

Minutes December 16, 2020

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, December 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: 748 367 306#. 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 3:34pm 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.

1. Work Session: VOTES MAY BE TAKEN

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

AH referenced the prior request to site visit the back deck at 509 Commercial St.; panels previously approved on the 2nd and 4th level decks, vertical rails now appear horizontal and cable. HS said she didn't have issue with the cables base don visibility. MCM said she has a problem with the cable as well as the entire project and that applicants cannot be allowed to simply bypass HDC approval points to construct as they wish. JD agreed with MCM, as did CM.

TB made a motion to issue a violation per the back stairs at 509 Commercial Street. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM. AH remarked that she felt confident the owners would seek a meeting with the HDC.

3. 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 January 6, 2021 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion to consider x) through xvi) for Full Review. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

CM suggested vii) also be considered as Full Review to keep Winthrop St. applications together.

TB made a motion to consider i) through xv) as Administrative Review. HS seconded the motion and it passed, 5-0-0. TB, HS, JD, CM, MCM.

- i) [108 Commercial St.](#) (continued from the meeting of December 2nd) – To replace 11 windows and 2 doors in kind.

TB noted Provincetown door employed as recommended.

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

- ii) [493 Commercial St., U1](#) (continued from the meeting of December 2nd) – To replace 4 windows in kind.

Rick Baker presented for U1 & U2. TB said he had conducted a site visit and checked in with the Board.

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

- iii) [493 Commercial St., U2](#) (continued from the meeting of December 2nd) – To replace 9 windows in kind.

Rick Baker presented.

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

- iv) [480 Commercial St., U2](#) (*postponed from the meeting of December 2nd*) – To replace stairs and a deck.
 Paul Colburn presented; said balusters would not be captured, horizontal rails, as is.
 JD referenced rule for rails owing to captured balusters and asked per approval discrepancy. MCM said in-kind supersedes the HDC guidelines. AH said the spacing would allow for a 4" sphere but there would be another horizontal element to meet Code. Mr. Colburn confirmed for CM that the structure is to be all wood. MCM said the rules state that changes in kind that are not Code Compliant can fall under the approval of the HDC.
 TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- v) [129 Bradford St., U1](#) (*continued from the meeting of December 2nd*) – To replace 6 windows in kind.
 Hal Winard presented; stated all wood.
 TB made a motion to approve with the condition the windows be all wood. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- vi) [40 Bradford St., U2](#) (*continued from the meeting of December 2nd*) – To replace 3 windows in kind.
 Chad from Renewal by Anderson presented; Fibrex material. TB asked per spec sheet on windows, noted Fibrex has been approved for exterior sashes.
 TB made a motion to approve with the condition that the be wood. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
 JD requested putting historically correct 2/1 as a condition into the approval.
- vii) [25 Winthrop St., U5](#) -To replace windows and a slider in kind.
 Brad Mallow presented.
 [JON PHONE DIES! HE SWITCHES TO IPAD MINI!]
- viii) [3 Carver St.](#) -To replace 6 windows and a slider.
 Christine Lau presented.
 TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- ix) [381-383 Commercial St., U7](#) – Replace a window in kind.
 Ted Smith presented.
 TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.
- xi) [9 Cudworth St.](#) – To construct a 9' by 13' glass and aluminum seasonal sunroom on an existing deck.

- iv) [6 Montello St.](#) -To add 3 skylights;
- v) [577 Commercial St.](#) – To remove 2 skylights and install a skylight;
- vi) [25 Winthrop St., U5](#) – To install a shed;
- vii) [25 Winthrop St., U5](#) -To install a fence;
- viii) [592 Commercial St., UA](#) – To re-side, add, replace, and reconfigure existing windows, and replace a front entry door; and
- ix) [419 Commercial St.](#) – To reconstruct a partially demolished structure, including constructing an addition on the south elevation, raise it by 3’ 6” to comply with FEMA requirements, modify a porch on the north elevation, re-side, replace all windows and doors, and remove a cement block stack

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

HDC confirmed they liked the painted version.

TB made a motion to approve the painting railing at -----. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM. AH said she will pass the approval along to Jason Mutto; said she has permits out on this project and can add the approval to the record.

TB said he thinks there may be someone for an Alternate position which Town Moderator, Mary Jo Avellar can pass along to the Select Board. AH explained the applicant process under Covid.

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

6. Public Hearings: VOTES MAY BE TAKEN

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

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

AH recommended the decision be pushed to the first meeting in January as the contractor has not been able to connect with the owner.

