

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown, MA
WEDNESDAY MAY 20, 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: **932 660 38**. 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.

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.

Excused Absence: Martin Risteen (MR), Alternate; Michela Carew-Murphy (MCM), 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 State government guidelines.

Work Session: VOTES MAY BE TAKEN

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

420 Commercial Street

TB noted the building is now a complete demolition, to which AH concurred. JD noted nothing of the original building was deemed historic. TB said he felt the front of the house is the historic component, but JD referenced past HDC approved elements such as windows and doors. TB said the fenestration on the front was to remain. LD said that if the applicant had originally requested a full demolition HDC might not be having this discussion.

TB made a motion to have the applicant at 420 Commercial St., Rear appear before the HDC. LD seconded the motion and it passed 5-0-0; TB, LD, HS, JD, CM.

155 Bradford Street

AH said 155 and 3 Baker Street have both made applications. 155 is under an Admin; 3 Baker as a Full; said she was told at 155 that the fence would be put back up; put stop work order into the landscaper, then owner made application and afterward stop work order was rescinded; added that new fence company, not the landscaper, had put up the new fence.

183-185 Commercial St./Bubala's by the Bay

TB noted the steel structure being erected is not what was approved, with currently applied materials rendering the addition so massive it looks like they're building a highway. HS agreed.

TB made a motion for 183-185 Commercial St. to appear before the HDC at a future meeting. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

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 June 3, 2020, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

Derik Burgess of Cape Associates spoke per 36 Commercial St. in stating that the work pertains to HDC approved revisions involving changing a slider to a swinging door and adding a window on the rear elevation; casement windows to be eliminated.

CM said he liked this revision and did not feel it warranted a Full Review. LD agreed that the modifications were minor.

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

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

i) 11 Johnson St. (continued from the meeting of May 6th) – To replace window sashes in kind.

CM recalled from the previous meeting that the windows were requested to be restored and that restoration company references were provided.

No one presented.

TB made a motion to continue the decision to the meeting of June 3, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

iii) 455 Commercial St. – To replace cedar fencing.

No one presented.

TB noted the work was all in kind. CM asked per AH's follow-up e-mail and noted narrow spacing in the picket design. HS agreed there is closer spacing than the original.

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

TB made a motion to approve with the condition that the pickets on the picket fence have the same shape and spacing as existing. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

iv) 6 Atlantic Ave. – To replace window sashes in kind.

No one presented.

AH said the photos displayed represent the worst of it, in terms of the posts at the location of the covered porch; said applicant is not sure what they will find with work done.

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

TB made a motion to approve with the condition that any wood replacements be replaced with wood. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

v) 143B Commercial St. – To replace a window.

No one presented.

TB noted minimal change, minimal visibility.

AH said changes were made to the dormer based on HDC conditioning which then led to the need for changes to the window per code for new construction and not having the needed height for the dormer. JD said he felt it minimally visible and being done for safety reasons.

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

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

vi) 50 Commercial St., #1 – To modify a previously approved Certificate to replace (5) front windows.

No one presented.

LD noted a very prominent location and windows highly visible, suggested a site visit. TB said it was important to be consistent with homes with original windows and front-facing sides to be retained and restored for historic consideration. CM added that the applicant is seeking to restore banister railing with Azec, to which TB said he felt the railing looked in great shape and questioned the need for restoration.

AH said it was anticipated that the HDC would want the applicant before the Board in Full Review and to that end the applicant is available for the June 3rd meeting.

TB made a motion to consider as Full Review to be heard at the meeting of June 3, 2020. 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: Discussion of previous approval to demolish a structure located at 30 Shank Painter Road.

AH suggested the new developers at 30 Shank Painter appear before the HDC as it has been a good while since Attorney Chris Snow appeared before the Board for a courtesy approval. AH remarked that they are still going ahead with the demolition.

TB made a motion to request the applicant for demolition at 30 Shank Painter appear before the HDC today or at a future meeting. 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.

Fences by Approval

LD asked if owners or applicants of new or replacement fences could be contacted directly when fences are put up that go against HDC approvals, and which result in an expense that is then passed onto new owners. CM remarked that the fence companies are familiar enough with the HDC fence bylaws to be informative with their clients. TB agreed and added that it does seem to happen often enough but that the HDC should not get into liability issues; suggested giving the topic further review.

