

Provincetown
Historic District Commission
Judge Welsh Hearing Room
June 15, 2005
3:00 p.m.

Members Present: Polly Burnell, John Dowd, Eric Dray, Carol Neal, and
Meg Stewart

Staff: Maxine Notaro and Doug Taylor

Work Session 3:00 p.m.

Eric Dray had previously asked if a person could participate in a decision if they hadn't been in on the original meeting. The Town Manager had an opinion, which stated that if they had not participated as a member then they should have no opinion. Eric asked if this were a ruling based on Chapter 40?

Eric will look at the Mullen case and then compare validity. The governing principle on recusing yourself comes under Chapter 40A and whether Mullen of the Conservation Commission issue is a parallel case remains to be seen.

Meg Stewart asked Eric, "If you still have questions after you read the Mullen case – then can you go directly to attorneys?" This discussion went around a bit more and then John Dowd asked if once we decide the validity of the issue – "Is there a way to reopen the case?"

Set up a new meeting:

It was decided that the next meeting would be held on Monday, June 20th at 11: a.m.

Minutes

Motion: Meg made a motion to accept the minutes of the March 23rd meeting as presented; Carol Neal seconded the motion and it was unanimously approved.

Motion: Meg made a motion to accept the minutes of the May 4th meeting with corrections; Polly Burnell seconded and it was approved with one abstention (Eric Dray). The corrections took place on the last page of the minutes which said that it was made clear on the site visit that the dormers on the east elevation must be removed in exchange for the allowance of dormers on the west side. (The east dormers must be removed from the plan as a condition of approval.)

Motion: Meg Stewart made a motion to approve the minutes of the June 1st meeting as written. Carol Neal seconded the motion and it was approved 4-0-1 abstention (JD).

Meg said that the April 20th minutes and Executive Session need extensive corrections and she will rework and distribute corrected minutes.

211½ Bradford Street

The owners were there to explain a fence that had put up on the back of their property. They had no idea that they had to apply for permission before having the job done. Their reason was that they abut the Howland Street playground and people are constantly parking on their property; this was their means of eliminating the problem. By consensus of the Commission, the project was approved.

Policies and Procedures

These were not touched upon.

Robert Valois & David Martin, 47 Commercial Street, amended plans for signature

The Commissioners noted that the new revisions of June 1st show that the deck extends another foot out from the plan, which was presented on April 28th. Robert Valois asked, "Can we agree if we do it at the old dimensions?" It was agreed – the deck would be cut back from 8 feet to the original 7 feet.

Motion: John Dowd made a motion to approve citing the guidelines 2C and 15. Eric Dray seconded the motion and the vote was 4 in favor and 1 opposed (Meg Stewart).

After the vote Robert Valois wondered about having French doors on the second floor; only for the sake of symmetry. John Dowd said the group could only vote on what now exists on the plan. Any changes would require a full public hearing.

The Chair asked if all the gathered people would mind if case 2005-52 was heard next even though it was listed in last place on the agenda. (Deborah Paine, the builder had to be at an appointment in Wellfleet around 5:00ish.) No one replied so it was heard.

Public Hearing

2005-52

Application by Barnett Adler on behalf of Bette Adams for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to renovate the existing building to bring the existing dwelling units up to current health and safety codes; replace windows, siding, add two dormers on the back of the building; add two decks to allow for a second means of egress; re-roof with 30 year architectural shingles at the property located at 566 Commercial Street, Provincetown, MA.

There was a difference of opinion regarding the windows the builder wanted and the windows the Commissioners wanted. Deborah felt that storm windows damage the sill due to condensation in the winter. Eric Dray felt that storms provide a cushion of air between the interior and exterior windows and thus are energy efficient.

Eric then asked if the windows needed to be replaced. He also said that windows present the biggest challenge in restorations.

Ms. Paine then said she'd like to get rid of the sash weights and use the jamb liners – not visible – if the Commission would approve of it?

One woman in the audience told the group that before the present owner - the top floor was used as both a writing studio and a painting studio. A man in the audience who was an abutter asked and received clarification on the plans.

Eric said he wants to preserve the unique character of the houses as long as changes don't eliminate the important elements of the buildings.

After 40 minutes of discussion, the following motion was made.

Motion: Eric Dray made a motion to continue the case for new plans to be submitted with uniform 6 over 6 windows and also wants the plans to show the profile of the proposed shed dormer. Meg Stewart seconded the motion and it passed 5-0-0.

2005-42 (Continued from June 01, 2005)

Application by Neal Kimball on behalf of Vernon Brown for approval for the renovation of four freestanding cottages at the property located at 10 Washington Avenue, Provincetown, MA.

Neal Kimball, the architect, Chris Snow, an attorney, and Vernon Brown, the owner presented the application. (Eric Dray recused himself while the decision is pending.) Chris Snow then began a lengthy explanation of 40A. Eric still stepped down from the case.

Atty. Snow after a bit more conservation said that Mr. Brown has spend \$800 on two occasions to satisfy the requests of the Commission regarding resubmission of plans and is now out a total of \$1,600.

