

**HISTORIC DISTRICT COMMISSION**  
**PUBLIC MEETING**  
Town Hall  
Provincetown, MA  
**WEDNESDAY MAY 6, 2020**

**NOTE: THIS IS A REMOTE PARTICIPATION MEETING**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Historic District Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online live stream of PTV GOV at <http://www.provincetowntv.org/watch.html>

2. To listen and participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following conference ID number: **825 300 645#**. When prompted, state your name, then press #. Please do not speak until the chair or the meeting moderator asks for public comments or questions. If possible, please mute your phone until you are called upon to speak.

**No in-person attendance of members of the public will be permitted**, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

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Members by remote: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Vice-Chair, Historical Commission Rep.; Hersh Schwartz, Clerk, (HS), Chamber of Commerce Rep.; John Dowd (JD), PGB Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate.

Excused Absence: Martin Risteen (MR), Alternate.

Staff present: Anne Howard (AH), Building Commissioner; Thaddeus Soule (TS), Town Planner.

TS gave opening remarks at 3:35pm and called for quorum by roll call.

TB called the meeting to order, then gave the meeting over to TS who read the rules governing Public Meeting protocols under current government guidelines.

**Work Session: VOTES MAY BE TAKEN**

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

AH noted a lot of miscellaneous violations, most of which are being addressed. Roofing and siding permits have been granted for the following: 9 Standish Street; 519 Commercial Street; 162 Bradford Street; 50 Bradford Street; 255-257 Commercial Street.

AH spoke of the Lobster Pot which she said has issued a request to remove an egress door and create a temporary door for a pass-thru in order to safely accommodate business during the pandemic recovery phase; referenced current door modifications made at Spiritus Pizza.

TB noted a replacement fence situation at Cudworth which AH referenced as at Carl's Guest House. AH said she hasn't gotten to 143 on the beach-side. TB asked per construction at 420 Commercial St., which AH verified as the Ted Smith/Lee Ash house and said they have a lot of temporary railings up for safety while work is being done.

**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 May 20, 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) 260 Bradford St.; ii) 3 Freeman St., #5; iii) 16 Winslow St.; iv) 11 Johnson St. v) 199 Commercial St.; vi) 9 Carver St.; vii) 522 Commercial St., Cottage. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

i) 260 Bradford St. – To replace existing doors in kind.

AH said the accessory shed was approved back in 2014 and that the initial doors installed failed, after which, in 2019 and without benefit of historical review, someone replaced those doors which, in turn, failed. AH said John Golden on behalf of George Nickerson is seeking to install doors true to the 2014 approval; noted that TB as the only current sitting Board member who was in attendance on the previous decision.

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

ii) 3 Freeman St., #5 – To replace (2) doors in kind.

TB noted a pretty straight forward application at Hannah's Headlines.

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

iii) 16 Winslow St. – To replace (3) windows in kind.

Alyan Pimentel presented; said the windows are 6/6 to replace exactly in kind.

LD said they appeared as wood, original windows. TB said the replacement material is Fibrex. TB questioned if they would be replaced as 8/1. LD said her concern is that while these units are distantly visible, would the rest of the future window replacements also be looking to utilize composite. CM agreed. AH said she isn't aware of a permit on record for any recent exterior work, said her concern is 6/6 as listed on the cut-sheet.

LD asked per window #3 which appeared as a 12/12. MCM said the windows on the rest of the structure are 1/1. AH noted windows 2 and 1 present as 12 over a non-determined bottom sash. CM and HS said wood was the their choice. MCM said she'd be okay with it as all the other condos had replaced their windows, which Mr. Pimentel concurred and said the replacements were Fibrex, 1/1, in the other condos excepting the unit on the first floor. LD said she felt it would be fine then to approve the Fibrex, to which MCM and HS agreed. CM said he still preferred wood, and LD said she would agree but that the 3<sup>rd</sup> floor is the least visible, to which TB concurred.

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

iv) 11 Johnson St. – To replace window sashes in kind.

Susanna and Russell Fulcher, of Fulcher Construction, and Kelly Bocuzzo, homeowner presented. Ms. Fulcher said these are the original windows which are single-pane but not energy efficient. Ms. Bocuzzo said most of the sashes are broken, that Shepley's came out and inspected, recommended Anderson's in noting that the windows are irreplaceable and the ropes and weights were in terrible shape.