552 Commercial Street

TB asked if the Board had seen the solid fence replacement for pickets. AH said she left word with the owner that his application had been denied by the HDC and has not heard back; owner replaced the fence with a horizontal board, said she would go by the property to take photos.

Town Hall

TB remarked on the near-completion of the exterior painting of Town Hall, which while looking great, is sad, he said, due to its abandonment from the coronavirus pandemic; said he would make a request that the building be somehow brightened up for the benefit of the public.

5. Public Hearing: VOTES MAY BE TAKEN

TB opened the Public Hearing at 4:25pm.

a) **HDC 20-171** (continued from the meeting of May 6th)

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

AH said she spoke with Ocazo Construction on Monday and that they are contacting the company they have contracted with to come down and take measurements; reported no time constraints for any outstanding cases per the Governor's Executive Order in lieu of the pandemic, and that a 45-day time constraint thereafter is in effect once the Order is repealed.

TB made a motion to continue the decision to the meeting of June 3, 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 May 6th)

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.

TB made a motion to continue the decision to the meeting of June 3, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

c) **HDC 20-201** (continued from the meeting of May 6th)

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 presented from new drawings; noted the shed was constructed in 2016 and the porch in 2006, and as such were not historic structures; referenced porch on cottage.

AH read a letter into the record in opposition by abutter Andus Baker, referenced an earlier 2014 letter by Mr. Baker, also in opposition. AH re-stated that there are no set-back requirements for propane tanks and tank placement is only of concern if near an operable window of a filling port of a propane tank.

Mr. Thompson said they take pride in their house which is a big property originally built for a cobbler with (10) children and the plan is not for an expansion to an apartment complex; noted Mr. Baker rents out his house, lives in Cambridge, and they very rarely see him in Town.

CM said he couldn't find anything in research pertaining to breezeways on a shed, suggested a cupola with a weathervane, which drew objection.

Mr. Baker spoke against Mr. Thompson's depiction of him and his sister as living out of Town; gave a bit of family background growing up in Town, to which TB said residency is not in the HDC's purview. Mr. Baker objected to the proposed mass, to which Mr. Thompson said regarding the breeze-way, the feature still provides a good deal of openness.

LD said she felt that with minimal visibility per the porch and its design that the proposal was in keeping with HDC policy, but did not agree with the breezeway. HS and JD agreed with LD. Mr. Thompson then said he would withdraw his application for the breezeway.

TB made a motion to approve the farmer's porch and accept without prejudice the withdrawal of the connecting breezeway as proposed in the April 21, 2020 design plans. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

d) **HDC 20-202** (continued from the meeting of May 6th)

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**.

AH noted a request to withdraw the application on file, per a letter dated May 15, 2020, and said applicant will be re-submitting a new application in the near future.

TB made a motion to approve without prejudice withdrawal of the application. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

e) **HDC 20-211**

Application by **Hal Winard** on behalf of **Paul Smith and James Baleja**, requesting to replace front and back decking and treads and risers, rebuild balustered rail sections in kind and change a south-facing balustered rail to cable at the property located at **423 Commercial Street**.

LD recused herself.

TB noted the application doesn't show what is proposed, only what is existing.

TB made a motion to continue the decision to the meeting of June 3, 2020 with more information, including new drawings and elevations regarding wood railing design. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, CM.

Attorney Chris Snow did not appear for the meeting by remote regarding 30 Shank Painter Rd.

AH confirmed that the demolition of the VFW would be on the Agenda for June 3, 2020.

6. Review and approval of Minutes.

TB made a motion to approve the meeting minutes of May 6, 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 20, 2020 decision of **HDC 20-201, 3 Fishburn Court**. 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 20, 2020 application withdrawal of **HDC 20-202, 347 Commercial St.** 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):

Per HS, the following decisions were filed with the Town Clerk on May 11, 2020:

HDC 20-179, 3 Pilgrim's Landing; HDC 20-199, 19 Central St., U2 & U3.

TS announced that there will be information forthcoming regarding Governor Baker's 3-Phase program to re-open the State for business.

TB made a motion to adjourn the meeting at 4:51pm. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

Respectfully Submitted,
Jody O'Neil