

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA
WEDNESDAY FEBRUARY 1, 2017

Members Present: Thomas Biggert (TB), Chairman; Marcene Marcoux (MM), Vice Chair; Lisa Pacheco-Robb (LPR); Martin Risteen (MR); Hersh Schwartz (HS), Alternate.

Absent: Laurie Delmolino (LD).

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

TB announced that Recording Secretary, Kathy Barrett, is absent and therefore made a motion that minutes be written remotely. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

1. Work Session

a) Update on potential violations reported to the Building Commissioner

147 Commercial St.

Windows currently in place are not the ones that will be remaining.

536A Commercial St.

Windows will be addressed on the next Agenda.

539 Commercial St.

Activity is reported to be under the center of the building so no architectural features are being affected.

336 Commercial St.

Building referenced as one which houses the rib place and B. Exclusives; bridge came down and repair work beginning involving a lot of propping up to get at the second landing so the engineer can get good plans generated; bridge not going back up.

7 Masonic Place

Not using captured balusters, but using existing rails.

403 Commercial St.

Shingles coming off; HDC requesting owners come in for a Full Review.

405 Commercial St.

Rear deck. HDC and Conservation applications are needed, as well as building permitting; project on hold awaiting an engineer's review.

401 ½ Commercial St.

A tear-down and re-build that AH said has been before the HDC previously but will check into per two-stories and a deck, as approved or not.

101 Commercial St.

MM noted granite issues. AH said they've required about a Certificate of Occupancy but have to work on heir compliance with Zoning.

99 Commercial St.

MM mentioned gate and fence that had gone up and come down, but now there is a bigger fence, higher gate and railing that has been installed which has not gone through HDC approval. TB added that the gate seems to be right against another gate.

b) Update on Joint Meeting with BOS by-law revisions by Thom Biggert:

Proposed amendments to the General Bylaws, Chapter 15, Local Historic District, regarding Historic District Commission procedures or the review of applications, including determinations and administrative review, siding and exemption from review for solar panels.

TB said it was not a joint-meeting and had no quorum; was attended by AH, Town Planner Gloria McPherson and himself; said he answered some questions and Bylaw changes were proposed. MM recommended a meeting outside of the HDC hearing agenda to discuss the matter and notify the public.

TB made a motion to table discussion of BOS by-law revision joint-meeting until the next scheduled HDC business meeting. MM seconded the motion and it passed 5-0-0; TB, MM, LPR, MR, HS.

c) Mid-Fiscal year update on HDC budget.

TB mentioned expenditures on a recording secretary as the only current, recurring expense. MM said she was glad to see it online.

d) 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 February 15th agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

i. 192-194 Commercial St. (continued from the meeting of January 18, 2017) – To install (3) steel doors in previously approved openings.

AH said time-waiver was signed for all time constraints. TB said the applicant needed to make an appearance per the fire resistance system. MM added windows, as well. AH said she believed the windows were on order, has not seen engineer's report, noted it has not been an easy project
[No vote taken.]

ii. 10-12 W. Vine St. – To replace a rotted fence.

An unidentified man presented design plans, said the fence is a 5' solid bottom with a lattice to 6' located in the rear.

TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

MM gave the man presenting a copy of the HDC fence bylaws.

- iii. 205 Bradford St. – To replace windows.
TB noted Anderson 400 series with 6/6 lites, factory-installed.
TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
- iv. 21 Commercial St. – To re-shingle the east elevation of a structure.
TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
MM noted a distinctive historic feature which would need to be retained.
TB made a motion to accept as presented with the historic detail retained. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
- v. 441 Commercial St. – To replace (2) casement windows in kind.
TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
- vi. 11 Bradford St. – To replace (7) windows with a different light pattern.
TB noted they were replacing these additional windows to match ones that were already approved by the HDC.
TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.
- vii. 96-98 Commercial St. – To replace an existing window in kind.
MM remarked on singular window as written in application request. TB noted the lite pattern would not be changed.
TB made a motion to accept as Administrative Review. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.
TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

Elana Quirk, Town Consul, arrived to the meeting at 3:55pm.

- viii. 15 Court St., #5 – To replace (3) windows.
TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
MM suggested better photos would be helpful. TB said he felt there wasn't enough information to make a determination. LPR said she thought the whole house was being proposed as 1/1.
TB made a motion to continue the decision to the hearing of February 15, 2017. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.
- ix. 18 Franklin St., #2 – To remove and replace a chimney.
MM made a motion to consider for Full Review. TB seconded the motion and it passed, 5-0-0; MM, TB, LPR, MR, HS.
- x. 174 Bradford St. – To replace (12) windows in kind.

TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS

B noted in kind; remarked they had done a good job with the plan.

TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

- xi. 262 Bradford St. – To replace a slider and casement windows with double-hung windows.

Karen Jasper and Janet Beattie presented; said they weren't replacing the slider because it doesn't exist, that the plan was to replace (2) casement windows with double-hung and (3) casement sliders with (3) double-hungs over the deck, not visible anywhere. LPR noted it was not an in-kind change, but MR said they were clarifying.

Ms. Jasper said they weren't thrilled with the slider as it is not cozy for their kitchen and that the only change is double-hung for casement. MM said it signifies a modification of a previously approved design.

TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

- xii. 188 Commercial St. – To replace siding and trim. .

Guy Yingling presented. MM noted a potential violation as contractor had not kept within the expected guidelines, to which Mr. Yingling concurred and said he spoke with the contractor about the work which has been done.

Mr. Yingling said they now propose to replace with cedar shingles. MM asked how much Azec. Mr. Yingling stated Azec as preferred but they would do in cedar if necessary. AH related that the applicant had requested Azec and Hardie Plank, as well, and that she had informed them this would prompt a Full Review.

TB made a motion to approve with the conditions that the trim be wood and the shingles be cedar. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS. [Note: No vote taken on Administrative Review.]

- xiii. 167 Commercial St. – To remove and replace siding and roofing shingles.

TB made a motion to accept as Administrative Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

Kay MacFadden presented, said it's the Banner building; noted substantial water damage on the interior, may not have to do the entire tower but maintenance is required; trim to be all wood.

TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

- xiv. 540-544 Commercial St. – To replace (17) windows and doors.

AH said there are no wooden doors, work to be done on the land-side building.

TB made a motion to accept as Administrative Review. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

xv. 39 Pearl St. – To replace an exterior door and a four-light window with a sliding door.

TB made a motion to consider as Full Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, MR, HS.

xvi. 137 Commercial St. – To raise a building, upgrade stairs and re-locate to the north elevation, to relocate an existing entry door on the north elevation to the east elevation, to remove glass block and basement cellar sash windows and replace with new windows on the east elevation, to add and replace windows on the west elevation, to re-configure windows and doors on the south elevation, to remove two skylights and a rear hip roof, to add shed and gable dormers on the east and west elevations and to remove a chimney.

TB made a motion to consider as Full Review. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

e) **Review and approval of Minutes**

AH announced that there are no meeting minutes to approve at this time.

MM welcomed new member, Hersh Schwartz, to the HDC in an Alternate position and Ms. Quirk for her guidance in difficult or complicated cases.

2. **Public Hearings:**

a) **Case #FY17-080**

Application by **Russ Crosby** on behalf of **Charles Westcott**, requesting to remove and replace a shrub wall with a cedar wood fence on the property located at **6-8 W. Vine Street**.

Russ Crosby presented; said No. 10-12 is the abutting property. MM mentioned that additional photos were requested which AH said were on file. TB said the issue is with the privacy fence in the rear, questioned dimensions.

At MR's request, TB read Bylaw on historical fences into the record and MM read the general fence policy into the record. LPR said the HDC must be consistent with the guidelines and noted that the Board had approved basically the exact same fence design at a neighboring property recently.

TB suggested a compromise, but LPR again made the claim that the owner should be allowed to construct the fence as proposed based on the Bylaw. AH read wherein privacy fence approval designated the rear only. TB polled the Board and all were in agreement per approval.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

b) **Case #FY17-134**

Application by **Josh Piper**, on behalf of **Harry Hauswirth**, requesting to replace (2) windows in kind and add (1) new window to the structure on the property located at **553 Commercial St., Unit A**.

AH said she wasn't sure why or how this case had migrated to today's hearing as the HDC had voted to approve previously.

c) **Case #17-151**

Application by **Loic Rossignon**, on behalf of **Topknot Properties, LLC** requesting to add (2) new doors and relocate (1) window on the west elevation of the structure on the property located at **225 Commercial Street** .

Loic Rossignon and his partner presented; passed around plans of the property referenced as the Canteen restaurant.

Partner said they have been working with Ginny Binder on the design and read a prepared statement of their intentions, invoking bylaws and renovation to accommodate ADA concerns; distributed specs of the doors, which Mr. Rossignon said were fiberglass, French doors on second floor façade, alley way doors modeled after existing door, plan to designate windows to match.

No public comments or letters.

