

## **Public Meeting May 5, 2021**

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, May 5, 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.

Members of the public who wish to participate in the meeting may do so using MS Teams or via conference call: **Join on your computer or mobile app** [Click here to join the meeting](#)

**Or call in (audio only)** [833 579-7589](tel:8335797589), [664841377#](tel:664841377) United States (Toll-free)  
Phone Conference ID: **244 453 505#**

**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 minutes of proceedings as soon as practicable after the meeting.

Members by remote: Laurie Delmolino (LD), Chair, Historical Commission Rep.; John Dowd (JD), Vice-Chair, PGB Rep.; Hersh Schwartz (HS), Clerk, Chamber of Commerce Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Murphy (MM), Alternate; Anthony Iannacci (AI), Alternate.

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

TS gave opening remarks at 3:35pm and called for LD to give quorum by roll call.

LD 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.

#### **AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AND VOTES TAKEN ON ANY ITEM**

- 1. Work Session:**
- 2. Update on potential violations reported to the Building Commissioner.**

LD made a motion to move Update on Potential Violations to the end of the meeting. MM seconded the motion and it passed, 5-0-0; MM, HS, JD, CM, LD.

AH announced that the Ice House case would be presented under Any Other Business.

**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 May 19, 2021 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

LD made a motion to consider the following for Administrative Review: i), 73 Commercial St., #5UBO; ii) 18 Franklin St., U2; & iv) 3 Dyer St. HS seconded the motion and it passed, 6-0-0; HS, JD, CM, MM, AI, LD.

LD made a motion to consider the following for Full Review at a future hearing: iii), 4 Atwood Ave.; vi) 361B Commercial St., U3; vii), 16 Bradford St.; viii) 139 Commercial St., UA; ix) 635 Commercial St. HS seconded the motion and it passed, 5-0-0; HS, CM, MM, AI, LD.

Discussion ensued on 4 Atwood. TS remarked that there would not be time for public notification to hear the case before the June 2<sup>nd</sup> meeting. LD said that even as the application states 'in kind', the height and other factors are changing warranting a Full Review, to which HS agreed. CM added that 4 Atwood could once be seen very prominently from Commercial St. and that now 56 Commercial has a fence higher than what is probably regulation.

i) 73 Commercial St., #5UBO – To replace a window in kind.

Peter Page presented; said window was broken during a winter storm; plan is to set a piece of glass on the bottom, awning on top; Anderson, in kind.

CM asked per the Anderson quote as aluminum. Mr. Page said he wasn't exactly sure of the reference, but thinks it might be the type of material separating the pieces of glass; or indicating multiple fasteners. CM asked if was possible to replace the unit with something more historical, to which Mr. Page said he thought the ship had sailed on that point as there had been so many different replacements through the years, although efforts have been made to keep the west façade historical.

LD made a motion to approve as presented. JD seconded the motion and it passed, 6-0-0; JD, HS, CM, MM, AI, LD.

ii) 18 Franklin St., U2 – To replace a window in kind.

Peter Page presented.

LD said the windows appear all clad, to which Mr. Page confirmed.

JD asked per the aluminum or vinyl chasing and if there is a way to trim this out so it matches the other windows. Mr. Page said they were looking to do the work on a low budget and the trim is in fine condition; only the sash needs a change, which JD lamented.

LD made a motion to approve as presented. JD seconded the motion and it passed, 5-0-0; JD, CM, MM, AI, LD.

iii) 3 Dyer St. – To replace a fence in kind.

Leonard Deibler, owner, presented; said that his intent is to replace, rather than repair, the custom-made fence to the template including the curves, stain and tops.

*[NOTE: No vote taken; approval by consensus.]*

v) 99 Commercial St., U4-7 – To replace deck railings in kind.

Michaela Murphy presented; described the process concerning work under the pier, plan to replace the railing which blew off in the storm; painted to match, a couple of modifications in terms of inches; pressure-treated wood, all the same materials.

AH sought clarification on the part of the deck that goes to the apartment doors above. MM said it is the railings and deck floor, perhaps a 2" difference in the posts; said Ginny Binder should also be on the call for further clarification. CM said he had no issue at all.

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

**4. Any other business that shall properly come before the Commission:** Discussion about the Ice House Condominium.

Ice House Condominiums

AI recused himself as he resides at the residence. Lester J. Murphy, attorney, presented; requested AI remain to hear the presentation as he is on the Board of Trustees. Mr. Murphy said the property has a significant problem with the fascia leading to extensive leaking leading to rot and mold issues; a complete rebuild of the façade is now being planned; Trustees engaged IDH Building Science, out of Boston, along with Coastal Engineering, to conduct a study; window and exterior materials to be replaced.

