

Public Meeting January 20, 2021

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM, Wednesday, January 20, 2021.

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: 482 606 868#. 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.

CM reported that more fencing has been erected at 522 Commercial St., which is under construction, and that a new fence has been installed at 143 Commercial St., to which TB added that cable rail with steel post rather than captured balusters on the west side had also been employed. TB remarked that a fence is up at 17 Alden St. and at 199 Bradford St. where solar panels are up and for which AH said a final inspection would be conducted tomorrow. TB noted the fencing at the property has been in place for a while but is something of a mess. JD asked AH per 122 Commercial, to which AH replied that she has had a couple of conversations with the contractor but has not been back to review as yet.

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

TB advised that iii) and x) are Administrative Review.

Adam Rogers, property owner of 10-12 W. Vine St., asked if the door portion of his application can be considered today for Administrative Review. TB concurred.

TB made a motion to accept iii), 452 Commercial St., U1; ii) 10-12 W. Vine St., U3, in part, and x) 1 Bradford St. for Administrative Review. CM seconded the motion. [NO VOTE TAKEN.]

ii) 10-12 W. Vine St., U3 – To add a skylight and replace a door.

Adam Rogers presented; said the aim is for a solid wood door and to that end he has taken photos of local doors in the Shaker style, picking three which have currently been submitted in order of preference.

JD opted for the second choice – four-panel – and asked per visibility. Mr. Rogers said one door location is about 30' from the street if a car is not in the park and the other door is a side patio door; both are requested to match. CM noted the front door highly visible from the street and the patio not so much, said that the garage is now being transformed into something more formal. MCM said she agreed with CM in that she never heard of any issues of security regarding an appropriate or Provincetown-style door. HS agreed on the change to a solid door – option #2. JD said the solid door makes it look more like a shed, but that he is fine with either variation. CM said he agreed with JD and TB but that the structure is now less shed-like and more like a small dwelling unit.

TB made a motion to approve the door replacement as F-70744U. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, JD, MCM.

TB made a motion to continue the decision on the skylight to the meeting of February 17, 2021. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, MCM.

- iii) [452 Commercial St., U1](#) – To replace a chimney.

Michelle O'Connor St. Pierre presented; reported chimney as in bad shape and no longer of use; replacement to be a faux-chimney; referred to drawing submitted with bricks that she said proved to be the best match.

JD said the correct look of brick for the period would be one of uniform color, to which Ms. St. Pierre said would be fine. JD addressed the grout in suggesting a thinner mortar and not presented as gleaming white.

JD made a motion to approve with the condition that the brick is of a uniform color and the grout thinner and more toned-down from the white as shown. TB seconded the motion and it passed, 5-0-0; JD, TB, HS, CM, MCM.

- x) [1 Bradford St.](#) – To replace fencing along two sides of a property.

No one presented.

TB identified the location as the playground. CM asked if it was possible to do something more consistent with the HDC fence policy as chain-links aren't attractive. MCM said the current style keeps kids' balls in. TB noted other chain-links have been approved in Town and that the location is a municipal property. AH stated that the Recreation Department is not proposing vinyl, but merely to replace as is.

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

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

- i) [584 Commercial St.](#) – To replace newel posts, balusters and hand railings.
iv) [361 Commercial St., C-U4](#) - To lift a structure, to replace roofing, and to add exterior deck, stairs, dormer, windows, doors, decking and railings.
v) [3 Soper St.](#) -To modify window and door locations on the southeast elevation.
vi) [397 Commercial St.](#) – To replace a deck.
vii) [90 Bradford St.](#) – To replace windows in kind on one structure and to replace siding and windows on another.
viii) [24 Pearl St.](#) – To renovate an elevator surround structure, to add a window and to replace 2 barn-type doors.
ix) [53 Commercial St.](#) – To add a garage to a cottage.

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

4. Any other business that shall properly come before the Commission: Discussion regarding the commencement of the Surf Club project.

Lester J. Murphy, Jr., attorney, presented. AH gave a brief background on the application of almost four years ago following a fire at the property, and based on the originally approved plan of 2006.

Mr. Murphy stated the current construction needs as stemming from the fire, settlements and insurance and fire code concerns, and that the owners, the Enoses, need to have the business opened by this coming season; to that end, only the south end of the property would be developed in the first phase, based on that time-line, with the second floor to be addressed hopefully sometime in the near future; only change to the previously approved design is the removal of two added windows. Rear deck would also be restored in the first phase.