LD remarked on the beautiful front windows and referenced window restoration contractors who charge less than what replacements might cost. Ms. Bocuzzo said the problem is the single-panes are inefficient. LD replied that storm windows are effective in these cases and added that there are a number of options available. TB said Anderson 400 series are approved on a case-by-case basis but that in situations where the original windows are pristine and repairable, maintaining the original wood is the aim.

Mr. Fulcher said windows are "rattly" and unsafe and that storm windows are ineffective. TB suggested tabling the decision to the next meeting. JD said rattling windows are a case of loose trim stock, that ropes are the easiest thing to replace and is a cheap, effective way to repair and retain the original units. Ms. Fulcher asked if a compromise could be achieved where the front-facing windows could remain historic and the others become more energy-efficient.

CM said he agreed with the other Commissioners and noted the visibility of a very historic house, to which TB added high visibility on perhaps three sides.

LD recommended windowrestorationcapecod.com. Ms. Bocuzzo asked per energy-efficiency and how to justify salvaging the current windows if they fail the requirement. LD responded with storm windows as a solution but Ms. Bocuzzo said she'd rather not have the windows covered up for seven months. CM said energy-efficiency is not really a part of the HDC's purview. TB spoke of the Town as a green community and that a balance is sought between the two lines of thought.

TB made a motion to continue the decision to the meeting of May 20, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB requested new materials be furnished by May 14<sup>th</sup>.

v) 199 Commercial St. – To replace (2) windows in kind.

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

vi) 9 Carver St. – To replace a window in kind.

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

vii) 522 Commercial St., Cottage – To replace fencing in kind.

AH said the fence hadn't been replaced in its entirety as of Monday; said cottage has only two 2<sup>nd</sup> floor gable ends standing. Extended sections discussed.

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

viii) 423 Commercial St. – To replace decking and treads and risers, rebuild balustered rail sections and replace a balustered rail with cable.

TB made a motion to consider for Full Review. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

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

## Demolition of VFW Building

AH referenced applications sent to the HDC yesterday; noted approval as voted at Town Meeting in 2019 appropriating money toward demolition of the 1950 building which will go through asbestos abatement, torn down and site cleaned, purchased by the Town for \$4 million and a change of designation for some form of affordable housing as discussed at Town Meeting in a one-article vote last December.

TB noted the building as historic but said that as the site is designated for affordable housing it has the Town's backing. AH said the age of the building qualifies for demolition delay as it is over 50 years old. TB suggested the topic be discussed further at a future meeting and after more thought and consideration can be given to the determination. All agreed.

TB made a motion to discuss the VFW at 3 Jerome Smith Road at the first meeting of June 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

#### **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 4:25pm.

##### **a) HDC 20-171 (continued from the meeting of April 15<sup>th</sup>)**

Application by **Ocazo Construction, Inc.** requesting to replace a front door on the structure located at **606 Commercial Street, #1**.

No one presented.

HS said she had been by the property. AH said all time-constraints are waived due to the COVID-19 Executive Order. LD said she felt it was an iconic door and would be unable to accept anything that was not exactly as is in terms of replacement. TB suggested all were in agreement. TB advised directing the applicant to the online window restoration site. JD also recommended Moses Kafka who did windows at Universalist Church; contact: 508-487-0618. HS provided info for Nancy Barrington, The New House, 300 So. Orleans Rd. 508-255-0536.

TB made a motion to continue the decision to the meeting of May 20, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

##### **b) HDC 20-175 (continued from the meeting of April 15<sup>th</sup>)**

Application by **Nathaniel Fridman** requesting to add a dormer and windows and replace an existing bump-out picture window with a similar style of window on the structure located at **8 Court Street, Unit C**.

No one presented.

TB noted that no new materials had been received. AH said she did receive an e-mail from the applicant saying he'd be in Town this week, but nothing else had come in. CM said he hadn't seen any cars at the property, which can be seen from his desk.

