

Minutes June 3, 2020

The Provincetown Historic District Commission Work Session of Wednesday, June 3, 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 livestream 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: **397 777 985#**. Please do not speak until the chair or the meeting moderator asks for public comments or questions. 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 (HS), Clerk, 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 3:38pm 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 guidelines.

Work Session: VOTES MAY BE TAKEN

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

AH said there is nothing to report as staff has been working with minute-by-minute changes to get the Town re-opened.

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 17, 2020 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion to consider cases (i) through vii) as Administrative Review. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

- i) [11 Johnson St.](#) (continued from the meeting of May 20th) – To replace window sashes in kind.
AH said the owner has reached out to restoration companies as referenced by the Board at the last meeting and has requested to withdraw without prejudice.
TB made a motion to withdraw without prejudice. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- ii) [72-74 Bradford St.](#) – To remove current fence and replace with cedar picket fence.
HS said she spoke with the gentleman at the location and got the word that it would be replaced exactly as is. CM asked if this owner was making application for the entire property. TB said the HDC can assume representation is in place for the whole lot.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- iii) [381 Commercial St.](#) – To remove and replace a window in kind.
HS said she'd like to know per the other window replacements as Azec is requested.
Laurie Ferrari presented, said window would be replaced exactly as is; windows replaced in 2007 with Azec trim, leaking evident.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- iv) [135 Bradford St.](#) – To remove and replace a door in kind.
Laurie Ferrari presented; said the door faces the Bay, replacing as is with composite, but not the storm door; Therma-Tru, existing.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

- v) [441 Commercial St., #1](#) – To remove and replace a window.
Laurie Ferrari presented; said the window would be a vinyl clad Harvey instead of Anderson, which is at least 25 years old.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- vi) [14 Howland St.](#) – To rebuild a chimney.
No one presented. AH said the entire chimney has come down, hasn't yet spoken to the contact for the work being done.
TB made a motion to approve with the condition that the color and size of the mortar and color of brick be replicated. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- vii) [493 Commercial St.](#) – To replace windows in kind and to re-shingle.
HS said it appeared to be just one window on the application. AH said there are three casements in that assembly with one broken sash, all are probably 1993 windows, suggested replacing the sash not worth it. CM noted the Anderson invoice states two sets.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- viii) [577 Commercial St.](#) – To add an overhang on the third floor.
Laurie Ferrari and Regina Binder presented. Ms. Binder cited water damage at the non-contributing structure, explained the proposal through photographs, referred to property as Garbage Gables; overhang with minimal visibility.
TB made a motion to reconsider as Administrative Review. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- ix) [155 Bradford St.](#) – To replace fence in back of house and install new front yard picket fence.
TB remarked that even as the fence is already up it needs to be reviewed in full in case modifications are required.
Scott Stevens on phone, no presentation.
TB made a motion to consider as Full Review. HS seconded the motion and it passed, 4-0-1: TB, HS, CM, MCM, in favor; JD, abstained.
- x) [3 Baker Ave.](#) – To replace a fence.
AH said the fence has gone to a wood picket, former chain link still visible, sits on a pre-existing retaining wall; height the same. TB said abutters would need to be notified, to which MCM agreed. AH said the material is typical white cedar planking, 1x4, cap rail.
TB made a motion to consider as Full Review. HS seconded the motion and it passed, 5-0-0: TB, HS, JD, CM, MCM.

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

- 183-185 Commercial Street; Bubala's

Guillermo Yingling presented. TB stated that what is being built is not what was approved. Mr. Yingling said it is being built as per approval with steel beams. HS said it looks too looming for what was approved. MCM said she reviewed the minutes and decision and renderings and does feel it is in compliance. CM agreed with TB and said more drawings were requested. TB added that the photo that was presented was for the type of materials that were to be employed, but not for the replication of the addition. MCM said there were no conditions listed on the decision sheet, to which TB said the HDC cannot condition design elements that it didn't know would appear. JD agreed it is not what was assumed would be built but noted that the owners were making modifications for a more agreeable look. HS said she felt this is a lesson learned not to take a drawing in lieu of design plans. CM repeated what he said was the previous need for plans. MCM suggested that as the case had been continued through multiple meetings this may have added to the problems being discussed. TB advised taking up the matter as it relates to HDC policy at a future meeting.

No decision was taken.

LD arrived to the meeting at 4:25pm.

- 420 Commercial Street

Kevin Bazarian presented; said replacement is as what was discussed and approved at the rear building renovation, front story gable saved and back wall both adjusted to allow a build of the foundation; tried to incorporate as much original lumber as possible, to which TB said was only 6 or 7 planks at the top; asked why Mr. Bazarian did not return to the HDC to report that a demolition was determined as a new need. JD said he felt there was no reason at all to retain existing materials on a mid-20th century ranch house, to which TB suggested the Secretary of the Interior would disagree. LD agreed with JD, but suggested Mr. Bazarian could have checked back with the HDC once it is determined that damage or other factors prohibit retaining original materials as requested. Mr. Bazarian agreed with LD's recommendation. TB concluded that no action would be taken and thanked Mr. Bazarian for his attendance.

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

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

TB noted that there are no new plans for the following three applications as continued from the meeting of May 20th, to which AH said was in response to work not being done due to the coronavirus with prevailing restrictions and no time-waiver requirements.