TB said he had an issue with losing two windows as they're appropriate and face Commercial St. MCM said she would be fine with the request as the restaurant has been through a great deal and would be welcomed back into operation. AH said the designation of the south elevation on the application is inaccurate and actually faces the Bay; that the proposed window eliminations could be visible on a diagonal from Lopes Square but may not be allowed to be installed based on their orientation as 0-3' from the property line.

TB made a motion to permit the removal of two windows on the north elevation in order for construction to continue as previously approved. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, JD, MCM.

CM asked if there is an expiration date for approved design plans. AH said the HDC approvals have a life-span of one year from the date of filing to be exercised; noted that the 2006 approval had been retired as no work was been performed in 2007, but that following the fire at the Surf Club, work on the shell had been performed within that time-line.

419 Commercial Street

Regina Binder said they were okay to present at the meeting of February 3, 2021, as confirmed by TS.

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

TB noted today's presidential inauguration of Joseph Biden and Kamala Harris as VP as hopeful and historical and said he takes pride, even in a local way, of participating in government affairs.

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

a) **HDC 20-2079** (continued from the meeting of January 6th)

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

Nathan Collins, engineer, and David Serber of NextGrid, Inc., presented. Mr. Serber referred to three new renderings including superimposing the panels onto the landscape. Mr. Collins said these drawings were sent electronically but the hard copies perhaps didn't get delivered to Town Hall in time.

Mr. Serber discussed canopy heights and Mr. Collins noted that the Lower Cape has led the banner for renewable energy under the leadership of State legislature and that in addition to negative feedback on the project they have also received a good deal of support, as well.

John Tyler, abutter, spoke from the public, disputed the accuracy of the renderings from Standish St., questioned the vegetation plans on parking spaces; cited 18' heights, a total area of 320,000 sq. ft. and i-beams wider than the normal person as a huge scale; said the roofs don't align and lamented the presentation of a steel structure within a neighborhood of cedar.

Peter Mazzaglia of 7 Railroad Ave. asked per the minimum height per the fire dept. on

other projects. Mr. Collins said they are not clear why a ladder truck height restriction is required and have lobbied the FD to get down to 10', but were told 12 ½' is the minimum. Mr. Collins said he would provide e-mail communications with the Fire Chief.

Lori Dolby of Center St. asked why there were no renderings from their elevations; stated her absolute opposition to the project as ruining the historic neighborhood.

Alan Roth of Conwell St. addressed the fire department need as perhaps owing to the short distance between the panels rather than the height; objected to the delay in submitting new renderings for today's hearing and noted the property owner's history of poor relations with the residents of the neighborhood; referenced statuette MGL 40C37 as a legal talking point.

TB proposed eliminating some canopies so the FD can access the site.

AH read a letter dated January 15, 2021 from Lori Dolby who made an objection by way of submitted photos from Center Street. HS announced that there are 24 letters in opposition on file and one that is neither for nor against, but with many questions.

JD said that after weighing in on all the information and considering the public response, and in spite of being in favor of renewable energy, he would vote against the plan, as did CM. MCM said she would have to vote against the proposal even as the bylaw fails to make the case against the project whereby the location is one of concrete, and acknowledged that solar is going to inform our lives going forward. HS stated her opposition to the project as not belonging in the neighborhood. TB read the HDC guidelines, section 15.1, in expressing his disapproval.

TB made a motion to not approve the application as presented. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, JD, MCM.

TB made a motion to take **HDC 20-2049** out of order JD seconded the motion and it passed, 5-0-0; TB, JD, HS, CM, MCM.

c) **HDC 20-2049** (continued from the meeting of January 6th)

Application by **Bob Guenard** requesting to add a 9' by 13' glass and aluminum sunroom on an existing deck on the structure located at **9 Cudworth Street**.

Greg Ernst from Patio Enclosures presented; said size is not being changed, structure is white, aluminum, about 99% glass, an unheated seasonal space to enjoy the outdoors, spared of bugs and bad weather; said roof is made of insulated panels with 3" foam, what is often used in refrigerators; said it would be difficult to match the 12" roof pitch.

No public comments or letters.

CM said the materials don't lend themselves to maintaining an historic nature.

HS said she preferred a wood roof. TB said the materials do not meet the HDC guidelines and suggested it would be helpful to have a photo in addition to a line-drawing.