TB made a motion to continue the decision to the meeting of January 6, 2021, HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

b) [HDC 20-2079](#) (continued from the meeting of December 2nd)

Application by **Nathan Collins** requesting to install 8 solar canopies on the lots located at **132 & 134 Bradford Street and 10 Conwell Street**.

TB directed the Board to the most recent renderings. HS responded the Mr. Serber’s letter in claiming that she is totally for the new presentation and noted benefit to the community; including free parking during snow storms. MCM concurred. CM suggested the final look will be bigger than as presented in the renderings.

Daniel Serber, Director of Development at NextGrid, Inc., presented. JD pointed to a set-back and minimal----, asked per landscaping as previously discussed to screen off a bit from Bradford St. Mr. Serber said he made contact with neighbors on the streets bordering the project; Conwell St. neighbors preferred grassing, which can also be added to Standish St. side. No response from Bradford.

TB asked per the posts and overhead if they are square. Mr. Serber they are proposed as square with... white ... JD disagreed with the white as matching the pavement. TB noted color is not in the HDC purview but would trust the applicant to take this into consideration. TS

said the Planning Board can direct color.

AH mentioned (3) letters of concern and (19) letters in opposition from Standish, Bradford, Railroad, Conwell, and Alden Sts., all of which have been scanned-in; concerned letters regard issues such as storm-damage,

Shane Prosh-Wilson of 27 Center Street at the corner of Railroad spoke as the most visually impacted property owner and requested the HDC consider the...??

Beth ... of.... issued concern over the size of the project as well as heat and sound potential.

Jim Lucie of 8 Conwell St. spoke from concern at sizing, particularly as coming down on the right side.

Lawrence Yahn of Standish Avenue spoke, asked per the glare. Nathan replied that the panels are designed to absorb glare so, he said, there should be none.

Laura... of ... Center St. spoke of size concerns. Nathan said this portion is not in the Historic District. Laura replied that all work to their property must fall into the Historic guidelines...

Steve MacKay of... neighbors of Mr. Prost-Wilson; said they moved to Town permanently based on the character and voiced that the panels are ugly and huge; asked if precipitation would fall through the i-beam mountings. Mr. Serber said the structure will have decking to mitigate that problem and will be made of galvanized steel but coated. Mr. McKay said he felt the same approval process should be made for

Luke at 4 Railroad Ave. read the bylaw regarding Town character as impacts the Town's historical culture and heritage.

Alan of 7 Conwell St. raised three points; first was procedural regarding the way the hearing proceeded where a vote was being readied before all letters could be considered, for which TB apologized; second point concerned the Conwell St. view wherein the residents may be forced to view these structures from their windows simply because they are no within the Historic District whereas their own property upgrades must go through continual compliance; implored the HDC that all conditions be demanded held in full compliance based on the...

John Tyler of... asked for Nathan replied that the Fire Department dictated a minimal height for truck clearance which will determine the slope of the roof. Mr. Serber gave dimensions to which Jim said indicated an inconsistency in elevations as submitted. Mr. Server stated the Harbor Hotel has a 14.4' clearance and the solar canopies for this project will be approximately 2' lower. Jim remarked that this installation will dwarf all other massing of similar projects in Town and that the Town will not make a cent from this addition.

TB asked per posts, if they are square or other. Mr. Server said they can be conditioned with the Planning Board. TB said he had only received one letter and that the HDC needs to receive construction drawings, view the recent ugly canopy that has gone up and conduct a site visit at the Harbor Hotel.

CM spoke of the Bradford Street elevation as needing proper address, being the public's most prominent streetscape surrounding the design plan. MCM said she heard a lot about impact but reminded all that the grounds are a parking lot and that the HDC has no purview over views and that renewable energy is something that can benefit the Town. CM countered that it is the HDC's purview to consider all structures that can be seen from a public way, to which MCM replied that the HDC cannot condition approvals based on paint color and landscaping. JD asked MCM if an ugly installation was going to be made invisible by painting or greenery would that not help sway approval.

HS added that she would be remiss in her duties if she did not review every letter as submitted, to which TB concurred, stating that he agreed with both JD and MCM's points and concluded by thanking all the speakers who took the time to call in with their concerns.

TB made a motion to continue the decision to the meeting of January 6, 2021. HS seconded the motion and it passed, 5-0-0; TB, HS, JD, CM, MCM.

c) [HDC 20-2231](#) (continued from the meeting of December 2nd)

Application by **Kenneth Hale** requesting to demolish and rebuild a structure on the property located at **3 Kendall Lane, UA1**.

