

Minutes

August 5, 2020

The Provincetown Historic District Commission Work Session of 3:30pm and Public Hearing of 4:00pm, Wednesday, August 5, 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: **104 594 210 followed by the # key**. 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.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew Murphy (MCM), Alternate.

Excused Absence: Laurie Delmolino (LD), Vice-Chair, Historical Commission Rep.

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

TS gave opening remarks at 3:35pm 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 said there are no outstanding violations pursuant to the HDC, but signed off on a siding permit at 84 Bradford St across from Prince St.

TB noted a privacy fence has gone up at 9 Bradford St., which AH said she would check into regarding what was included in the application at 7 Bradford St.

TB referenced two oversized windows at 7 Railroad, which AH said had been determined as not seen from a public but which TB said is not accurate. TB noted an issue with the fence at 466 Commercial St., which has already been installed but said the owner will come before the HDC.

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 September 2, 2020 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB cited technical issues with Viewpoint in terms of opening up documents of Administrative Reviews. AH said staffer Lynn Martin from MIS will be in attendance at the next scheduled HDC meeting to explain and resolve issues with the platform.

TB made a motion to accept the following two applications as Administrative Review. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

- i) 6 Mechanic St., UA – To replace a patio door in kind.

JD said he felt it was in kind and fine as it. Kevin Desmarais of Renewal by Anderson, presented; said the material is a wood-clad door, to be painted or stained, similar to the door as exists, both Andersons. CM asked if the door is viewed from a public way without a privacy fence, to which Mr. Desmarais said it could be seen as such either way.

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

- ii) 4 Winslow St. – To replace a fence in kind.

TB said it was not quite in kind, but rather a picket of the same height. No one presented. JD said he felt it was better than what is there; CM agreed.

TB made a motion to consider 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.

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

None.

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

None.

TB announced a ten-minute break.

5. Public Hearings: VOTES MAY BE TAKEN

a) [HDC 20-234](#) (continued from the meeting of July 15th)

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**.

Ted Smith and Michael Fullen, owner, presented from plans dated July 7, 2020; went through elevations, starting with the south; roof lines to remain as is. Mr. Mullen proposed clapboards rather than shingles on the south façade; west side window configurations altered; dormer missing from north elevation; same masking; low ceiling height in bedroom; fenestration tricky as close to property line; (6) windows remain on top floor but shifted; 2/1s.

TB said he felt all of HDC's requests had been met. JD echoed TB's approval, asked if too many windows were under the porch. Mr. Mullen suggested an adjustment, which TB felt might not be effective as larger windows needed at this location. CM asked of the (3) doors, which Mr. Smith said are solid, 2-paneled wood, confirmed to CM that nothing on the east elevation is visible. CM addressed (4) windows on first floor, to the right with an adjustment.

MCM agreed with most of what CM said and voiced her appreciation to the applicant on the adjustments; felt windows should be 6/6 as more historically appropriate. HS said she liked everything about it. TB agreed with JD and CM on negative space on north elevation and concurred on 6/6s; in favor of shingles over clapboards, as were others.

Mr. Smith countered that the rest of the windows are 2/2s, but JD said 6/6s speak to an earlier time than 2/2s and it depends on what period the owner is seeking to replicate. The Board polled in favor of 6/6. Mr. Mullen referenced a floater house with 2/1s. Discussion of window options continued.

Studio plans were then reviewed. Mr. Smith said the shed is not being moved nor are they enlarging the footprint but seeking to raise the roof to get more head room in noting Mr. Mullen as a tall person; mimicked windows from the main house.

JD said he didn't have real issues with the shed design. CM and MCM said they felt it was too high as proposed. HS said she had no problem with the extra height, nor did TB who questioned 2/1s. Mr. Mullen said they will opt to match the house in 6/6s.

AH read a letter in support from part-time neighbor David Capierro at 72 Commercial St., but who questioned the window replacements. AH read a letter in support of the changes made from KiKi Herold, who added that she still has issues with the right side – regarding the window placement – and is against raising the shed height.

No public commentary.

Discussion continued on 6/6s for the entire house, or an alternative to that configuration.