TB made a motion to continue the decision to the meeting of May 20, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

##### **c) HDC 20-179 (continued from the meeting of April 15<sup>th</sup>)**

Application by **John DeMatteis & Kevin Bazarian**, on behalf of **1620 Landing, LLC**, requesting to construct a new single-family structure on the property located at **3 Pilgrim's Landing**.

Kevin Bazarian presented with what he said were all previous change requests from the HDC. Cliff Shorr gave background on the property and the Memorandum of Understanding,

which mandated that other surrounding properties reflect compatibility to the Murchinson House as the pre-existing modern structure on the lot, along with other strict requirements; commended the Board for its recommendations.

No public comments or letters.

LD gave a quick review of the HDC bylaw on new building construction, weighed in favor of the plans as presented. JD agreed and felt the design is in keeping with the contiguous structures. CM sited the overhangs, indicated that more work needed to be done to make the structure benefit more closely to the Murchinson House and keep lines clean and simple and inter-relating, sides in need of cleaning up. MCM said she agreed with LD and JD, as did HS.

TB asked for clarification of the lot and windows, to which Mr. Shorr said were large aluminum sliders, side-windows as awnings, which are more effective per weather; large upstairs panes have operable bottoms. TB repeated his criticism of the side-elevations.

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

Plans are dated May 3, 2020 and the PDF dated for this meeting from a week ago per Mr. Bazarian.

**d) HDC 20-199**

Application by **Jay Abbiuso** requesting to replace a wood deck, replace all skylights, add (1) skylight, and replace (2) entry doors on the structure located at **19 Central Street, U2 & 3**.

Jay Abbiuso presented; said rear deck is coming a part from the house and skylights have also outlived their life, additional skylight is for the bedroom; door at street-level currently made of steel, other door at the upper deck is wood, perhaps 3 or 4-light; said the plans are motivated by a lack of light; prefers cedar decking instead of a composite material.

TB confirmed all wood with captured balusters.

No public comments or letters.

JD asked if the added skylight was meant to line-up with existing; questioned window dimensions and compatible door designs which Mr. Abbiuso clarified. CM expressed concerns over the visibility of the side door. Mr. Abbiuso said technically there is no front door on the house and that some sort of fencing or planting will be sought going forward based on the foot-traffic. LD agreed with CM's concerns over the lower-level door even with low visibility; favored a traditional door, or a storm door which could help improve light in the area. HS agreed with LD on the door, said she is okay the rest of the plans.

MCM agreed with the decking and skylights as proposed, asked if a compromise might be retaining the framing around the door. JD said he felt either a solid-panel door or a 12-light door would be the best option, but also concurred with LD's storm option, as did TB, who questioned if the Provincetown Door might go well on the upper level. LD agreed, but JD disagreed in saying that a window would have been up at that level.

TB made a motion to approve as presented with the condition that the front door be a 6-panel solid door and all trim replaced in wood. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB made a motion to hear **HDC 20-202** before **HDC 20-201**. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

**f) HDC-202**

Application by **Tom Thompson** requesting to modify a previously approved Certificate of Appropriateness to replace a door and window on the south elevation, windows on the east and west elevations, display windows and shop doors on the structure at the property located at **347 Commercial Street**.

Tom Thompson and Glen Delman, presented. Mr. Thompson said as the work progressed, new findings caused changes to the original plans; owners seeking to bring in more windows and light on the storefront, add full-glass French-style doors; referenced new elevation added

Monday with May 1<sup>st</sup> being the most current plans. CM and MCM said they had April 1<sup>st</sup> drawings before them. LD suggested a new application be made and abutters notified based on the extensive changes as proposed. MCM agreed with LD and noted a good deal of abutters at previous hearing. JD said that what is being built is not what was agreed to. AH confirmed that abutters would have been notified per today's hearing

TB made a motion to continue the decision to the meeting of May 20, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

AH asked if the May 1<sup>st</sup> plans changed Mr. Thompson's narrative that is dated April 1st, to which Mr. Thompson said he would look into and speak with the owners in that regard.

**e) HDC 20-201**

Application by **Tom Thompson** requesting to connect an ell on the rear of a structure to a shed with a covered breezeway and to construct a porch on the front of the cottage on the property located at **3 Fishburn Court**.