MM said she was pleased with the new drawings and more complete application.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

TB expressed his gratitude to the business, on behalf of the Town, for staying open year every day and in the winter.

d) HDC 17-108 (continued from the meeting of January 18th)

Application by **Don DiRocco, Hammer Architects**, on behalf of **Jay Anderson**, requesting to renovate an existing structure, including the removal of all existing windows, shingled siding, a second floor deck and an exterior stairway, to replace an existing concrete block foundation with a poured concrete foundation with a brick façade, to construct a 14',10" x 11' addition on the north elevation, to add a PV solar panel array on the southwest roof elevation, and to re-locate the structure approximately 18' to the north and elevate it 18' pursuant to FEMA regulations at the property located at **51 Commercial Street, Rear**.

TB noted that Mr. DiRocco was not in attendance. AH said she had no information on his absence.

TB made a motion to continue to the meeting of February 15, 2017. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

e) HDC 17-128 (continued from the meeting of January 18th)

Application by **Joseph T. Realmuto**, requesting to demolish and rebuild a new elevated structure pursuant to FEMA regulations, including the addition of solar panels on the south, east and west roof elevation of the new structure located at **579 Commercial Street** .

TB recused himself.

Joseph Realmuto and Paul Karnberg (sp) presented; said some window placements have been revised but walls have stayed the same.

Mr. Realmuto said they altered the plans for a more uniformed design at the owner's request; window size is 28. MM noted that the new plans also represent a change following a demolition denial; asked how old material is being addressed. Mr. Realmuto said the old walls will remain and reinforced with new sections, not taking out any studs; shingles to be replaced the same, said they are a foot below the maximum allowed and are in full compliance.

MR said the existing windows are a historic facet of the building and questioned the character being altered negatively. Mr. Karnberg said they would make adjustments as requested. LPR said she is fine with the windows either way, but felt the proportions appear a bit squat from what is traditionally seen in Town. Mr. Realmuto said the lowest structural member is currently at 14'6" and

will go up 2 ½' from where it is now; added that the solar panels have been eliminated from the design.

MM said she would like a guarantee that the 2 ½' does not go higher. Mr. Realmuto said they are not interested in elevating the house any higher than they have to due to the expense. MR spoke of the need to keep the fabric of the house the same and said he would speak with TB per the window sizes as recommended previously to the applicant in that this is incorrect information.

Mr. Karnberg said they would prefer to keep the historic windows on the water side of the house but that the windows on the front part of the house are not historic and were added over the past five years.

Ms. Quirk advised that the specific plans to be approved be indicated.

MM made a motion to approve based on the plans of January 29, 2017. LPR seconded the motion and it passed, 3-0-0; MM, LPR, MR.

f) **HDC 17-117** *(continued from the meeting of January 18th)*

Application by **Hal Z. Katzen** requesting to replace a hedge and painted wood fence with a cedar privacy fence at the property located at **307 Bradford Street**.

Hal Winnard presented; said he s not the contractor, just eyes and ears, plans submitted were drawn by Tom Thompson; directed the HDC to the north elevation where the section has been lowered by 5', other section that was 7', chopped down to 4'.

No public comments or letters.

TB sought clarification on proposed dimensions. MM noted the location as a corner and that a 4' picket is traditional per visibility according to guidelines.

MM read the fence bylaw into the record regarding corner lots and visibility from a public way. Mr. Winnard asked if the solid section, north-facing as exists can be maintained at its height.

TB made a motion to accept with the condition that the fence be a 4' picket except for the higher section as exists which can remain as is. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

Mr. Winnard said new plans would be submitted to confirm the approval.

g) **HDC 17-124** *(postponed to the meeting of March 1st)*

Application by **Todd Westrick** behalf of **John C. Roettger**, requesting to modify and add to an existing picket fence and replace two side elevation portions of it with a solid board privacy fence at the property located at **82 Commercial Street**

TB made a motion to continue to the meeting of March 1, 2017. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

h) **HDC 17-130** *(continued from the meeting of January 18th)*

Application by **TMC New England, LLC, c/o T.M. Crowley & Associates, Inc.**, on behalf of **Riley Brothers Realty, LLC**, requesting to upgrade and convert an existing building façade from a souvenir shop to a CVS Pharmacy, including replacing existing garage doors with storefront windows, replacing existing storefront windows, installing new sliding entry doors and replacing existing cedar shake shingle and asphalt roofing shingles at the property located at **132 Bradford Street**.

An unidentified design rep and Mr. Veira, lawyer for the applicant, presented.

TB announced that, per his previous, personal remarks on preferred usage of the building at the last HDC meeting, the Commission has no purview over use, per Section 15-8-2 and that he is able the proceed with the application minus

bias. MM said that the HDC previous statement referred to a need for the applicant to appear before Zoning and Planning, that the public has been eager to speak out on behalf of the proposal, questioned the formula being quoted by the applicant at this time, alluded to what she said was the elephant in the room.