Luke Nah Rgang of RDH Building Science presented a detailed plan to restore and replicate the exterior with a re-applied stucco/concrete look, columns and beams to be over-clad; exploring window replacement options for current, aluminum clad wood units which have been taking on water, entering the wall cavity and contributing to the corrosion.

LD asked if there are photos of the previous window sizes. JD indicated where they could be found online at Ice House Provincetown with fenestration from probably the 1940s. Mr. Nah Rgang referenced steel windows that were swapped out. JD said he had hoped for a more industrial rather than a suburban look in the transformation; thinks windows should look more like the Bowery Hotel in NYC, or modern chic. CM said he would be conscious of the Town's dark sky initiative to keep light pollution to a minimum.

AI mentioned an image that is the oldest available of the property wherein the windows appear to be 2/2. MM said she felt the building would be more appropriate and ascetically appealing by removing the stucco and return it to its more warehouse look. Mr. Nah Rgang said the Bowery, Manhattan look of solid brick will probably not be achieved based on the presence of concrete elements and the need to remove all of the existing brick to facilitate repairs. JD asked AI if there was any appetite to return to a more industrial metal-type window. AI responded that the problem is the Association is divided on the matters of a new look.

AI introduced Trustee Lynn Swenson; said the residents are aware of all the imperfections of a broken building, including Stop & Shop-style lighting shining into neighbors' homes and concerns that if changes are stipulated in the repair job that with 23 unit owners' interests at stake that the work will not get done. Mr. Murphy spoke of the financial ramifications of doing work that is repairable and not that which would constitute improvements; owners who wish to participate in upgrades can sign on, while others can be excused. JD suggested there should not be an issue with window replacements as outlined in the plan. AI said recommendations from the HDC would be greatly appreciated going forward as they fine-tune the proposal.

**5. Public Comments:** On any matter not on the agenda below  
None.

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

a) [HDC 20-2261](#) (continued from the meeting of April 7<sup>th</sup>)

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**.

Brian Alexander and Lisa Pacheco-Robb presented.

Ms. Pacheco-Robb confirmed updated drawings online, which CM said he reviewed. LD recused herself as she had not been in attendance at the previous hearing, to which Mr. Pacheco-Robb said this is the third time the application is being heard; directed the Board to changes on the East elevation with a new jog-in; door moved back to its original location with a size increase to 3', trim surround increasing to 2"; side-lights shrunk down to a modest size.

JD asked of Ms. Pacheco-Robb's preference for the revision or original offering, to which she replied they were fine either way. JD said he found no reason to alter such an historic façade for simply stylistic reasons and the Greek Revival door upgrade a bit too fanciful; can live with the Bay on the east elevation. Ms. Pacheco-Robb said the asphalt roof will remain the same. AI said he felt the home owners are seeking improvements from a narrative that assumes the previous owner was of ample means in order to justify embellishing the property, which, he felt, could render the building less like the historic presence it holds.

Ms Pacheco-Robb expressed the owner's perspective in citing a number of changes and alterations made to the building that will still lie within the HDC guidelines; mentioned roof as replaced last year. JD questioned the request for new wood clapboards when the existing don't warrant it; suggested an aesthetic judgment is needed.

LD said she is frustrated by the HDC's response to the proposal as the homeowner has spent a lot of time notating the history of changes to the building; referenced what she said were fluent examples of Greek Revival doors about Town.

CM asked if cedar shingles were meant to be retained. Mr. Green said they'd be switched out for clapboard. CM said he understood the larger door and trim work but is not in favor of the side-lights as he finds them way out of proportion. AH said the property is governed by Appendix J which allows for older buildings that don't necessarily meet the modern codes.

JD said the design is lovely and the plan done superbly, but that his position stems from a building that tells so much history, even with changes such as an added porch along the way, where so much stands intact to the original narrative; that while a larger door provides greater access, it is not what tells the story of the structure. Ms. Pacheco-Robb said her frustrations are with what she feels are inconsistencies on the part of the HDC's determinations regarding property changes.

MM said she agreed with Ms. Pacheco-Robb's points on the Board's inconsistencies but also concurred with JD that the door should retain its original size; is okay with other facets of the re-build, east and west.

Mr. Green said the door change is to imitate the one applied to the house to the next door which was constructed in the same era; declared that the house is not intact as original and that he is being held to an architectural piece of history that is fictional.

AH made a note of the amount of time that had been devoted to this application with the rest of the agenda still ahead.

