

Minutes

August 3, 2016

The Provincetown Historic District Commission Executive Session at 3:00 PM, followed by Work Session at 3:15 PM and Public Hearings starting at 4:00 PM on Wednesday, August 3, 2016 in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA.

Members present: Thomas Biggert (TB) Chair; Marcene Marcoux (MM); David McGlothlin (DM); Mark Westman (MW); Laurie Delmolino (LD); Martin Risteen (MR).

Member Absent: Lisa Pacheco-Robb.

Staff present: Gloria McPherson, Town Planner.

1. Motion by the Historic District Commission to vote to go into Executive Session pursuant to Open Meeting Law, G.L. c. 30A, Section 21(a), Clause 3 for the purpose of:

Clause 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. (Regarding 457 Commercial Street). Votes may be taken.

TB made a motion that the HDC enter into Executive Session. DM seconded the motion and it passed, 5-0-0: DM, MM, MW, LD, TB.

2. Work Session

a) Update on potential violations reported to the Building Commissioner

- i. 15 Alden St. – construction of a partial enclosure for a split unit – homeowner will file with HDC.

Reporting on behalf of Building Commissioner, Annie Howard, Ms. McPherson said the homeowner has been contacted and related they would file with the HDC, forthcoming.

- ii. 4 Conant St. – dormer windows in different configuration than approval – no update at this time.

Ms. McPherson said she received application about an hour ago and the item would appear on the next HDC Agenda.

b) Determinations as to whether the applications below involve any Exterior Architectural Features within the jurisdiction of the Commission; Administrative Reviews to be placed on the next available agenda; Full Reviews to be placed on the September 7 Agenda.

Elana Quirk, Town Counsel, presented. TB announced a new method for addressing Administration Reviews during Public Meeting. Ms. Quirk said the Bylaw should be expressed as clearly as possible and advocated that applications be processed on behalf of the Town in a timely fashion; a protocol which can then be presented on the floor of Town Meeting for vote.

TB asked if there is a Bylaw stating that certain tasks can be delegated, to which Ms. Quirk said not regarding Administrative Reviews.

MM said the prior amendment was made by herself in 2013 and that the requirement of abutters being notified within 10 days was taken out. Ms. Quirk said that while she understood how the Commission was seeking to interpret Administrative Reviews for the sake of economy of process, the language pertaining to statutory boards in the Bylaw is clear.

TB recommended delegating Administrative Review to the sitting HDC until the matter can be addressed at Town Meeting, which Ms. Quirk agreed in order to reduce the risk of lawsuits by abutters or applicants. LD said she didn't see the risk. MW said he felt it would be prudent to abide by Town Counsel's recommendations. Ms. Quirk suggested a work-around that could allow for the sub-committee to meet on Admin Reviews following the Public Hearing. All agreed that this would be a helpful measure of improvement.

- i. [8 Central Street](#) - for the replacement of a fence.
TB said he felt a Full Review was warranted, to which Ms. McPherson offered there had never been a Full Review for a fence. The Board agreed to render the application as Administrative Review.
- ii. [3 Court Street](#) - for the removal of a deck and stairs on east elevation and replacement of windows and doors.
MM said she felt the application should have Full Review.
TB made a motion to consider for Full Review. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.
- iii. [600 Commercial Street](#) – to remove addition and replace with a deck.
TB said the request is for a porch that had been there before and would involve the Planning Board.
TB made a motion to consider for Full Review. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.
- iv. [9 Bradford Street](#) - for a request to modify a Certificate of Appropriateness to allow round columns.
TB suggested asking the Building Commissioner to have a look in at the property.
TB made a motion to consider for Full Review. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.
- v. [167 Commercial Street, #7](#) - to add dormers.
TB made a motion to consider for Full Review. MW seconded the motion and it passed, 5-0-0: MW, MM, DM, LD, TB.
- vi. [41 Commercial Street, #5](#) – to add dormers on an existing unfinished half-story.
TB made a motion to consider for Full Review. LD seconded the motion and it passed, 5-0-0: LD, MM, DM, MW, TB.
- vii. [466 Commercial Street](#) – to replace existing red cedar shingles with same.
TB made a motion to consider for Administrative Review. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.
- viii. [43 Bradford Street](#) - for window replacement with vinyl windows.
TB made a motion to consider for Administrative Review. MW seconded the motion and it passed, 5-0-0: MW, MM, DM, LD, TB.

c) **Administrative Reviews**

None

d) Pre-application discussion with Jeff Mulliken and Elbert Ruff regarding proposed work at 34A Pearl Street.

Jeff Mulliken presented with preliminary sketches and a site plan to discuss the proposed renovation; said property is best spied from Harry Kemp Way, with south elevation scarcely visible from the street; original house, pre-1900 – long extension perhaps dating from the 1930s, and a small workshop built circa 1950s which is proposed to expand into a 2-bedroom unit connecting to a new 3-bedroom in the main house. Mr. Mulliken noted various fenestration at the property, none of which he said is original, and cited a need to add headroom on the second floor, as well as shed dormers and a deck.

