagenbuckle, GM of 1620 Brewshouse, presented. Mr. deRuyter said they were specifically asking to remove existing windows at 214 located in the south elevation that include the customer seating area of the restaurant; said changes requested are due to the viability of the success of the restaurant business and added that both retail shops are in support of these modifications as proposed owing to the light pollution that comes through the windows at night and onto the diners; windows would be cedar shingle.

No public comments or letters.

JD, HS and MR said they were fine as presented. LD said she, too, was fine with the plan in noting the commercial nature of the building.

TB objected, stating his preference for windows and disliked too much negative space; asked if another option might be a thinner row of windows at the top, suggested that this is perhaps a light, not a window, problem. HS said she was surprised that the tenants would not want to retain the windows for their own business preferences.

TB made a motion to approve as presented. LD seconded the motion and it passed, 4-0-1; LD, HS, JD, MR, in favor; TB, abstained.

Mr. deRuyter returned to the mic, spoke of the current Aquarium mall situation by referencing the emergency repair that was done in the winter of 2015/2016 when the parapet collapsed; repair is needed now to the south elevation as was done previously to the north elevation in order to repair the roof; offered to package all the work in one application this spring. JD asked if the emergency changes made would now be permanent. Mr. deRuyter said he did not know, would prefer to leave those repairs as is, but is willing to work with the HDC going forward.

f) **HDC 20-165**

Application by **Leslie Schneeberger/SV Design**, on behalf of **James Terrell Jordan & Justin Shaffer**, requesting to add a window on the front elevation, add windows on the side elevations, and remove and reconstruct a portion on the rear elevation of the structure, including reconfiguring the roof and adding windows, patio doors and a second floor deck on the structure at the property located at **259-263 Commercial Street, U2**.

Leslie Schneeberger and Lester J. Murphy, Jr. presented. Ms. Schneeberger said the only changes on Commercial St. are for opening the wall where framing already exists for Anderson 400 series windows, true divided-lite, 2-over-2s; per alley on north elevation, back portion of building to be removed at salt-box pitch and a 1½ story added; all siding to match existing siding and painted to match, as will all trim; simple flat casing with a head crown, existing deck to be re-decked in Azec, railing currently natural cedar to be replaced with the same for top and bottom, but with cable railing in between; addition to feature double-hung, 2-over-2 windows with the same casing and cladding style; addition low and small to allow for roof pitch.

No public comments or letters.

AH remarked on the fire escape, which Ms. Schneeberger said is pre-existing.

LD said she was fine with the front facade and the elements proposed for the sides; spoke of allowance for increased fenestration on bay side, although she found the rear design a bit uninspired, but noted it was not in the Historic guideline and that the Azec and railing featured have been approved in other applications.

JD asked about the railing in a previous application, which was clarified as matching; was otherwise okay with the plans, including the elimination of an exterior wall chimney which is not historic. Ms. Schneeberger apologized that the other two chimneys were not on the current drawings, but would be put in; said they were being removed from the interior to be rebuilt on the exterior.

MR said he was fine with the design and TB commented per A4 on the east side of the building that there was a bit of negative space which Ms. Schneeberger said was for the sake of proximity to the neighbors.

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

AH noted drawings dated November 2, 2018.

**6. Review and approval of Minutes:**

TB made a motion to approve the HDC meeting minutes of February 19, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MR.

TB made a motion to approve the HDC meeting minutes of June 7, 2017. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MR.

Jody O'Neil mentioned that October 16, 2019 continues to appear on the HDC Agenda even as these meeting minutes were approved last December and have been posted online.

TB read into the record a letter approving demolition of the existing garage/storage building at 6 Wareham Road per case # **HDC 20-153** from the meeting of February 19, 2020.

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

TB made a motion to approve the March 4, 2020 decision of **HDC 20-112; 18 Prince Street**, written and read into the record by JD. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MR.

TB made a motion to approve the March 4, 2020 decision of **HDC 20-158**; **435 Commercial Street**, written and read into the record by TB. JD seconded the motion and it passed, 5-0-0; TB, JD, LD, HS, MR.

TB made a motion to approve the March 4, 2020 decision of **HDC 20-164**; **212-214 Commercial Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MR.

TB made a motion to approve the March 4, 2020 decision of **HDC 20-134**; **53 Commercial Street** written and read into the record by LD. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, MR.

TB made a motion to approve the March 4, 2020 decision of **HDC 20-165**; **259-263 Commercial Street, U2**, written and read into the record by TB. JD seconded the motion and it passed, 5-0-0; TB, JD, LD, HS, MR.

TB made a motion to approve the March 4, 2020 decision of **HDC 20-155**; **12 Franklin Street**, written and read into the record by LD. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MR.

TB made a motion to re-schedule the meeting of the HDC Application Review Sub-Committee with LD, HS and MR to Monday, March 16, 2020 at 10:30am.

HS reported that the following cases were filed with the Town Clerk on March 2, 2020: **HDC 20-141**; **HDC 20-134**; **HDC 20-146**; **HDC 20-156**; **HDC 20-124**; **HDC 20-126**; **HDC 20-132**; **HDC 20-136**. **HDC 20-145. 1**

Per HS, **15 Atwood Avenue** is awaiting new plans.

TB made a motion to adjourn the meeting at 6:52pm. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, MR.

Respectfully Submitted,  
Jody O'Neil