

Minutes

The Provincetown Historic District Commission Work Session of 3:30pm and Public Hearing of 4:00pm on **Wednesday, July 15, 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: **354 583 097 #**. 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.; Hersh Schwartz (HS), Clerk, Chamber of Commerce Rep.; John Dowd (JD), PGB Rep.; Michela Carew Murphy (MCM), Alternate.

Excused Absence: Laurie Delmolino (LD), Vice-Chair, Historical Commission Rep.; Christopher Mathieson (CM), PAAM Rep.

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

TS gave opening remarks at 3:32pm and called for TB to give quorum by roll call.

TB issued roll-call and called the meeting to order, then gave the meeting over to TS who read the rules governing Public Meeting protocols under current State guidelines regarding the pandemic.

Work Session: VOTES MAY BE TAKEN

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

AH reported an administrative review for a red cedar roof at 659 or 649 Commercial St.; addressed discussion of the rear of the property across the street from the Heaton-Vorse house, 466 Commercial St.

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 August 5, 2020 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i) 288B Commercial St. (continued from the meeting of July 1st) – To re-side, trim 6 windows and 2 doors, replace 2 windows, and replace deck boards.

TB noted the application is under Full Review. AH remarked that the HDC was to conduct a site visit to determine the status of the application. JD said he went by and it was almost impossible to see from Commercial St.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

TB made a motion to approve as presented with the condition that the trim be wood. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

- ii) 58 Commercial St. – To replace trim and shutters in kind.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

AH related that the front door and a bit on the right side door had been replaced and that on the east side of the building a 5x6 foot square of siding had also been replaced; an unsuccessful repair was done five years; door is not being replaced; Azec replaced the concrete sections.

TB made a motion to approve as presented. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

- iii) 584 Commercial St. – To replace front steps in kind.

John Lee and Gail Strickland, owner, presented; said the plan is to remove the old stairway and small deck and replace with a straight landing and stairway, same size as the landing leading down to the brick walkway; expecting to employ a 36" rail to match width of pre-existing, cemented-in walkway

JD said it sounded great and more historic. Mr. Lee asked on behalf of Ms. Strickland if the first step at the very bottom could be brick to match the old walkway. HS said she wasn't sure about this aspect. Ms. Strickland made a plea for the detail. JD, HS and MCM all voiced their preference for either all wood or all brick.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

TB made a motion to approve as presented with the condition that the applicant applies all wood or all brick to the stairs, with the preference for all wood. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

- v) 4 Anthony St., UA – To replace 6 windows in kind.

Eric Woods presented; said customer would prefer to do a 2/1-wide, zero pattern for uniform purposes in matching the neighbor's windows; Renewal by Anderson.

TB noted the ell as added later; original house built in 1808 with 9/9s. JD spoke of a preference for 6/6 as acceptable to which HS agreed. MCM said she preferred a plan in keeping with the original 9/9. JD said that just because 9/9s were added in the 1970s doesn't make the application historically correct and his preference is for 6/6.

TB made a motion to approve as presented with the condition that the windows be 6/6 or 9/9 and any replaced trim be all wood. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

Christine Cotugno of 284B Commercial St., Unit 2 spoke out in disappointment about the previous voted on case and having missed the presentation, thinking the start was 4pm.

vi) 76 Commercial St., U1 – To replace windows.

Deborah Paine presented; said the correct unit is #1, not #3, front building facing Commercial; current windows are 2/2, 6/6s were replaced about six years ago but new owner prefers a return to 6/6; restoration wavy glass, true-divided lite, custom-made, to be used in the rehab., noted 6/6 elsewhere on the property, archives prove originals as 6/6.

JD said he felt it was a great gesture for the building, a win-win. HS and MCM agreed.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

TB made a motion to approve as presented. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

TB made a motion to consider the following for Full Review:

vi) 7 Cudworth St. – To install a shed.

vii) 240 Commercial St. – To install a fence.

viii) 115 Bradford St. – To install a fence.

ix) 145-147 Commercial St. – To add cable railings in between an existing wood cable system.

HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

3. Any other business that shall properly come before the Commission: Discuss holding a meeting on August 19, 2020.

TB made a motion to hold a meeting on August 19, 2020 on what would be the annual Carnival Parade. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

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

KiKi Herald asked if there are to be new plans for public view regarding 3 Soper Street. AH said she believed there were, but Ms. Herald said the neighbors have not been able to see them. Ted Smith spoke; said drawings were sent one week ago to Town staff. HS said the Board had not received them as yet. TB said the drawings should be sent to Ellen Battaglini, Permit Coordinator. TS informed Mr. Smith that his plans were posted online so that he is all set for the upcoming Zoning Board meeting, but TB said the HDC hearing on the case would have to wait three weeks to the next meeting.

TB opened the Public Hearing at 4:15pm.

1. Public Hearings: VOTES MAY BE TAKEN

TB made a motion to take **HDC 20-253** out of order. JD seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

i) **HDC 20-253**

Application by **Kevin Bazarian**, on behalf of **116 Condominium Trust**, requesting to remove and rebuild a deck, adding a screened privacy wall and pergola on the west elevation, on the property located at **116 Commercial Street**.

Kevin Bazarian presented; said privacy is being sought from the forthcoming funicular at the Bas Relief and that a deck and a wall will be seen from the Bradford St. side and a privacy wall from the Memorial green; offered up mahogany decking with captured balusters and wood employed for anything seen from the street; vertical board.

AH read a letter in support from Dr. Weidner of the Cape Cod Pilgrim Memorial Association, and a second letter in support from abutter, Kaolin Davis.

MCM spoke in favor of the plans in noting the impact that the funicular will have on the applicant's property. HS said she was in support but asked if professional drawings were an option. JD agreed on the plans. TB said he felt the current drawings were adequate, said his only question was the height of the privacy wall, to which Mr. Bazarian said 7', no higher than 8', welcomed suggestions. MCM remarked that without a privacy wall, the public would be able to look into the building while riding up and down the apparatus and felt an exception should be made for a tall fence in this case, to which the other Board members concurred.

AH said that establishing a height will be helpful for her own work and review going forward; asked per railing, to which Mr. Bazarian said would be captured balusters.

TB and a motion to approve as presented with the condition that the pergola be no more than 8' high and all railings be captured balusters. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

a) **HDC 20-171** (continued from the meeting of July 1st)

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 August 5, 2020. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

a) **HDC 20-175** (continued from the meeting of July 1st)

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 September 2, 2020. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

b) **HDC 20-234** (continued from the meeting of July 1st)

Application by **Ted Smith Architect, LLC**, on behalf of **Michael Fullen**, requesting to renovate an existing multi-family structure, including modifying the second story by adding and reconfiguring dormers, adding and relocating windows and doors, adding covered porches with decks above, and to renovate an existing studio on the property located at **3 Soper Street**.

TB made a motion to continue to the meeting of August 5, 2020. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MCM.

David Cafiero asked if the new plans would be available prior to the August 5th meeting. TS said electronic copies can be sent if the request comes via e-mail to Town staff and that they are also now available on the Town website in preparation for the ZBA meeting.

MCM left the meeting at 4:34pm.

c) [HDC 20-237](#) (continued from the meeting of July 1st)

Application by **Tom Thompson**, on behalf of **Carol Adelman & Barbara Scarcella**, requesting to replace an existing casement and picture window and an entry door and patio sliders with new units on the structure located at **491 Commercial Street, #4**.

Tom Thompson presented; said new plans dated July 8, 2020 were sent to TS, who said they had been uploaded for the ZBA's review. AH said she had the hard plans before her now.

TB wondered if this case might be looked at today since it had been reviewed previously even without current plans in hand, but Board members objected in saying that they needed to be consistent in noting the denial to Ted Smith's previous application without current plans.

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

d) [HDC 20-238](#) (postponed from the meeting of July 1st)

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Escargot, LLC**, requesting to raise buildings by 7 feet to install a timber pile and steel beam foundation and to replace an existing deck structure with a code-compliant deck with stairs on the property located at **437-439 Commercial Street**.