Tom Thompson presented, referenced previously approved shed from about three years ago and noted current cottage was approved by HDC about 16 years ago; porch to not extend beyond front profile, 4', to offer sun/rain protection; breezeway to connect at the back of house to the shed.

Jeff Mulliken abutter at 34A Pearl St., said he didn't have any trouble with the scale, but asked per the plans, to which AH noted not all current drawings are contained in the packet. Andus Baker, a neighbor, said he had a full set of documents given to him by Town Planner, Thaddeus Soule. Mr. Mulliken said he downloaded the plans as offered on the Agenda link.

Mr. Baker, of 34 Pearl St., said he was also currently on the phone with his sister from Virginia, who is a co-owner with the abutting property, thanked the HDC for its work on historic preservation, related concerns about the plans in reference to a submitted letter; said there are what look like liquid propane tanks, big oil tank, and an outdoor shower, at the rear shed which is located 6' from their set-back. TB said this is not a facet necessarily in the HDC's purview, but asked if AH could weigh in. AH said an oil tank line can be fairly lengthy and that the permit would be for the appliance they serve and, as such, there would not be a permit needed for the components at the shed as stated; added that oil tanks are not allowed to be underground whereas propane tanks are and that a permit would not be needed for an outdoor shower.

HS related that more detail was needed in terms of the proposed porch and better photos. Mr. Thompson questioned the need for close-ups where only the public view perspective is required by the application. Mr. Baker invited the HDC to come onto his property to get a better assessment; spoke of the historical past of the building having survived fine without the current plan as proposed. Mr. Thompson said the porch is not particularly visible and that Fishburn is a private way, replied to LD that the roof is asphalt shingling to match what is existing.

TB made a motion to continue the decision to the meeting of May 20, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

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

TB made a motion to approve the meeting minutes of February 1, 2017. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

TB made a motion to approve the meeting minutes of April 15, 2020. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

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

TB made a motion to approve the May 6, 2020 decision of **HDC 20-199; 19 Central St., 2 & 3** written and read into the record by HS. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB made a motion to approve the May 6, 2020 decision of **HDC 20-179; 3 Pilgrim's Landing, Lot #3**, written and read into the record by HS. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

### 3. Any Other Business (continued):

#### Temporary Doors at Local Businesses in Season

LD raised the issue of farm or Dutch doors as previously addressed at the beginning of the meeting. AH referenced a request from the public to construct a temporary door for businesses seeking to re-open in the present situation of social-distancing as the season comes upon us. MCM said she felt a sort of waiver for businesses which need to open up with temporary measures would be acceptable. CM said he agreed, but that a paper trail would be advisable. LD said she agreed with CM, suggested giving AH the authority to take responsibility for these temporary measures, to which AH said she would be fine with as protocol.

*TB made a motion to allow local businesses to construct temporary farm or Dutch doors for the sake of operations during the coronavirus pandemic; to address these and all other structural concerns directly to Building Commissioner, Anne Howard, who is empowered to approve or not such measures; and to place any requests that such changes be adapted on a permanent basis directly to the HDC without delay. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.*

TB recommended the matter be reviewed in terms of progress in two weeks' time.

HS said it's very important that Commissioners respond to the Town staff in a timely matter and vice-versa to make things more closely knit.

#### Bubula's

JD asked if the other Commissioners have seen the work at Bubala's currently per what was approved. AH said she would send a copy of the plans as approved by the HDC regarding the property.

TB made a motion to review Bubbala's current construction at 183-185 Commercial Street at the first meeting in June. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

#### Patio

JD asked per Patio and if the revolving tarp system at the roof is what was approved. AH said she would also send these plans to the Board for review. TB said it wouldn't be seen straight-on but would be from an angle. CM asked if there is a measure of oversight employed after approvals and the work is engaged at the property, to which AH said that while HDC documents are reviewed when a Certificate of Occupancy is sought, or PVC, wrongly installed windows, or other particulars are not readily addressed.

Per HS, the following decisions were filed with Town Clerk on April 22, 2020:

**HDC 20-196; HDC 20-198; HDC20-200; HDC 20-197; HDC 20-188; HDC 20-192; HDC 20-193; HDC 20-195.**

TB made a motion to adjourn the meeting at 6:15pm. HS seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

Respectfully Submitted,  
Jody O'Neil