Ms. Pacheco-Robb said she truly appreciates what JD has expressed, but that her client is devoted to the history of the Town and is seeking to do something that is consistent with the house, requests to continue the hearing. CM suggested the east elevation could be voted on today, to which AH objected, relating it would be too hard to breakdown the application as such.

CM said he'd like to see a drawing of the south elevation.

HS said she agreed with a lot of what everyone, applicant included, has said and got the feeling that a compromise could be met regarding a 32" door and removal of the side-lights; has no problem with anything else. MM said she agreed with HS. JD cited the renovations to the house next door as evidence of a complete loss of soul; something that looks great on paper and is attractive to the eye but where the details are not correct

JD made a motion to continue the decision to the meeting of May 19, 2021. HS seconded the motion and it passed, 5-0-0; HS, CM, MM, AI, JD.

b) [HDC 21-14](#) (continued from the meeting of April 21<sup>st</sup>)

Application by **Nancy Lockwood** requesting to enclose a porch and add a second story with a roof deck on the structure located at **1 Holway Avenue, U1A**.

LD said she did not see new plans. AH said a request has been filed to continue the hearing to the meeting of May 19<sup>th</sup> as the plans did not come in on time.

LD made a motion to continue the decision to the meeting of May 19, 2021. JD seconded the motion and it passed, 5-0-0; JD, HS, CM, MM, LD.

c) [HDC 21-78](#) (request to withdraw without prejudice)

Application by **William N. Rogers, II**, on behalf of **Kelly R. Bocuzzo et ux.**, requesting to add a screened-in porch and 2 skylights on the structure located at **11 Johnson Street**.

LD made a motion to accept that the application be withdrawn without prejudice. HS seconded the motion and it passed, 5-0-0; HS, JD, CM, AI, LD.

d) [HDC 21-79](#) (continued to the meeting of May 19<sup>th</sup>)

Application by **Adam Rogers** requesting to modify a previously approved Certificate of Appropriateness to increase the height of a structure by 14" and to relocate a casement window on the structure located at **10-12 West Vine Street, U3**.

Moved to the meeting of May 19, 2021.

e) [HDC 21-81](#)

Application by **Carlos Verde**, on behalf of **Andrew Harrison** and **Kenneth Baker**, requesting to replace a metal door with a wooden door with half glass/half view on the structure located at **405-407 Commercial Street, Unit 2**.

No one presented.

LD described the replacement for the failing door as a solid wood Provincetown-style door. HS said she was okay with it, as did JD and CM.

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

f) [HDC 21-82](#)

Application by **Lester J. Murphy, Esq.**, on behalf of **Leigh F. Tucker, et al.**, requesting to install a retractable awning on the side of a condominium to cover an existing patio/platform on the structure located at **15 Conant Street, Unit 1**.

Lester J. Murphy, Jr., attorney, presented; said the retractable awning would be installed on the southeast or right side of the building, behind or adjacent to the parking area; 14'x10' when extended; white aluminum framing, material is silica-silver, a sort of sand-gray to blend in;

has been approved by other condo owners; exclusive-use area; referenced letters of support from four neighbors; element to be retracted when not in use.

HS said there is nothing on file per the awning material or specs. Mr. Murphy said the actual material samples were submitted to the Town; a sand-gray color to blend in. HS said she did have a material sample in her packet; noted letters of support from neighbors. AI asked if there was previously an awning at the property, noting brackets. Attorney Murphy said the brackets are there to indicate where the apparatus would be installed.

LD said she would like to see what the awning looks like unfolded, to which CM agreed and thought he might prefer something more permanent. Attorney Murphy said they would get visuals for the HDC showing the unit both retracted and extended.

LD made a motion to continue the decision to the meeting of May 19, 2021 after receiving information on the appearance of the awning in retracted and extended positions. JD seconded the motion and it passed, 5-0-0; JD, HS, CM, MM, LD.

g) [HDC 21-84](#)

Application by **Christine Bezio**, on behalf of **Jeffrey Lick** and **Stephen McCarthy**, requesting to replace existing second and third floor decks, handrails, posts, and balusters on the structure located at **607 Commercial Street, Unit 3**.

Mark Kinnane of Cape Associates presented; said decks to be replaced are structurally unsound, new railing to meet code and feature white posts; sea wall on first floor may need to be replaced in a year or two, delaying work on the level; Juliet balcony to be replaced.

HS asked per the PVC material, to which Mr. Kinnane explained as looking like a white composite material, but which JD thought gave the appearance of plastic.