TB made a motion to approve as presented with the following conditions: (4) windows on the right side of the first floor of south elevations be changed to (3) windows; windows on dormer of east elevation remain 6/6s; south elevation be shingled, not clapboards; shed/studio window to be 6/6 to match 6/6s for the entire house. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

b) [HDC 20-237](#) (continued from the meeting of July 15th)

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; went through window changes as proposed by the HDC per elevations; small awning window to be replaced with a k-window; (4)-panel slider unit to match units on first floor below.

No public comments or letters.

JD noted an improvement over what is currently there and the previous plans; asked per the windows on the third floor which appeared wider and shorter than the first floor. Mr. Thompson said they are a 3x5 window and, as such, slightly wider by 2" but with the same height. CM agreed with JD, asked per 3rd floor round-top window; said he is slightly opposed to extra window on the left side. MCM agreed with JD and CM. HS agreed with CM regarding window consistency. TB asked if double-hungs could be an option. Mr. Thompson responded by saying the owners are not in favor of making changes to the picture window on that side. JD said the 3rd floor windows need to be consistent.

TB made a motion to approve as presented with the condition that the 3rd floor east double-hung windows be the same size as the 2nd floor and north-end gable window be rectangular unit as 2/2. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

c) [HDC 20-256](#) (continued from the meeting of July 15th)

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 presented; said previous skylight spec was 30x56, would be replaced with an MO-8 unit that is 30x54.

No public comments or letters.

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

d) [HDC 20-257](#) (continued from the meeting of July 15th)

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**.

Kurt Raber and Tom Swensson presented from revised plans dated July 30, 2020. Mr. Raber said they combined the two bedroom units into a single-residence, making for (4), not (5), apartments; enclosed area under the deck to be re-structured for tenant use; carriage house doors to be revamped for an overhead feature with a barn-door look; matching custom-made, flat balustrade system; mansard roof to be cedar rather than asphalt as on the top roof.

No public comments or letters.

CM invoked the Mullin Rule to deliberate on today's case discussion. JD said he liked the new integration, but felt the 6-lite door incorrect, favored the 'Provincetown Door;' hood over east and west elevations not correctly designed as historically Italianate; questioned 1950s overhang on commercial space window; likes the massing and other changes.

MCM said she agreed per the 'Provincetown Door;' but is fine with the door on the east

elevation, and overhang in terms of practicality. HS questioned the 1/1s on the dormer, south elevation. Mr. Swensson said the window size there is the same as the Bay window below. TB agreed with most of what was said, gave background of mansard roofs, suggested a match as close as possible; garage doors and overhang to be given details. Mr. Swensson then asked if asphalt would be acceptable to save costs. The Board stated a preference for cedar.

TB made a motion to continue the decision to the meeting of August 19, 2020. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

e) [HDC 20-261](#)

Application by **Judith R. Osowski** requesting to replace an existing metal shed on the property located at **7 Cudworth Street**.

[TB made a motion to move [HDC 20-261](#) to later in the meeting in order to have representation on the case. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.]

Tom Osowski presented; said the family has owned the property for about 200 years and the shed is over 30 years old and needs to be replaced.

No comments or letters.

AH noted that the shed used to live in the vicinity of Franklin and Bradford and was moved about 30 years ago to 7 Cudworth.

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

f) [HDC 20-264](#)

Application by **Kevin Miller**, on behalf of **Shor Home Furnishing**, requesting to add a fence on the property located at **240 Commercial Street**.

Kevin Miller presented; said picket as proposed will match existing with two double gates leading directly out from existing stairs, along the edge of the brick.

No public comments or letters.

MCM offered support for the plan, noting it is good for Covid-19 restrictions and is not historically inappropriate. CM said he felt that as a highly visible location and with Covid-19 being a temporary situation, he was not in favor. HS agreed with CM that it is a beautiful building and likes it the way it is, but did feel the fence as proposed is appropriate.

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

JD left the meeting at 5:30pm.

g) [HDC 20-2001](#)

Application by **Terrence Meck**, of **The Palette Fund**, requesting to add a fence on the property located at **115 Bradford Street**.

Terrence Meck presented; noted location as building across from Town Hall; hoping to mitigate daily public-strewn yard litter which is due to increase with the forthcoming funicular; expressed the parameters of the proposal; traditional white picket, Crosby fence.

No public comments or letters.

MCM said she approved and appreciated the property as maintained. HS requested a photo of the proposed fence to place with the written decision.