[NOTE: Motion approved to continue the decision to the meeting of January 20, 2021 at the December 2, 2020 meeting.]

d) [HDC 20-2234](#)

Application by **Casey Clark** requesting to construct an arbor over an existing gate on the property located at **457-459 Commercial Street, U1**.

JD said he was fine with the application as proposed, as did HS and TB.

Casey Clark presented.

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.

e) [HDC 20-2237](#)

Application by **William Filaretos** requesting to install a perimeter railing on a ground level deck and to increase the size of an upper deck on the structure located at **153 Commercial Street, U2**.

William Filaretos presented; said the property is essentially a duplex condo and everything as proposed is in the rear; lattice work to be replaced with standard height railing, pressure-treated wood; upper deck to match lower deck footprint.

AH read a letter in support from owners, Edgewater Condominium Trust.

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 20-2242](#)

Application by **Christopher Correa** requesting to construct a stone wall with a split-rail stockade fence behind it on the property located at **8 Conwell Street**.

Chris Correa presented; said they weren't in favor of ballast-stone as examples around Town and provided other options for the HDC's approval.

Jim Lucia of 8 Conwell Street spoke; said... West Vine stone work...

JD clarified the difference between the stone work on West Vine as a retaining wall verses this proposal; said it should be either a fence or a wall, but not both. Mr. Correa said the height will be the same as the privet height currently about 2' high and will not come up on the elevation of the house next door. CM said he liked to see balusters and a more modern interpretation flies in the face of something more compatibly historical. MCM agreed with JD that it should be one or the other.

Mr. Correa said it seemed unfair to not allow this proposal while a similar one had been erected as recently as four years ago, to which TB said everything is on a case by case basis.

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

g) **HDC 20-2244**

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steven Tait & David Cook**, requesting to install a 6' wood privacy fence along the east and west property lines, a 4' wood fence and gate on the north elevation and a 4' fence along the seawall/deck to match the existing deck railings on the south elevation of the property located at **425 Commercial Street**.

MCM recused herself and left the meeting at ----

Don DiRocco presented along with owners, Steve Tait and David Cook. Mr. DiRoco said...

TB said he was surprised with this application proposing a fence that is in direct violation of HDC fencing guidelines.

AH read two letters in opposition; one from Lee Ash, from neighbors at ...

Mr. DiRocco sought to clarify the positioning of the fence as being removed from HDC restrictions, but TB begged to differ. HS said she agreed with TB per the fence bylaws. CM said he was fine with cable and the 4' height. JD said he, too, would adhere to the fence guidelines and could agree to a 4' picket all the way around.

Mr. Tait said there was a previous stockade fence at the same location.

HS requested the... be wood and TB said he agreed with posts to be wood.

TB made a motion to continue the decision to the meeting of January 6, 2021. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

CM asked if a 3-minute limit could be imposed for the Public Comment section as is done with other hearings, such as Transportation. HS, JD and TB agreed. HS confirmed the proposed measure pertained only to the public response portion.

7. Review and approval of Minutes: June 1, July 20, August 3, 2016, November 4 and December 2, 2020.

HS made a motion to approve the meeting minutes of November 4, 2020. TB seconded the motion and it passed, 4-0-0; HS, TB, JD, CM.

HS made a motion to approve the meeting minutes of December 2, 2020. TB seconded the motion and it passed, 4-0-0; HS TB, JD, CM.

8. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB made a motion to approve the December 16, 2020 decision of **HDC 20-2227, 242 Rear Bradford Street**, written and read into the record by TB. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

TB made a motion to approve the December 16, 2020 decision of **HDC 20-2234, 98 Commercial Street, U3**, written and read into the record by HS. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

TB made a motion to approve the December 16, 2020 decision of **HDC 20-2242, 8 Conwell Street**, written and read into the record by HS. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

TB made a motion to approve the demotion delay letter as read into the record for 341 Bradford Street. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

AH mentioned that Dr. O'Malley's former office on Shank Painter Road is down; ADD... HS asked new plans would be forthcoming on the new construction at the site of Dr. O'Malley's office, to which TB and AH said they would not as such since the applicant came before the HDC as a courtesy whereby the property stands not in the Historic District.

TB made a motion to adjourn the meeting at 6:24pm. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

Respectfully Submitted,
Jody O'Neil