CM sought clarification that the spiral stairs would not be replaced; requests an elevation on the posts to make a determination. Mr. Kinnane referenced a photo of the material and look.

AI said there appeared to be six different looks; asked for clarity on the work to be performed. HS said she could be okay with Fibrex and MM said she would be okay with composite for the deck boards, but not the railing system. Mr. Kinnane said the posts will be replaced in the exact same positions; horizontal wood to be replaced with cable and there would need to be more of them per Code; height of railing to be 36", also per Code. AI requested consistency and continuity per what would specifically be seen from the beach and suggested taking photos during low tide to give a broader view of the property.

LD made a motion to continue the decision to the meeting of May 19, 2021 after receiving elevations as requested. CM seconded the motion and it passed, 5-0-0; CM, JD, HS, MM, LD.

AH advised not doing a smaller drop, but one at 18-24 which would be contextually correct. Mr. Kinnane said they would provide elevations and a PVC sample by May 12<sup>th</sup>.

h) [HDC 21-90](#)

Application by **Cuong Hoang** requesting to replace wooden balusters with cable railing on the structure located at **147 Commercial Street, Unit L12**.

Cuong Hoang presented; said the balusters on the ocean-facing side would be replaced. Same pressure-treated posts, same railings

JD said the building doesn't appear to be historic in any regard and as such he had no problem with cable railing. CM said he isn't in favor of inconsistency in terms of applied cable rails on one side and balusters on the other. LD appreciated keeping wood balusters.

LD made a motion to approve as presented. CM seconded the motion and it passed, 4-0-1: CM, JD, HS, LD, in favor; MM, abstained.

i) [HDC 21-91](#)

Application by **Bill Fornaciari** requesting to add 2 skylights to the structure located at **198 Commercial Street**.

LD recused herself due to a financial relationship with the buyer.

Bill Fornaciari and Stuart Jackson, buyer, presented; said rooms on the third floor get incredibly hot as they are not air conditioned and seeks to cool down building through skylights.

JD noted an obscure location. MM, HS and CM said they were fine with it.

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

j) [HDC 21-93](#)

Application by **Daniel Hammond** requesting to add 2 fences on the property located at **3 Kendall Lane, UB-3**.

Daniel Hammond presented; said neither fence can be seen from Bradford or Kendall or the neighbors; described 1' of added lattice with natural wood and said all the pictures can be found on the print-out; new fence-line to match; has approval from condo association.

JD asked why the choice isn't to replicate the solid planking. Mr. Hammond noted other fences with the same configuration in the area in citing consistency in the plans. CM referenced the HDC fence policy wherein privacy is permitted as proposed in the rear of the property only. LD cited visibility from Bradford St. Mr. Hammond said the neighbor's fence is far more visible from Bradford than his, to which LD said the neighbor's replacement was done before the HDC fence policy went into effect.

TS read the fence policy wording whereby the Commission can allow up to 6' wooden fences on the sides and rear yards only when considering privacy issues. Mr. Hammond said this regulation was what he was working toward for his plans and that he was then told by his contact at Crosby Fence that he needed to consult with the HDC; added that the fence cannot be seen from Bradford, to which LD corrected him in saying that it absolutely can. Mr. Hammond said the lattice at the top of the fence would address that concern.

JD said he was all in favor of the proposal as it lies within a very minimal view. AI said he felt it would be visible from Bradford. HS said she was not opposed to the orange fence on the bottom in the photo but that the upper should not be a 6' stockade as it's too visible. CM and MM and LD agreed with HS. LD suggested the least visible section of Bradford could feature the stockade, advised the applicant to return with a picket style of his choice at 4' or less. Mr. Hammond requested a 6' lattice, to which LD said would be even less historic. JD sought clarity on the fencing section that would remain from the original. LD advised Mr. Hammond that he can keep the little existing picket on the foreground if he chooses to do so.

LD made a motion to approve the fence at the southern most portion of the property with the fence section closer to Bradford to remain a picket. CM seconded the motion and it passed, 4-0-1: CM, HS, MM, LD, in favor; JD, abstained.

k) [HDC 21-94](#)

Application by **April Callahan** requesting to replace and add windows and to replace a slider on the structure located at **415-417 Commercial Street, U1**.

April Callahan presented; is seeking to match 2/1 units and to add two windows at 2/1;

replace non-functioning windows on the east side that, she said, have been dry-walled over.

JD agreed on taking the windows back to the same size and configuration; referenced a photo of the house from 1920. Ms. Callahan said another elevation was created by her architect with shutters but that the plan submitted seemed more in keeping with the historic perspective, to which JD said a restoration back to its former look is an opportunity to consider.

