

## Minutes September 2, 2020

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, September 2, 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: 512 806 115 #. 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, Vice-Chair, Historical Commission Rep.

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

TS gave opening remarks at 3:40pm 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 she has not yet been able to get in touch with Custodio Silva regarding the fence at 9 Bradford Street. TB said he's followed up with Nate McKean at 466 Commercial Street, and AH confirmed that an application is now on file with Permit Coordinator, Ellen Battaglini.

**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 September 16, 2020 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

- i) 478 Commercial St., U1 (continued from the meeting of August 19<sup>th</sup>) – To replace various windows in kind.

Hal Winard presented; indicated windows to be replaced as all units on the front and the west elevations and one on the back with no visibility from a public way; none on the right side, all to be replaced with 2/1 vinyl-clad Anderson. CM asked if the units – especially those on the street – could be wood replacements with true-divided light. Mr. Winnard said the owners are elderly and prefer the vinyl-clad. TB said for the sake of uniformity this should be acceptable as these replacements have been previously employed.

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

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

- ii) 488 Commercial St., #16 – To replace 5 windows.

A.J. Santos presented; said the replacement matches other windows, seeking to make two windows both 1/1, other 1/1s not to be altered.

MCM said she was fine with the plan for continuity as the majority is 1/1. CM said he has a problem with the changes as the building is from 1850, which Mr. Santos corrected to 1890, adding that he's not sure if 6/1s were original as suggested by CM. HS said she felt the window on the west side should be 6/1 and is questioning in-kind for units that are unseen; asked if there could be flexibility in this case. TB said the decision comes down to a historical or uniformity perspective. CM said he is fine going from 6/1 to 1/1 but not going from wood to vinyl.

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

TB made a motion to approve as presented. HS seconded the motion and it passed, 3-1-0: TB, HS, MCM, in favor; CM, opposed.

JD joined the meeting at 4:03pm.

- iii) [572 Commercial St.](#) – To replace 6 windows and 2 entry doors.

No one presented. TB noted visibility from a public way, simulated divided-light and a Fibrex composite material which AH confirmed, adding that Fibrex is better if painted.

CM said he observed grilles and not true divided-light on the specs.

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.

- iv) [165 Commercial St., U2](#) – To replace a porch railing.

No one presented. AH referenced the property as the former Sandpiper which has not appeared before the HDC in some time; noted the railings on the 3<sup>rd</sup> floor are already changed to a composite material, beach-side; thinks Unit 2 is on the first floor and the request is for the first floor to go to composite. AH said Mr. Hillard had applied for a Full Review hearing, which might contribute to his not being on the line for today's hearing.

TB made a motion to consider as Full Review to be heard at the meeting of September 16, 2020. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

- v) [605 Commercial St.](#) – To replace 2 windows in kind.

Hal Winnard presented, clarified Anderson vinyl, 6/1 replacements as already exist. CM said as they are highly visible they need to be wood, as did MCM, JD and HS.

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

TB made a motion to approve as presented with the condition that the replacements be wood. 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:**

#### 10 Whorf's Court

Rupert Bankert did not present. Board members who conducted site review felt it did not resemble wood. HS referenced her abstaining on the prior hearing as the original decision called for wood, but noted that as newer materials come on the market as wood alternatives, the HDC will have to continue to weigh in on viability. TB said he felt the material looks like plastic.

TB made a motion to deny a reconsideration of the railing on the porch at 10 Whorf's Court. HS seconded the motion and it passed, 3-0-2: TB, JD, CM, in favor; HS, MCM, abstained. JD asked why Board members were abstaining. HS said she was retaining her abstain vote from the previous hearing and MCM said that while she would vote for wood, penalizing someone for such a costly venture during a pandemic is not a fair judgment.

TB restated the vote to deny reconsideration of the original application at 10 Whorf's Court. HS seconded the motion and it passed, 4-0-1: TB, HS, JD, CM, in favor; MCM, abstained

## 7 Conway Avenue

Ed Dusak and Paul Kelly presented. Mr. Dusak said they were on vacation last week and had not been notified that there would be a hearing on the property work at the meeting of August 19, 2020; explained how they came upon a Fibrex material which they considered an acceptable substitute for a wood railing which has been installed and would not require an auxiliary hand-rail; said finish on the Fibrex can be painted but resembles a finished wood product and appears on other features on the house.