- a) HDC 20-171 (continued from the meeting of May 20th)
Application by **Ocazo Construction, Inc.** requesting to replace a front door on the structure located at **606 Commercial Street, #1.**

TB made a motion to continue to the meeting of June 17, 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 20th)

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**.

TB made a motion to continue to the meeting of June 17, 2020. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

c) [HDC 20-211](#) (continued from the meeting of May 20th)

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**.

Hal Winard presented; risers sought for all existing sets of stairs; existing decking pretty well shot, increasing width between balusters; cable railing to 2nd floor deck facing the Bay.

CM said he felt the cable rail is not an historic signifier, to which TB noted cable rails have been approved on the water side. MCM said she thought wood railing was to be used all around. HS said new designs were requested for the wood balusters and that the HDC had expressed its disinclination toward cable railing. Mr. Winard said the neighbors had cable.

LD rescued herself.

TB made a motion to approve as presented. HS seconded the motion and it passed, 2-2-1: TB, HS, in favor; CM, MCM, opposed; JD, abstained.

JD said he needed more time to review the property for its historical elements.

Discussion ensued on cable railing permissibility. JD looked up cable on neighboring properties, said he felt that cable would be fair to permit in this case.

TB made a motion to reconsider the previous motion. HS seconded the motion and it passed, 3-2-0: TB, HS, JD, in favor; CM, MCM, opposed.

d) [HDC 20-217](#)

Application by **50 Commercial Street, LLC**, requesting to modify HDC Decision AR-20-142 by replacing the five windows on the face of the front of the building with the same type of windows and replace front porch railings and post to match the Azek materials used and existing on the side porch located at **50 Commercial Street, #1**.

Christopher Snow, Attorney, presented; referenced submitted photographs to substantiate the claim of compatible window replacements as proposed in keeping with those existing; described new Azek post and railing components.

No public comments or letters.

HS referenced the Jan. 15th application at the property and the conditions voted upon, including repair of front and side windows, railing was not addressed at that time. LD said in some cases solid wood replacements have been approved, and the question was raised to repair vs. replace. Mr. Snow said that wood for wood replacements have had a precedent in past HDC approvals, to which LD said the issue is the type of window and noted that wavy glass windows have been disappearing in Town.

JD raised the larger issue of the HDC's purview in prohibiting antique windows from being replaced in accordance with the current bylaws. CM referenced another case where the

applicant contacted a renovation company as recommended and is now restoring, noted this structure as being highly visible and his preference for wood. MCM agreed on wood. HS said the front of an historic home should be maintained as pristine as possible in her vote for wood with front windows repaired. LD agreed with HS. CM said he'd prefer a site visit. JD agreed that a closer look would be helpful and CM asked that the windows be marked.

TB made a motion to continue the decision to the meeting of June 17, 2020. LD seconded the motion and it passed, 5-0-0; TB LD, HS, JD, CM.

e) **HDC 20-218**

Application by **Town of Provincetown**, requesting to demolish the former VFW building as voted at the 2019 Annual Town Meeting with an appropriation of funds under Article 13 Capital Improvement Program by majority vote to facilitate the demolition of buildings and grounds located at **3 Jerome Smith Road**.

Richard Waldo, DPW Director, presented; said the structure was built in the 1950s and sold to the Town in 2013 with many re-build discussions to follow; voters approved demolition at Town Meeting in 2019 through Capital Funds; demolition proposed for September/October after some hazardous clean-out in July or August, to be rendered as a re-surfaced, re-stripped parking lot before any Town decisions for usage can be approved.

No public comments or letters.

MCM said she'd knock it down herself if she could as it's been going on so long. CM said he was fine with it, as did HS who mentioned the property as a formally wonderful place. LD said she didn't see any architectural value to the building or reason to delay. JD seconded all the previous comments. TB pointed out that the building is historic.

TB made a motion to approve as presented. 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:

AH reported roof replacement approvals for 124 Commercial St.; 555C Commercial and 5 Cottage St. Active leak reported at 468 Commercial St. through the clapboard; owner proposing to take existing trim board down to determine cause of leak, then replace existing trim.

6. Review and approval of Minutes: June 1, July 20, August 3, September 21, and October 5, 2016, and May 20, 2020.

TB made a motion to approve the October 5, 2016 meeting minutes. 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 meeting minutes. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

7. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB made a motion to approve the May 20, 2020 decision of **HDC 20-211 423 Commercial Street** as written and read into the record by HS. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TS thanked the HDC for being the first commission to allow restaurant take-out permitted in Town in compliance with the Governor's orders regarding new protocols during the coronavirus pandemic. Mutual and assorted gratitude was expressed by the Board for the staff and recording secretary.

JD said he'd like a discussion on what is or not allowed the water, in terms of today's vote at 423 Commercial: cable vs. rail; where and when and how. HS agreed on more consistency. TB said he felt there is consistency, but that it would be a good idea to continue discussion at a future meeting. MCM said she felt the consistency being used by the HDC is such that it goes against the stated bylaws and voiced her discomfort with today's vote of approval at 423 Commercial St. TB noted that cable railing and picture windows need consistency.

TB made a motion to adjourn the meeting at 5:26pm. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

Respectfully Submitted,
Jody O'Neil