TB made a motion to continue the decision to the meeting of February 3, 2021. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

TB directed Mr. Ernst to provide a picture representation to be submitted by the Wednesday preceding the Feb. 3rd meeting. Mr. Ernst said that pushing the pitch of the addition would involve removing wholly or in part, a window, which the owners would not be in favor of, but they should be okay with asphalt shingles to give the appearance of a wood roof.

b) **HDC 20-2231** (continued from the meeting of January 6th)

Application by **Kenneth Hale** requesting to demolish and rebuild a structure on the property

located at **3 Kendall Lane, UA1**.

Kenny Hale presented; said the property was built in about 1940 as a shed or accessory which became a living unit later on; purchased ten months ago; gave some historical background regarding previous work performed on the structure; new bedroom to be relocated to the upstairs, total size to be 750 sq. ft., not including the basement; new plans are dated January 12, 2021; read engineer's letter in support of demolition of the existing property.

AH read letters in support from the previous owners, Barbara Cantor at 546 Commercial next to 3 Kendall Lane, and undesignated local property owner, James Curran; two letters in opposition from 262A Bradford St., including from Karen Jasper.

AH read a letter in opposition from abutter Nicole Burnham at 259 Bradford St. requesting the hearing be postponed until she has had a chance to adequately consider the request and prepare a response; and a letter from Sophia Lee and Nicole Burnham, who wrote in opposition, including with an addendum.

TB read a letter in opposition from Brendan and Jonna Costa (sp) at 464 Bradford St.

MCM e-mailed the Board that she has been knocked out of the meeting and cannot reconnect.

JD said he agreed on the unique and individual quality of the building, but agreed with the authors of the letters who wrote in opposition; is against adding a floor or other measures to change the look, would vote to retain the look as is. HS said she totally agreed with JD.

CM said he, too, agreed with JD, and that with a little creativity the charm of the structure could be maintained. TB concurred, adding that the off-centered roof with the slanted ridge is a defining feature.

Mr. Hale asked if he was able to re-build in the exact proportion, how he would be allowed to secure a building permit in the current code.

JD said that he's reached a limit on people taking the Town's charming places and obliterating them and that this new structure will have a whole different vibe if not handled in the right way; cautioned against expanded and overly developed housing that forces people out of Town who we need on the work force.

Mr. Vale said he will work with AH to do what he can do to restore the building properly.

TB made a motion to continue to the meeting of February 17, 2021. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

d) [HDC 20-2261](#) (continued from the meeting of January 6th)

Application by **Brian Alexander**, on behalf of **James E. Green et al.**, requesting to re-side, add, replace, and reconfigure existing windows, replace a front entry door, and replace front corner boards and trim on the structure located at **592 Commercial Street**.

AH recommended continuing the hearing awaiting new information.

TB made a motion to continue the hearing to the meeting of February 3, 2021. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

e) [HDC 20-2262](#) (request to postpone to the meeting of February 3rd)

Application by **Ginny Binder**, on behalf of **Christine Barker**, requesting 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 on a northwest corner on the

property located at **419 Commercial Street**.

[NOTE: Approved under Any Other Business, above; no formal vote taken.]

f) [HDC 20-2264](#)

Application by **Mark Lisbon** requesting to replace all windows and doors in kind, except east-facing windows and a north-facing slider on the structure located at **10 Prince Street, U1**.

Mark Lisbon presented; said the plan is to replace the stucco with cedar shingles on the side and wood trim; owner requests 2/2s instead of 6/6s, which would match; east elevation windows would be exchanged for double-hungs, others to stay the same.

TB asked as to where to find the elevations, which AH clarified.

CM observed a bungalow-style design; felt front door appeared more formal than needed; agreed the 2/2 or 2/1 was more appropriate than 6/6 for window units. JD said he agreed with the 2/1 style; questioned large opening of 3 sliders – even as existing. TB concurred on 2/1s, noted location as a former barber shop. Mr. Lisbon said only the center of the three sliders was planned as operational in the revamp.

TB made a motion to approve with the condition that the front door on the east elevation as proposed be changed to a Provincetown-style door; sliders and two windows be changed to a pivot door with a window on either side to match those on the east elevation; windows as 2/1. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

JD asked Mr. Lisbon if the 2/1 window might be separated to give more space around it. Mr. Lisbon asked if this window might be made narrower than the others, to which JD said he felt they should all match.

g) [HDC 20-2265](#)

Application by **Holly Tarleton** requesting to remove and replace the roof section facing Bangs Street, installing two Velux 4'x4' vented skylights in same section, and to extend a short brick wall on the property located at **452 Commercial Street, U1**.