HS said her concerns are that the plans dated July 16, 2019 stated that wood deck, balusters and railings shall match materials used on the entrance stairs and deck. JD said he was fine with composite materials if they are painted and can be taken for wood from 10' away. CM said it appeared to resemble composite material when he drove by the property, wasn't comfortable making a case for this request when a similar proposal had been denied.

TB made a motion to reconsider the railing at 7 Conway Street. HS seconded the motion and it passed, 4-1-0: TB, HS, JD, MCM, in favor; CM opposed.

TB made a motion to approve the replacement with the condition that the composite be painted, HS seconded the motion and it passed, 4-1-0: TB, HS, JD, MCM, in favor; CM opposed.

## 404 Commercial Street

Ted Smith presented; said owners had put a hold on the canopy when the pandemic hit and will now be delayed in the implementation once work resumes by at least four months; requesting to reconsider the previous decision and employ square columns with wood trim and asphalt shingles, which TB said prompted a new application and a Full Review as the plan indicates a new semi-permanent structure. HS concurred and mentioned the need for drawings. JD referenced the e-mail regarding the issue from August 27, 2020 and agreed with TB and HS.

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

Jody O'Neil, Recording Secretary, addressed the current work of the US Census and encouraged the community to cooperate when contacted for information needed to assist in allocating federal funds during surveys conducted throughout the Cape through September 30, 2020.

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

#### a) [HDC 20-171](#) (continued from the meeting of July 16<sup>th</sup>)

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

TB made a motion to continue the decision to the meeting of September 16, 2020. HS seconded the motion and it passed 5-0-0; TB, HS, JD, CM, MCM.

#### b) [HDC 20-175](#) (continued from the meeting of July 16<sup>th</sup>)

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, UC**.

TB made a motion to continue the decision to the meeting of September 16, 2020. HS seconded the motion and it passed 5-0-0; TB, HS, JD, CM, MCM.

c) [HDC 20-2016](#)

Application by **KA Bazarian** requesting to replace a metal door with a wooden door on the structure located at **31 Bradford Street**.

Kevin Bazarian presented; said the location is Liz's Café and the door a rusted-out unit that was installed during a project a year ago without realizing the historical imperative.

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 20-2017](#)

Application by **Adam Rogers** requesting to demolish and rebuild a studio on the property located at **10-12 West Vine Street, U3**.

Adam Rogers presented; said the process went through the architect's plans which were approved by Historic and Zoning; now following the recommendation from the structural engineer to demolish the structure which he said hailed from the 1950s; work is scheduled to begin in the fall/winter so as not to interrupt the in-season traffic flow.

AH quoted the height from plans from Ted Smith at 14'11" per elevations E.2.1 and E.2.4 and said the prior plan approval was heard on September 4, 2010 as case [HDC 20-026](#).

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

e) [HDC 20-2018](#)

Application by **Kelly Bocuzzo** requesting to replace and add fencing on the property located at **11 Johnson Street**.

Janet, co-owner, presented; said fence replacement is a Crosby split-rail, square picket, scalloped; continuous, uniform look – all wood.

Ken Fruhman and Frank Thompson, abutters at 9 Johnson, said they approved of the fence replacement but advised caution when digging near their property on the Johnson Street side due to the underground placement of the Town water pipe and meter.

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

f) [HDC 20-2019](#)

Application by **Sarah Benjamin** requesting to add a deck, replace 2 windows, add a slider, and replace siding on the structure located at **9 Bangs Street, U1**.

Sarah Benjamin, representing the owner, presented; corrected slider as an in-swing double French door. Joe Wheeler spoke, representing the builder; clarified window realignments.

No public comments or letters.

CM said he preferred a single door over double doors for historical context and expressed that the railing appears more Colonial than Greek revival. Ms. Benjamin and Mr. Wheeler explained the impracticality of a single door for the in-swing spacing. JD weighed in against large glass doors on the historic property and recommended a way to provide for a single door based on alternate window configurations. HS agreed with JD, and with TB. MCM agreed with the other Board members, but said the French doors would not be a deal breaker.