Neal Kimball then began explaining the plans by giving the background of the changes. Neal said he was giving the group a couple of options. He admitted to being confused at the 2nd meeting and tried to do the plan that he thought he had been requested to do, i.e., cottages 3 and 4 had to match cottage 2?

Chris felt the 2nd meeting's ideas were what was desired. Mr. Brown wants to persuade the Board to go with May 18th offerings.

Meg cited the streetscape of Law Street as her prime concern. She then asked if the footprints were increasing? The answer was yes, that both cottages she asked about would be 4 feet closer toward the street. She said she felt, "We've taken one story cottages that are simple and we've added dormers, etc. We should not be enlarging these cottages!"

John Dowd said he felt the new design all reads as "a family." He admitted that they were a bit higher but still very small discreet cottages.

Carol Neal asked what the total increase in height amounted to. Answer: It varies between 3 ft. 8" and 3 ft. 11." Carol feels that that is the essential issue.

Polly Burnell felt that they've gone up as little as possible.

Carol feels she'd be in agreement on lowering these cottages. She would like the original compromise.

Motion: John Dowd made a motion to accept Option A with the alteration that the windows be either 2 over 2 or less fussy as presented on June 1, 2005. Polly Burnell seconded the motion. The vote was 2 in favor (JD & PB), 1 opposed (MS), and 1 abstention (CN). Motion did not carry.

Chris Snow then presented more arguments about what the people of Town wanted when they agreed to have a Historic Commission and on and on. He wanted the group to have the motion reconsidered and they acquiesced.

Motion: A motion was made, seconded, and unanimously approved to table 2005-42 until the end of the meeting.

Chris stepped in once more and said the correct way to do this would be to entertain a motion to reconsider the vote.

Motion: John Dowd made the motion to reconsider the vote; Polly Burnell seconded the motion and it was passed.

This case concluded at 5:25 p.m.

2005-48 (Continued from June 01, 2005)

Application by Steve & Samantha MacNicoll dba Sam & Sam on behalf of Dr. G. Bruce Head III for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to add a second story with a gable roof to an existing one-story shed roof cottage at the property located at 4 Atwood Avenue, Cottage #3, Provincetown, MA.

(John Dowd stepped down since he wasn't at the original meeting when this case was presented.) Eric Dray said that the plan submitted was much improved.

Motion: Eric Dray made a motion to approve as submitted citing the #15 guideline. Meg Stewart seconded the motion and it was approved 4-0-0.

2005-39 (Continued from May 04, 2005) (Request continuance to June 01, 2005)

Application by William N. Rogers, P.E., P.L.S. on behalf of Harlan J. and Lois G. Streib for a Certificate of Compliance to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to lift the existing main building and cottage and install new brick faced crawl space foundations. Renovate the existing main building, in-place, with no increase in height or size. Renovate the existing cottage, in-place, with an increase of 18 inches to peak height (existing height is 17 feet 10 inches and proposed height will be 19 feet 4 inches). Install new structural members and framing along with the replacement and/or relocation of existing windows and doors at the property located at 44-48 Pearl Street, Provincetown, MA.

(Polly Burnell stepped down since she didn't hear the original case.)

Gary Locke presented the revised plan based on the discussion and advice received from the Commission. He also said that the upper part of the plan is basically the same.

Motion: John Dowd made a motion to accept the newly revised plan. Carol Neal seconded the motion and it passed 4-0-0.

2005-50

Application by John DeSouza on behalf of John Spazzarini and Jim Cottone for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval for revisions to a previously approved plan to change the roof and siding style, window and door configuration and remove deck and spiral stairs at the property located at 172 Bradford Street, Provincetown, MA.

After looking at the plans it was determined that the building is 9" higher at the ridge. There was a great deal of discussion about the cottage on the property.

The original cottage was dated around the turn of the century. It was wondered if Eric Dray could tweak this so that it reads 2005. Meg wondered if the alteration would fool anyone? John Dowd said that if something is going to be a certain style then it must be all the way; it has to be correct. A question was raised about the roof shingling; it looked too "ginger-bread like" and the thought was that they might go with asphalt roof shingles.

Motion: John Dowd made a motion to accept the plan as presented with the minor changes discussed. Polly Burnell seconded the motion and it passed 4-0-0.

2005-51

Application by Neal Kimball on behalf of John Yandrosivtz for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to renovate two existing free-standing cottages at the rear of the main house, re-frame roof's increasing pitch and add a small ell to cottage #1, reconfigure window layouts at the property located at 5 Conant Street, Provincetown, MA.

(This case was continued until July 13th due to a death in the family.)

Motion: Continue 2005-51, 5 Conant Street, to the July 13th meeting. Unanimously approved.

The Town Hall portion of the meeting stopped at 6:05 p.m. with the remaining members (JD, PB, and CN) going for a second consideration of the Law Street streetscape as requested by Chris Snow.

Respectfully submitted,
Evelyn Gaudiano
Evelyn Rogers Gaudiano

Approved by _____ on _____, 2005.
John Dowd, Chair