Gary Locke of William Rogers Civil Engineers, presented; said building is deteriorating, listing about 8" front to back and that they need to install a new foundation; seeking to lift the building per FEMA guidelines; lowest level is at 2' below the flood zone with timber piles and steel beam and a pile structure; replacing existing deck with code-compliant deck, 12x12 timber piers and 6x6 posts with captured balusters; not changing windows, roofline or doors, simply lifting the building to repair foundation.

Robert Longley, owner of top unit at 441 Commercial, spoke; said he had sent a letter to Town staff, but it was determined this letter was not with AH or the Board. Mr. Longley read his letter aloud, voicing opposition as an abutter whose view would be compromised by the plans, negatively impacting his and his wife's residence; added history of other properties being elevated in the neighborhood.

AH read a letter from abutters across the street, William Sullivan and Daniel Llata, who objected to the planned height elevation as proposed, noting other properties would be more greatly subjected to storm surge; suggested lowering the height from 7' to 3'.

Sarah MacDonnell, of 443-445 Commercial St., spoke against the proposal and said the lift is out of proportion and would restrict her properties' views.

Deborah Paine spoke as the contractor for the project, gave some historic background and said that a 3' lift is no longer as practical as it was once was considering land changes over the past 12 years; that FEMA regulations recommend raising even 2' higher than the 7' they propose, which is not an arbitrary number.

Mr. Longley spoke of the negative, domino effect of buildings which will follow suit,

objecting to how these changes will affect buildings which have basements and cannot be raised,

Ginny Binder spoke of climate change impacting the Town and encouraged the HDC to consider 7' as the new normal.

HDC Deliberations

JD said he understood the views expressed by both sides, felt the raise at 509 Commercial was excessive but being intimately familiar with the property at hand, recognized the need for the elevation increase, but asked if a number somewhat lower than 7' could be reached.

Mr. Locke responded by saying that 7' is their absolute minimal for the size and mass of the building and that the height would be 11'8" from the beach to the deck at high tide; all pressured treated wood to be used in the build.

HS said she doesn't like the idea of a 7' lift but felt there wasn't much choice, which TB concurred and noted that structures will be lost if not raised per FEMA in years to come.

TB made a motion to approve as presented. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

e) [HDC 20-248](#)

Application by **Randy Trullo** requesting to remove a chimney from the structure located at **108 Commercial Street**.

Randy Trullo presented; said chimney is non-utilitarian and leaking.

No public comments or letters.

HS asked if there is a way the chimney might be repaired. Mr. Trullo said the chimney has a lean on it and was concreted-over years ago. JD said the guidelines dictate chimneys must be retained, to which TB agreed and said repair is the only option.

TB made a motion to deny as presented. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

Mr. Trullo asked if, since the chimney cannot be repaired, could it be taken down and rebuilt in kind, to which TB said it could, as proposed, and that there are experts for the work.

AH clarified that Mr. Trullo would not need to wait two years with a new application as this was not a repetitive petition or application.

f) [HDC 20-251](#)

Application by **Erik Freeman**, on behalf of **James Potocki**, requesting to trim 6 windows and 2 doors, replace deck boards and replace 2 windows on the structure located at **288B Commercial Street**. [Previously approved today with condition, in Administrative Review.]

g) [HDC 20-252](#)

Application by **Jonah Swain**, on behalf of **Sean McConnell**, requesting to demolish a cottage on the property located at **25 Watson's Court**.

Jonah Swain presented; said building is not salvageable and will be re-built. AH said the redesign was previously approved; noted it's been reported that the building fell in on itself.

TB made a motion to approve as presented. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

HS asked if a demolition letter is now required. AH said she felt it didn't require a letter

as the applicant had already been before the HDC and this was a measure of acknowledgement, to which TS concurred.