Jonathan Cowan, owner, related the need for the French doors based on the interior

peninsular bar area and Mr. Wheeler noted the single door would be a hard pass in a fire. JD didn't concur on the inherent problem of a single door in a fire. TB mentioned the HDC has no purview over interiors, said he appreciated the restoration of the corner boards and felt the railings would pass purview.

Mr. Cowan asked why his house was being singled out for barring French doors when they have been employed all over town. JD said those were installed before the HDC had authority, prevalent back in the 1990s, proposed a plan to create balance for a single door and all window retention, recommended a 30" max door width and spacing for flanking windows.

Design plan discussion followed. HDC congratulated the applicant on doing little but doing it well to a largely untouched historic property.

TB made a motion to approve with the conditions that on the west elevation the windows be separated, a single light Provincetown door be placed between them and the spacing between the window and the door casings to be 15". HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

g) [HDC 20-2022](#)

Application by **KA Bazarian**, on behalf of **Ed Stuart**, requesting to replace a roof, siding and windows, and add a dormer on the west elevation on the structure located at **416 Commercial Street**.

Kevin Bazarian, Ed Stewart and Lyn Plummer presented; Mr. Bazarian said the building hasn't been touched in many years and is in bad shape, proposed renovations to be historically correct, owner looking to retain as much original trim and clapboards as possible; Provincetown door replacement.

CM addressed the south elevation in stating the design plan massing reads more like a Captain's House, door could be more prominent with more build-up around the front door; east elevation near Packard Gallery is creating more negative space by window elimination.

No public comments or letters.

JD said he liked the porch design but recommends more detailing, profile of the cornice, frieze, requests the windows remain the same size as existing, is fine with west elevation, asked if an angled, rather than flat, roof was an option. Mr. Bazarian said a hip roof was what they were aiming for and the drawing was perhaps misleading in this regard.

MCM said she was fine with the west elevation and agreed with CM that the plans are a vast improvement, as did HS. TB said he agreed with JD per a hip roof; various window configurations on the west elevation needed to be cleaned up for uniformity. JD agreed and referred to the HDC guidelines on window adjustments and replacements. MCM said she, too, wanted window continuity.

HDC okay with north and east elevations. Ms.Plummer said she thought the west elevation is not visible from a public way. AH recommended a way to view the elevation. TB suggested there was not enough information to put to vote today. Mr. Bazarian clarified the intention to keep all windows on the west elevation the same and further discussion ensued on the acceptable number of windows in the final configuration.

TB began a motion to approve with conditions which was interrupted by further debate on the doors on the west elevation.

JD made a motion to accept with the following conditions: windows on the main structure, close to Commercial Street, retain the size and position as existing with the exception of the proposed windows on the first floor rear; sliding doors in rear of west elevation be trimmed out as windows with heavier cap on top; full-view, 4-pane doors as proposed be changed to a one-pane door with a base panel; hip roof. TB seconded the motion and it passed, 5-0-1: JD, TB, HS, MCM, approve; CM, abstained.

AH requested an acknowledgement of the dormer on the west elevation in the event the applicant goes before Zoning. TB agreed and stated the Board was in favor of the dormer.

## **6. Review and approval of Minutes:**

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

## **7. Deliberations on Pending Decision: VOTES MAY BE TAKEN**

TB made a motion to approve the September 2, 2020 decision of **HDC 20-2016, 31 Bradford Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

TB made a motion to approve the September 2, 2020 decision of **HDC 20-2017, 10-12 West Vine Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

TB made a motion to approve the September 2, 2020 decision of **HDC 20-2018, 11 Johnson Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

TB made a motion to approve the September 2, 2020 decision of **HDC 20-2019, 9 Bangs Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

TB made a motion to approve the September 2, 2020 decision of **HDC 20-2022, 416 Commercial Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

MCM asked AH if remote meetings would be the mode through the end of the year. AH replied that while they do not know for absolute certain, all signs point to that situation for the rest of 2020, and added that November 1<sup>st</sup> is the end of the Covid regulations for modified seating and other measures.

TB and Board thanked HS for all her work as Clerk, keeping decisions and minutes up-to-date.

AH said she would e-mail the revised plans for **136 Bradford Street** to the HDC.

TB made a motion to adjourn the meeting at 6:39pm. HS seconded the motion and it passed, 4-0-0; TB, HS, CM, MCM.

Respectfully Submitted,  
Jody O'Neil