

Minutes September 16, 2020

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, September 16, 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: 784 740 400 #. 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.; Christopher Mathieson (CM), PAAM Rep.

Excused Absence: Laurie Delmolino, Vice-Chair, Historical Commission Rep.; John Dowd, PGB Rep.; Michela Carew Murphy, Alternate.

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 partial roof replacement was approved at 535 Commercial Street as well as a second one; requested the decision for **HDC 20-134**, 53 Commercial St. based on the March 4, 2020 approval which has not been filed but was approved. HS noted a new railing gone up at 472 Commercial Street and a new fence at 455 Commercial Street; questioned the railing at Monty's, which she said looks new. AH noted that 455 Commercial has gone 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 October 7, 2020 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i) 536 Commercial St., U1 (continued from the meeting of September 2nd) – To replace two windows in kind.

Derek Seder and Thom Wyatt presented. CM and HS said they did a site visit. Mr. Seder said the right window will match the left-hand window. CM remarked on a previous decision and asked if there was an opportunity to make the windows more in line with a historical perspective. TB said that in this case as the units don't match up, the replacements in kind should be permitted to go forward as 1/1s.

TB made a motion to accept as Administrative Review. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

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

HS requested color copies and discussion ensued.

TB made a motion to consider the following for Full Review at the next scheduled meeting:

- ii) 188 Bradford St. – To remove a brick fireplace and chimney and replace with a propane fireplace.
- iii) 466 Commercial St. – To remove a shed, replace an asphalt roof, replace a picket fence, and install a privacy fence and custom gate.
- iv) 11 Tremont St. – To add and replace windows and doors on an existing artist studio.
- v) 404 Commercial St. – To replace a previously-approved awning structure with a wood structure to mimic columns on an east elevation.

HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

3. **Any other business that shall properly come before the Commission:** Consider an extension of Certificates of Appropriateness for HDC 19-270, 429 Commercial Street, and HDC 20-029, 32 Bradford Street (Attorney Lester J. Murphy) and HDC 19-030, 347 Commercial Street (Philip Saada).

AH stated that a COA as pertains to the HDC is good for one year while COAs for the ZBA or Planning Board remain in effect for two years; 347 Commercial concerns the dormer on the southwest top floor as not being in compliance with the previous COA, and where work has started as the owners are covering their bases.

TB made a motion extend the Certificate of Appropriateness for 429 Commercial St.; 32 Bradford Street and 347 Commercial Street. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

240 Bradford Street

Regina Binder presented, said she is representing her twin sister, Cindy Binder, owner of 242 Bradford St.; gave background of case in 2014 when approval was sought and granted by HDC for the small cottage behind the property but that this plan was later determined not to be up to building code; issues then arose once FEMA rules kicked in, requiring the building to be raised; applicant returned to the HDC five times but in the last was turned down for a Certificate of Appropriateness and also not allowed to withdraw without prejudice in addition to be denied the opportunity to file a Certificate of Hardship; is currently in pre-trial on September 23, 2020 with documents needing to be filed going back five years. Ms. Binder said she was presenting today to give the HDC a chance to reconsider the request for a COA.

TB remarked that since 2014 the Board and Town have become more accustomed to see such proposed building raises due to the rising water table and FEMA guidelines; suggested that a reconsideration be granted at this time, but sought counsel from AH and TS.

TS advised that it would be more prudent to have the case request on the Agenda of October 7th before being put to vote today, which AH noted would come after Ms. Binder's court appointment. HS said she could concur with TB in noting that with the passage of time, and in consideration of other approved structural requests pertaining to building raises, she would be able to approve. CM agreed, but also recognized the protocol of having the decision rendered through a hearing on the agenda.

Ms. Binder asked AH if she could speak with Town Counsel to delay the pre-trial until after the October 7 meeting.

TB to write the decision, COA, for HDC 20-134, 53 Commercial Street

10 Whorf's Court

Rupert Bankert asked why the Crown and Anchor can have a plastic railing on Commercial Street but they cannot have composite on a dead-end street hidden behind a hedge. TB said such determinations are on a case-by-case basis but that this railing felt and looked like plastic. CM said he was sympathetic with Mr. Bankert's appeal but is obligated by HDC guidelines, to which HS agreed, adding that the applicant does have the opportunity to return to the next meeting where there might be a more full Board. Mr. Bankert said they would take that offer and attend the October 7th meeting.

6 Cook Street

AH said she believes there will be a request for an extension and that contact has been made with Permit Coordinator, Ellen Battaglini.

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

None.

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

a) [HDC 20-171](#) (continued from the meeting of September 2nd)

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 October 7, 2020. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to take **HDC 20-2026** out of order. HS seconded the motion and it passed, 3-0-0; TB, HS, CM. [NOTE: MR. FRIDMAN DID NOT CALL TO ADDRESS THE APPLICATION.]

b) [HDC 20-2026](#)

Application by **Hilliard Smith** requesting to replace railings and posts on a deck located at **165 Commercial Street, U2**.

Hilliard Smith and Michael Watkins presented. Mr. Smith said the request is to replace with better, more durable materials. Mr. Watkins cited a safety hazard; said same materials as far as mahogany look; only change is to the posts which is will be Azec white surrounds, but with the tops to be kept the same, balusters mahogany.

CM gave his vote for wood, noting highly prominent position of the property in town. HS said that while Azec is usually only approved for decking, she could agree with its use in this case, to which TB agreed in stating the location as water-side. CM said he felt there would be a future discrepancy with painted Azec vs. aged wood. Applicant agreed to wood posts.

TB made a motion to approve as presented with the condition that the posts be mahogany. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

c) [HDC 20-175](#) (continued from the meeting of September 2nd)

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**.

No one presented. AH said new drawings were delivered to the HDC, detailed the new dimensions, including the bump-out of 2 ½'.

TB made a motion to continue the decision to the meeting of October 7, 2020. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

6. **Review and approval of Minutes**

HS made a motion to approve the August 19, 2020, TB seconded the motion and it passed, 3-0-0; HS, TV, CM. [NOTE; READ INTO THE RECORD AS AUGUST 15, 2020.]

7. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB made a motion to approve the September 16, 2020 decision of **HDC-2026, 165 Commercial Street, U2**, written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

HS reported the following cases as filed with the Town Clerk on September 8, 2020:

HDC 20-257, 136 Bradford Street; HDC 20-2016, 31 Bradford Street; HDC 2017, 10-12 West Vine Street; HDC 20-2018, 11 Johnson Street; HDC 20-2022, 416 Commercial Street.

TS referenced a Town Warrant item, which AH said pertained to the possibility of securing \$25,000, out of a requested 36k, toward a new land survey as approved by the CPC. TB acknowledged and thanked former HDC Commissioner Marty Risteen for his extensive work on this endeavor.

TB made a motion to adjourn the meeting at 4:26pm. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Respectfully Submitted,
Jody O'Neil