MM stated a preference for simplicity with the window construct. DM agreed and also felt that a simpler approach to the pre-1900 building was warranted in addition to concerns over the increased massing. TB concurred on the proposed mass as going against the smaller area buildings. LD said that typically the dormer would not reach up to the ridge line and should be brought into the frame of the house. MW said he had nothing to add. Mr. Mulliken made the case for added mass in order to facilitate bedrooms in the oddly shaped floor plan that has widths of 14' and 20'.

e) **335 Commercial Street** – Continuation of a discussion with Diarmuid O'Neill regarding revised venting and screening of venting at the rear of the Squealing Pig.

No one presented.

f) **Annual Organizational Meeting** – election of Chair, Vice-chair and Clerk.

TB made a motion to continue discussion to the next HDC meeting when Commissioner Pacheco-Robb could be in attendance. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.

g) **Review and approval of Minutes of the meetings of [January 20](#), [March 2](#), [May 18](#), [June 15](#) and [July 6, 2016](#)**

TB made a motion to approve the HDC meeting minutes at the end of the Hearing. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.

3. Public Hearings

a) **[Case #FY16-106](#)** (*postponed from the meeting of July 20*)

Application by **Pavel Fiodarau, on behalf of Marcus Builders, LLC**, requesting to demolish a garage at the property located at **384 Commercial Street**.

Ms. McPherson said the applicant requested a postponement.

TB made a motion to continue the decision to the meeting of September 7, 2016. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.

b) [Case #FY16-107](#)

Application by **Tom Thompson, on behalf of Janet G. Beattie and Karen Jasper**, requesting to expand a second-floor bedroom and closet over a northeast ell at the property located at **262 Bradford Street**.

Tom Thompson and John DeSousa presented. Mr. DeSousa went through the plans for an extension; said the property is only accessed through a private way and that materials to be employed for the re-built will be in keeping with the existing. Mr. DeSousa read into the record a letter from the owners promoting their plans.

Ms. McPherson read a letter into the record in support from John Murphy.

MM noted an odd history of the house and said she didn't have much of a problem with the plans. DM said there was not minimal visibility for pedestrian traffic and that his main concern was with the east elevation. TB said he didn't feel the design was too aggressive. MW said this should be an opportunity to provide some uniformity to a mishmash. Mr. Thompson proposed adding trim to the window casing and adding length to the units. LD concurred with DM and said there was no historical relevance with adding a slider; preferred double-hungs but would like to see another drawing.

Mr. DeSousa suggested eliminating the double-hungs and moving the slider in its place as the location is partially obstructed by the trellis. Mr. Thompson added that this could be a fair exchange; gave specs on casements as 32" x 32". MW disagreed with TB on the topic of visibility and noted awning windows being allowed; said he was comfortable with the design and in agreement with moving the slider over to the west and bringing down another A-series where the slider is on the east.

TB made a motion to continue the decision to the meeting of September 7, 2016. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.

c) [Case #FY16-108](#)

Application by **Kevin Bazarian, on behalf of Maria Cirino**, requesting to renovate the existing structure, including enclosing the area beneath an existing deck, replacing deck surface and railings, extending dormers on the north and south sides, replacing windows, doors and an existing chimney, replacing vinyl siding and restoring existing clapboard and adding a gable on the north side of the structure on the property located at **16 Carver Street**.

Kevin Bazarian and Lyn Plummer presented. Ms. Plummer said the property is a two-family and that the addition will be Greek Revival; metal chimney to be removed and brick chimney replaced with a faux version; window replacements on front of house to be 2/2, front door replaced; only windows are to be replaced on the side of the house which, she said, has limited visibility; enclosure under the deck; dormer extension to also include the Cudworth side; aiming to maintain existing, salvageable clapboard and door trim. Ms. Plummer submitted door options for HDC input.

Mr. Bazarian said they would hope to save as much clapboard as possible and to replace wood with wood, captured balusters; considering green shutters.

Michael Perry, abutter at 19 Court St. and a 16-year resident, said he was glad the property was being cleaned up but questioned why the lot that is an old garage is not on the historic or Zoning mapping, as it was used for parking previously; asked if there are plans to tear down the garage; related on behalf of abutter Ken Nelson, who, he said, could not attend today's hearing but is concerned about non-historic-looking windows at the back and asked how the addition under a deck could be approved and if there is a potential of building on top of the deck. Mr. Perry expressed a comment from Tim Simmons, an architect who abuts the lot and who wanted to relate the historic nature of the building in a bid to maintain its integrity.

Paul at 9 Cudworth spoke in agreement with Mr. Perry, said that the lot needed some attention but that he would like to see the garage and carriage house retained where possible as it creates a rhythm to the neighborhood.