TB made a motion to approve as presented for a 3', flat-pointed picket fence. HS seconded the motion and it passed, 4-0-0; TB, HS, CM, MCM.

h) [HDC 20-2005](#)

Application by **Derik Burgess, of Cape Associates**, on behalf of **Dennis Condon**, requesting to replace and expand an existing south elevation deck using IPE decking and posts and cable rail balusters on the property located at **571 Commercial Street**.

Derrick Burgess presented; explained details of post replacements and difficulties with the upkeep of existing elements, including windows flanking the door; plan to replace existing turn posts with epoxy square posts for better maintenance; cable rail on water side.

No public comments or letters.

MCM said she was in favor of extending the deck, but against cable railing, to which HS agreed. CM noted the existing deck railing as distinctive and historically significant. TB asked if vertical square posts would be acceptable; took a poll and found the Board divided on alternatives to existing railing: TB and CM okay with square posts; HS for existing; MCM, just not cable. Mr. Burgess said the railing could remain with the posts and balusters replaced and that he would comply with CM's request for a drawing.

TB made a motion to approve with the condition that the balusters be 2" square wood posts and no cable railing. CM seconded the motion and it passed, 3-0-1: TB, CM, MCM, in favor; HS, abstained.

i) [HDC 20-2007](#)

Application by **Scott O'Barr, Trustee**, on behalf of **Fisherman's Cove Condominium Trust**, requesting to add cable railings in between an existing wood rail system at the property located at **145 & 147 Commercial Street**.

Scott O'Barr and Laurie Ferrari, of Peters Property Management, presented. Mr. Barr referenced the plan to position additional cable rail as requested by their insurance company, seeking to limit the amount of change to the public right-of-way, retaining some wood rail.

No public comments or letters.

CM said the systems should match for consistency where they are highly visible, but he could be alright with the ones in the middle. MCM stated her preference for wood. HS expressed a preference for wood, but noted cable rail being approved on the water-side. TB said he felt the design is a fabulous compromise. MCM noted that while the HDC consistently approves cable-rail on the water side, it is still going against the HDC bylaws and that she's never voted for it; CM said he, too, has not voted in favor of cable rail, but would vote for a compromise in this case, noted insurance concerns as stated by the applicant.

Mr. O'Barr said he appreciated the HDC's historic incentive but that the cable railing is so thin as to not be intrusive. Sandra Brown, owner and Board trustee, spoke and explained how the option came about which would enable them to keep a consistent look.

AH reported no letters on file. Mr. O'Barr said he thought there was a letter in favor from a neighbor, an e-mail that had been sent to Permit Coordinator, Ellen Battaglini, but AH found nothing in the file. Straw poll came down 2-2; applicant opted to continue the decision to field a wider board.

TB made a motion to continue the decision to the meeting of August 19, 2020. HS seconded the motion and it passed, 4-0-0; TB, HS, CM, MCM.

j) [HDC 20-2011](#)

Application by **Nat McKean** to re-install a 3' high fence on the property located at **466 Commercial Street**.

Nat McKean presented; apologized for having the fence and split-rail installed prior to the HDC review; said he had sent a new photo to Permit Coordinator, Ellen Battaglini, but it was determined the photo had not made it into the HDC packets.

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

MCM left the meeting at 6:20pm.

6. Review and approval of Minutes: June 1, July 20, August 3, 2016, and July 1 and 15, 2020.

TB made a motion to approve the meeting minutes of July 1, 2020. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

7. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB made a motion to approve the August 5, 2020 decision of **HDC 20-234, 3 Soper Street** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to deny the August 5, 2020 decision of **HDC 20-237, 491 Commercial Street #4** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the August 5, 2020 decision of **HDC 20-256, 25 Tremont Street, UG2**, as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the August 5, 2020 decision of **HDC 20-264, 240 Commercial St.** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the August 5, 2020 decision of **HDC 20-2001, 115 Bradford Street** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the August 5, 2020 decision of **HDC 20-261, 7 Cudworth 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 August 5, 2020 decision of **HDC 20-2005, 571 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 August 5, 2020 decision of **HDC 20-2011, 466 Commercial Street** as written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

HS referenced **HDC 20-133, 122 Commercial Street** to be filed tomorrow.

TB made a motion to adjourn the meeting at 6:31. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Respectfully Submitted,
Jody O'Neil