TB determined that the following two cases can be reviewed together and voted on separately:

h) [HDC 20-254](#)

Application by **The Binder Group/Deborah Paine, Inc.**, on behalf of **Provincetown Condominiums**, requesting to install cable rails on a new deck on the north elevation of the structure located at **577 Commercial Street**.

i) [HDC 20-255](#)

Application by **Peters Property Management**, on behalf of **Provincetown Condominiums**, requesting to install cable rails on south elevation stairs on the structure located at **577 Commercial Street**.

Deborah Paine and Regina Binder presented; Ms. Paine said a suggestion was made for cable rail by some of the owners who questioned replacing the former railing during the current project; this is the first stage of a make-over, to which Ms. Binder added the cable rail would help to make the building less intrusive in the neighborhood.

No public comments or letters.

HS said she would be opposed to cable rail on the north or water side but would be okay with cable on the south side. JD agreed with cable on the water side but not for the Commercial Street side.

TB made a motion to approve [HDC 20-255](#) as presented for cable rails on the south elevation on the structure located at [577 Commercial Street](#). HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

JD advised the applicant that they would be very unlikely to get a future approval on any request for cable rail on the street-side.

TB made a motion to accept a withdrawal without prejudice for [HDC 20-254](#), [577 Commercial St.](#) HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

HDC took a brief break.

j) [HDC 20-256](#)

Application by **Peters Property Management**, on behalf of **Gary Arena**, requesting to install 2 skylights on the structure located at **25 Tremont Street, UG2**.

Laurie Ferrari of Peters Property Management presented; said owner is seeking ventilation and light in the bedroom.

TB asked for dimensions and exact position of the skylights. HS reported they are 46 ¼ x 44 ¼ per application to which JD noted are pretty square and the drawing misleading, to which TB concurred, requesting a 2-scale drawing. JD suggested a proper scale-size as being historically correct based on the existing sash.

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

AH clarified that the request is for a rectangular, not square, style in new drawings.

k) **HDC 20-257**

Application by **Kurt E. Raber**, of **BLF&R Architects, Inc.**, on behalf of **Riley Brothers Realty, LLC**, requesting to renovate a bike shop and apartments, including removing a cold storage room on the southwest elevation and demolishing a dwelling unit on the northwest elevation, constructing a new one-and-a-half-story addition for the display and storage of bikes on the ground level and for the addition of 3 dwelling units on the second floor of the structure on the property located at **136 Bradford Street**.

TB related that all three sitting Board members are needed for an approval.

Kurt Raver, Steven Swensson and Steve Riley, co-owner, presented. Mr. Raver said the project is to give more space to the bike shop on the first floor and create five apt. units; Mr. Raber explained elements of the additional living units on the other floors and in the rear.

No public comments or letters.

JD said he wasn't opposed to additional massing on buildings if it is done sensitively and correctly, but objected in this case to the exterior staircases as detracting from the existing building and being too visible from Bradford St. TB agreed and expressed a problem with the massing and sliders. JD said an egress can be added inside the building and that decks and vertical boarding are not correct for this type of building, as Second Empire; expressed his disapproval in specific details of the plans, including modifications to the mansard roof; request that the 2nd floor of the bike shop read like the 3rd floor of the old building.

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

2. Review and approval of Minutes:

TB made a motion to approve the meeting minutes of September 21, 2016. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

3. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB made a motion to approve a Certificate of Appropriateness for the July 15, 2020 decision of **HDC 20-238, 437-439 Commercial Street** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to deny the July 15, 2020 application of **HDC 20-248, 108 Commercial Street** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to approve the July 15, 2020 decision of **HDC 20-252, 25 Watson's Court** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to approve the July 15, 2020 decision of **HDC 20-253, 116 Commercial St.** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to approve withdrawal without prejudice the July 15, 2020 decision of **HDC 20-254, 577 Commercial St.** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to approve the July 15, 2020 decision of **HDC 20-255, 577 Commercial St.** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0;

TB, HS, JD.

TB made a motion to adjourn the meeting at 6:06pm. HS seconded the motion and it passed, 3-0-0;
TB, HS, JD.

Respectfully Submitted,
Jody O'Neil