MM noted that today's discussion would not concern the garage but only the main house; that parking, in terms of the garage, is a Zoning issue; said she would have to insist on wood.

TB said he only really had a problem with the left elevation, and that overall the design appears fairly contemporary, especially regarding the grouping of four windows. MW said he felt it was a wonderful renovation, in general. LD agreed; said her concern is the double windows; asked if one rather than two windows would be prudent at the porch location. DM said overall he found it a great renovation, particularly concerning the front door and the return of shutters; recommended the stained-glass window at a recent renovation on Johnson St., rather than a grouping of units.

TB made a motion to continue the decision to the meeting of September 7, 2016. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, LD, TB.

TB announced a short recess. LD left the meeting at 4:45pm.

d) **Case #FY17-01**

Application by **Mark Nickerson, on behalf of David Mayo**, requesting to install new deck stairs and railings at the property located at **617 Commercial Street**.

David Mayo presented; said the renovation involves the stairs on the Commercial St. side as what is existing is unsafe and not up to Code; requesting Azec on the northern exposure; change to be contained in the footprint with no change in size.

TB read a letter in support from Bob and Barbara Flanders of 612 Commercial St.

MM said she had no problem with the plan, as did TB.

TB made a motion to accept as presented. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, MR, TB.

e) **Case #FY17-02**

Application by **John DeSousa, on behalf of Rick Macara**, requesting to demolish a dwelling and detached garage and reconstruct the dwelling in a new, expanded footprint at the property located at **35 Alden Street, #1**.

Richard Macara, Vida Richter, John DeSousa and Tom Thompson presented. Mr. DeSousa gave the specs on the unit and garage with the intention of reconstructing to make way for a Title 5 Septic system which necessitates a reshaped footprint to accommodate installation. The change will also involve an increase from a half-Cape to a three-quarter Cape.

Norman Barry at 37 Alden St. spoke in favor of renovation, but against the plans as proposed as reaching up against the set-back and looming too high at 27 or 28 feet.

Mitch Hollander of 28 Alden St. said his only concern is the taxi or livery business in the area with a greater impact on parking and traffic.

TB read a letter into the record from Hilary Gambrol (sp) at 37 Alden St. who wrote against the new massing and destruction of two large trees and other negative impacts on the historic aesthetic. Ms. Gambrol then spoke in more detail about the relative value of the studio.

Mr. DeSousa said the building will only be rising 6" and the inability to connect to the Town sewer which, according to the DPW, will not happen in this lifetime; acknowledged the back of the building as a matter of taste, to which Mr. Thompson cited integrity in the existing structure.

TB noted a lack of elevations of the existing structure to which Mr. DeSousa said they were told were not needed. TB stated his second point as a requirement to rebuild as is, to which MM said she was in agreement. Mr. DeSousa countered with dimension issues as exist in planning for a new leeching field.

DM asked for documentation indicating that these plans stand as requirement. Mr. Thompson said the report from William Rogers has served as a guide to the preliminary drawing. MR spoke in support of mirroring the front building to the back and losing the modernization aspect which, he said, can also afford the addition of dormers. MM agreed and said more unity will also create a better flow. Mr. Thompson said the challenge is in providing additional workforce housing, made a suitable comparison to a home at 11 Holway Ave.

Mr. DeSousa requested some degree of flexibility in new fenestration in terms of light permeation, which MM and TB concurred. MR advocated for a half-Cape in the front with flexibility in reconfiguring the ell.

TB made a motion to continue the decision to the meeting of September 7, 2016. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, MR, TB.

f) **Case #FY17-03**

Application by **Regina Binder, on behalf of Christina Barker**, for alterations to a previously approved plan, including changing to a cable rail system on the third-floor deck, changing approved square windows on a dormer to round windows, and discussion of fencing options at the property located at **169 Bradford Street**.

Regina Binder presented; referenced the HDC bylaw which, she said, best relates to the application at hand whereby the dormer cannot be seen as it is an inset deck into the roofline; newly proposed round windows expressed as hardly visible.

No public comments or letters.

DM agreed per the lack of visibility as realized during a recent site visit, as did MW. MM said she would stick to the original decision dictating wood. MR said, at his site visit, he tried to see the building's features, but could not. TB said that in winter, with trees down, there would be visibility for about 10 steps. MW recommended moving approval as submitted.

Fence discussion: MM read the HDC fence policy. MW said he would have a problem with a 6' privacy fence facing Bradford. TB and MM agreed, with TB's stated preference for a picket. Ms. Binder said the owner may go for a hedge option.

TB made a motion to approve the window and rail but to continue the decision on the fence to the meeting of September 7, 2016. DM seconded the motion and it passed, 5-0-0: DM, MM, MW, MR, TB.

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

None fielded.

TB made a motion to adjourn the meeting at 5:54pm. MM seconded the motion and it passed, 5-0-0: MM, DM, MW, MR, TB.

Respectfully Submitted,
Jody O'Neil