Holly Tarleton presented; said the part of the roof facing Bank St. which has not already been replaced is crumbling; referenced 2017 when the owners came before the HDC to install two skylights on the east elevation, but had then run out of time to implement the approved application, now seeking to make good; spoke of extension of the driveway and white picket fence, which AH referenced as being part of the recently approved curb cut and said the wall would be extended to the west.

No public comments or letters.

JD and HS said they were fine with the application as is. CM mentioned an applicant a couple of weeks ago in the same building who wanted to put a door with window onto their porch which was rejected, but noted in this case that there is zero visibility of the skylight from his perspective in this unit, and is ready to approve. TB expressed surprise that 4x4 skylights had been previously approved but assumed it was due to minimal visibility.

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

TB made a motion to take [HDC 20-2269](#) out of order. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

h) [HDC 20-2267](#)

Application by **Hal Winard** requesting to replace 7 windows in kind and a slider with a larger slider on the structure located at **6 Mechanic Street, UE**.

Mr. Winard presented after a short delay; cited a 6' two-panel slider to be replaced with a 4'-panel slider, 9x9.

JD said his vote would be to eradicate the large octagonal window, to which Mr. Winard said he would give his conditional approval and check with the owners. JD stated his preference for a 2/1 rather than the 1/1, to which Mr. Winard said he would discuss with his client, noting that there is a whole other building with 1/1s and that he believed the architect planned to match. JD said he felt the 2/1 is more in keeping with the historical nature of the building. Mr. Winard asked JD for his opinion on historical sashes, to which JD concurred. CM said he agreed with JD with the exception of a preference for three rather than four windows on the upper level. JD said getting rid of the octagonal window was his chief concern, as did HS. TB said he was inclined to grant approval of the four windows. CM suggested that there could be space to pocket into the wall, which Mr. Winard said was a new design aspect for him. AH said that although these door styles exist in Town, the means to make that happen would not necessarily result in any gain.

TB made a motion to approve with the condition that the windows be 2/1 with an historical sill and the octagonal window is eliminated. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, CM.

i) **HDC 20-2269**

Application by **Dan Almeida** requesting to replace an existing double deck with a new, wider double deck, installing a rubber roof to prevent water intrusion on the first-floor deck, and to install a second set of steps for access to the back yard on the property located at **1 Winthrop Street, UA**.

No one presented when summoned by phone to the hearing.

TB made a motion to continue the hearing to the meeting of February 3, 2021. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

7. Review and approval of Minutes: June 1, July 20, August 3, 2016, and December 16, 2020 and January 6, 2021.

No minutes were approved.

8. Deliberations on Pending Decision: VOTES MAY BE TAKEN

TB said he would elect to work with HS on the **HDC 20-2079** decision of a request to install 8 solar canopies on the lots located at **132 & 134 Bradford Street and 10 Conwell Street**.

TB made a motion to approve the January 20, 2020 decision of **HDC 20-2264, 10 Prince Street**, written and read into the record by HS. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

TB made a motion to approve the January 20, 2021 decision of **HDC 20-2265, 452 Commercial 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 January 20, 2021 decision of **HDC 20-2267, 6 Mechanic**

Street, UE, written and read into the record by HS. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, JD.

HS asked about getting back on track for filing decisions in a timely fashion, noting that if approved decisions are not filed within 60 days, the applicants are allowed to do what they want. AH replied that things are going to be getting back to order now that there is a new Town Clerk, Emmett Catanese, a former Provincetown police officer; added that the interim Town Clerk, Ana Ruiz, had done a great job.

TB recommended holding elections at the next meeting.

JD asked the other Board members if he comes across as horribly cranky and bad for the HDC. TB said that sometimes all Board members can be a bit passionate and agreed tone is important, but thanked JD for his service to the Commission, as did HS who said she admired JD for his knowledge and insight. CM also thanked JD for his help and expertise. TB said he felt that this was one of the best Boards he has been apart of, and CM said he also felt the current Board worked very well as a team.

TS offered to assist HS at her home in finding a remedy for her sound interference, which was dominant throughout the meeting.

TB made a motion to adjourn at 7:10pm. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, CM.

Respectfully Submitted,
Jody O'Neil