CM agreed with JD on the street-side and west-side elevations; asked per the location of the bottom slider to which Ms. Callahan said is now a concrete wall. LD directed the Board to discuss the size of the front windows which she felt should match the story above. JD felt a single lower window could be jogged a bit. Ms. Callahan said they wanted two, for water views.

LD began to start a motion which was interrupted to discuss the door. JD described the Provincetown door as a one or two panel option, or, in this case, a 4-panel which, he said works. MM said she would be fine with a solid wood door. HS referenced door model #117 as the previously approved single pane, but LD related that a 4-pane would also be acceptable. Ms. Callahan said she would opt for the single pane.

JD made a motion to accept as presented with the exception that the two windows on the first floor of the west elevation be reduced to one additional window; windows on first floor of the front or north elevation be reduced to reflect the size of the 2<sup>nd</sup> floor units; east and south elevations be accepted; door changed to a two-panel Provincetown door; new trim be wood. LD seconded the motion and it passed, 5-0-0; JD, HS, CM, MM, LD.

l) [HDC 21-96](#)

Application by **Christopher Nagle**, on behalf of the **Gregory J. Pesik 2011 Trust**, requesting to replace stairs to a rear deck and match rail systems on the rear deck and stairs, to remove a railing and to replace a front door on the structure located at **12 Atlantic Avenue, U1**.

Christopher Nagle presented; said the stairs in the back are changing as they are particularly steep and railings insufficient, direction reversed; looking to remove one section of rail on the front to open up the elevation; related that the owner of unit #1 on the first floor has expressed a willingness to give up one of his parking spaces for land/hard-scaping; front door replacement to a 4-panel, solid wood fir door.

CM said he liked that the Bay window is being replaced with something more historically correct and is in favor of the door swap-out; asked per the stairs in the back being visible from Bradford, to which Mr. Nagle said would be built to code. MM said the added land/hard-scaping would be a big improvement and a lot of the stuff in the back is about bringing up to Code.

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

m) [HDC 21-102](#)

Application by **Derik Burgess, of Cape Associates, Inc.** requesting to add a window on the property located at **535-537 Commercial Street, U3**.

Matt Cole from Cape Associates presented; said single window replacement on the water-side of the 3<sup>rd</sup> story unit is to match existing on another unit and be trimmed out in wood.

LD asked for clarity from the angle on the cut-sheet. JD said it looked great, as did HS.

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



7. **Review and approval of Minutes:** June 1, July 20, August 3, 2016, and March 3, March 17, April 7, and April 21, 2021.

Minutes submitted for March 3, 2021 and March 17, 2021 not approved.

8. **Deliberations on Pending Decision: VOTES MAY BE TAKEN**

LD made a motion to approve meeting minutes and the reading of decisions to the meeting of May 11, 2021 at 3:00PM. JD seconded the motion and it passed 6-0-0; JD, HS, CM, MM, AI, LD. TS noted that other boards have been meeting at the Elena Hall Park or other exterior, public spaces. The Pavilion at the Pier was settled on as a location. Jody O'Neil said he would be on the line for the meeting to record the minutes.

LD advised a general conversation to be utilized for addressing streamlining things at the next meeting. TS said the Board can send their talking points to both himself and AH which he can then share without violating the Open Meeting Bylaw.

2. **Update on potential violations reported to the Building Commissioner. [CONTINUED]**

AH said she has spoken to Don Murphy at 56 Commercial St. (3 Dyer) and he could be summoned to the HDC; reported that Dr. Head, owner of 4 Atwood, has made application.

LD referenced postponing 522 Commercial St. to which AH said Dr. Livingstone reached out to her to say he would be not be available for the May HDC meetings due to commitments for his practice; mentioned a document that Dr. Livingstone has forwarded, dated May 4th

LD said that when she was at 3 Dyer St. she noted a fence at 5 Dyer St. which, she said, would not be approved by the HDC. AH said this issue will be on the agenda for May 19<sup>th</sup> meeting. LD asked per the chimney to be taken down, also at 5 Dyer, to which AH said she believed was a part of the original application and the pergola will be wrapped into the upcoming fence address.

LD asked AH per a couple of items she had sent along, including Azek at Prince St., to which AH said she notified Chris Dio concerning a delivery of Azek and that she understood the owners would be coming to the HDC for Life Span: a controlled growth, non-wood composite.

LD made a motion to adjourn the meeting at 7:43pm. HS seconded the motion and it passed, 6-0-0; HS, JD, CM, MM, AI, LD.

Respectfully Submitted,  
Jody O'Neil