Mr. Veira said the public will have an opportunity to speak at the applicable board meetings and took umbrage at the allegations proposed by MM.

Alterations were highlighted, including an alternate to the garage doors.

Mary-Jo Avellar spoke from the public, asked why the applicant is going to the trouble and expense without a guarantee that a CVS Pharmacy will be permitted due to the bylaw, added that Town does not want formula businesses and that the look as proposed is not an appropriate Provincetown look.

Ms. Quirk responded by stating that the decision to present is up to the applicant regardless of prospective costs associated with the process prior to it being voted up or down by a given Board.

AH noted that one letter had been submitted at the last meeting.

TB guided the HDC through the elevations, starting with Bradford St. and commented on by a design rep for the applicant, who said the glass windows are being changed out storefront by storefront with metal frames. MM spoke of retaining and restoring the windows and doors as the building, and the site, are both highly historic. LPR said the same pane would be used, just made double.

MM read from historical background on the building originating as part of the local railroad facility, starting in 1873. Design rep remarked that if retained specifically as is in terms of the windows, they would not be environmentally or cost efficient and Mr. Veira added it would look the same.

MR said he preferred to see another kind of electric or sliding door that might be in keeping with the building's historic integrity. Two options for the (3) garage doors were discussed with MR and LPR preferring the industrial look be kept. Panels then discussed on east, or back, elevation and north or parking-lot side. MM repeated her need for the panes to be retained.

TB informed the applicant that the plans look to be approved, but that new drawings are needed before a formal vote can be made. MR stated that he is not comfortable with a fake door, wishes the character of the building be kept.

Mr. Veira outlined the changes as follows: east elevation featuring a double swinging door or power door in replace of the gliding door; south elevation to feature option #2 for 4-panel windows on all (3) garage doors; clear glass on parking-lot side; back or west elevation, punch-out hole to be maintained; replicate top windows to be consistent with windows on the back side; may eliminate rain hood or run it entirely across the back.

An egress door was mentioned as needed on north elevation, per Code. It was determined that (5) new quarter-inch scale design plans would be submitted next week and MM said the time-waiver would expire on February 16th. March 2nd was proposed as a new time-line waiver, signed by Mr. Veira.

TB made a motion to accept the time-waiver to March 2, 2017. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

TB made a motion to postpone the decision to the meeting of February 15, 2017 with new plans. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

i) **HDC 17-137**

Application by **KA Bazarian Construction**, on behalf of **Jennifer Realty Trust**, requesting to construct two 18' dormers, one on the east elevation and one on

the west elevation, construct a 10' farmer's porch and raise a center ridge approximately 3' on the north elevation, extend a 14' ridge over a flat roof on the east elevation and to replace windows, doors, and siding on the structure located at **12 Cudworth Street**.

Kevin Bazarian presented; started deliberations with north-side elevation stating a desire to leave the house and gable exactly as is, but raise the ridge on the center-line to allow for proper headroom; farmer's porch to be centered; said project is scaled down from previous iteration; pointed out limited visibility from Prince St.; said previous owner had a much larger design but they scaled it down to preserve the Greek Revival style; east side work to tie both ends of the house together; west side only to be altered for improved height size with a new dormer; white cedar siding, trim – wood, no Azec, windows true-divided light, 2/1.

LPR questioned the ridge alignment, said it made the massing look smaller.

No public comments or letters.

TB commended Mr. Bazarian's work and said he found the plans cohesive, as did LPR and MR.

TB made a motion to accept as presented with the condition that the door on the left side of the east side elevation remain. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

j) HDC 17-138

Application by **KA Bazarian Construction**, on behalf of **Rob Santos**, requesting to remove and replace all windows, add two windows on the east elevation and remove and replace all siding on the structure located at **14 Standish Street**.

Kevin Bazarian presented; said windows would be used, simulated true-divided light, 2/2; natural white cedar; only change is the addition of two double-hung windows centered on the blank wall on the front elevation.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

Mr. Bazarian did a quick drawing which was photocopied and distributed.

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

TB made a motion to accept (6) written decision as completed by TB from Dec. 7, 2016. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, MR, HS.

MM to write decisions from today as follows: **FY# 17-080**, **6-8 W. Vine St.**; **FY#17-117**; **307 Bradford St.**; **FY#17-138**; **14 Standish St.**

LPR to write decisions from today as follows: **FY#17-151**, **225 Commercial St.**; **FY#17-128**; **579 Commercial St.**

MR said he has the decision written for **192-194 Commercial St.**, just awaiting specs.

HDC agreed to hold a business meeting on February 22nd at 3:30pm.

TB made a motion to adjourn the meeting at 6:58pm. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, MR, HS.

Respectfully Submitted,
Jody O'Neil