

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Judge Welsh Room, Town Hall
Provincetown MA

WEDNESDAY, NOVEMBER 15, 2017

Members Present: Chairman Thomas Biggert (TB), Lisa Pacheco Robb (LPR), Hersh Schwartz (HS), Marcene Marcoux (MM); Laurie Delmolino (LD)

Absent: Martin Risteen- Excused Absence

Others Present: Anne Howard (AH), Community Development – Building Commissioner

The meeting was called to order by TB at approximately 3:30pm.

1. WORK SESSION

a) Update on potential violations reported to the Building Commissioner

AH noted the outstanding items for review: 394 Commercial St. (trim); 3 Prince St. (iron fence); 479 Commercial St. (fence); 307 Commercial St. (fence at Allerton); 21 Winthrop St.

b) 18 W. Vine St. reconsideration

TB announced that this item has been tabled as a letter is out to Jonathan Silverstein, attorney, to get his opinion on the matter before proceeding to further review. MM verified that the latest version of the letter was issued.

c) Determination as to whether the applications below involves any Exterior Architectural Features within the jurisdiction of the Commission; with Full Reviews to be placed on the Public Hearing Agenda on the December 6th Public Hearing agenda and Administration Reviews to be acted on by a subcommittee appointed by the Commission.

- i. 4 Baker Ave. – to modify an already approved plan
AH had a site visit, said that the drawing hasn't been turned in but owner requests to put door on left-hand side of east elevation where window was and nothing on right-hand side which involves less construction, per TB. TB made motion to pass modification as administrative review; LD seconded the motion and it passed, 5-0-0. AH will bring in drawing to next meeting for file.
- ii. 422 Commercial St. (continued from the meeting of Nov. 1st)- to replace an entry door in kind
Peter Page presented new picture for review. TB suggested door is the original, asked if it might be repaired as it does not appear to be rotted. Peter Page stated door needs replacement that it wiggles like an envelope. LD visited site, said from street the door looked great but did not examine it. LPR asked if door could be re-cycled.

MM recommended replacement door be closer to original. TB made a motion to table the decision until a site review can be made at end of today's meeting. MM seconded the motion and it passed, 5-0-0.

- iii. 396 Commercial St. (continued from the meeting of Nov. 1st) – To remove and replace a deck
Deborah Paine, builder, presented on behalf of owner, John Derian, materials provided for review. Deborah Paine said they need to replace rotting deck with mahogany, classic wood balustrade in kind, and restore columns, as they're one of a kind. TB remarked on the excellent restoration on the property thus far, made motion to accept as presented for administrative review; MM seconded the motion and it passed, 5-0-0.
- iv. 665 Commercial St. – To re-side and replace a door in kind
MM remarked per materials under review that door should be wood and that vinyl siding replacement passes as it's been there for 25 years. TB made a motion to accept as presented with condition that door be wood; MM seconded the motion and it passed, 5-0-0.
- v. 27 Court St. – To remove and replace a concrete block wall with a wood picket fence
David Gurtin presented, said he was here today because the DPW hit their wall; that the wall has been hit several times. MM asked for height of present fence; David Gurtin guessed it was about 32-38" and new fence would match that aspect. TB made motion to accept for administrative review, as presented; MM seconded the motion and it passed, 5-0-0.
- vi. 104 Commercial St. – To remove and replace trim
TB made motion to accept for administrative review as presented; MM seconded the motion and it passed, 5-0-0.
- vii. 54 Bradford St., #3-2 – To replace a door in kind
MM asked AH if current door is fiber-glass; AH unsure. TB made motion to accept for administrative review as presented as long as replacement is in kind; wood-for-wood, or fiber-glass for fiber-glass. MM seconded the motion and it passed, 5-0-0.
- viii. 377 Commercial St. – To replace trim
Steven Ryan presented specified areas to be replaced; that clapboard would be replaced with cement-board. LD added that cement-board is generally used as fire-preventative when properties are in close proximity; suggested that a wood-looking product Boral, would be a better match. TB made a motion to accept as administrative review with the condition that Boral or clapboard, and not cement-board, is used in replacement. MM seconded the motion and it passed, 5-0-0.

- ix. 5 Dyer St. – To add and re-configure windows on a dormer and replace a kitchen window
MM recommended item for full review. TB made a motion to table the request for full review; LD seconded the motion and it passed 5-0-0.
- x. 509 Commercial St. – To raise a building pursuant to FEMA regulations, replace a deck on the south elevation and construct a stairway on the west elevation
TB said he was concerned about the proposed elevation of 9' and made a motion to accept request as a full review. MM seconded the motion and it passed, 5-0-0.
- xi. 43 Commercial St. – To remove and replace an existing fence
MM clarified with AH that the fence is actually a deck with guard rails. TB made a motion to table item for a full review, based on the needs for a railing; MM seconded the motion and it passed, 5-0-0.
- xii. 315A Commercial St. – To restore a fire-damaged structure, including a second floor dwelling unit, and to add a roof structure for a second floor seating area, a new restaurant/bar area and egress decks and stairs on the east elevation
The Surf Club. AH pointed out that the plans submitted are identical to the ones from 2006. TB said he felt the re-vamp offered the possibility of exciting new life on the waterfront; made the motion to accept the request for full review. MM seconded the motion and it passed, 5-0-0.
- xiii. 175 Commercial St. – To modify a roof to enclose duct work
AH reported there was no paperwork. TB made the motion for the item to be continued at next HDC meeting on Dec. 6th; MM seconded the motion and it passed, 5-0-0.
- d) **Review and approval of Minutes:**
TB made a motion to review and approve the meeting minutes as listed; LD seconded the motion and it passed, 5-0-0.

2. PUBLIC COMMENTS: On any matter not on the agenda below

- a) **16 Prince Street**
Mark Kinnane from Cape Associates representing Chris Sampo presented new drawings based on the building department denying windows to be installed per previous drafts with fenestration on the 2nd floor as it is too close to the property line. TB clarified that there will still be a one-foot recess that wasn't there before. LPR clarified that the north elevation is what has shifted with changes. TB made a motion to accept the modification as presented; MM seconded the motion and it passed, 5-0-0.
- b) **34A Pearl St.**
Jeff Mulliken owner, presented a short review: contractors have removed newer section of house and are currently excavating and pouring the new foundation; the 1850 section of the building has been

left intact and was lifted to insert a required crawl-space at which point it was learned that the entire first floor framing system is ineffective, joists and seals are rotted or broken. Based on scant integrity of original structure, Jeff Mulliken proposed to detach the walls separately and build a crawl-space and secure the floor deck, then re-integrate these features into the structure rather than create a new structure as there is nothing to sister-together. TB read a letter from engineer, Michele Cudilo, P.E. Consulting Structural Engineer, Centerville, MA, from Nov. 14th which verified the owner's claims. AH added that the building department had directed the owner to enlist the contractor's written evaluation of the property's current situation after a site inspection. TB expressed that he felt it was a good solution and made the motion to accept as presented. MM seconded the motion and it passed, 5-0-0.

3. PUBLIC HEARINGS: VOTES MAY BE TAKEN

- c) **HDC 18-074 (continuation from the meeting of November 1st)**
Application by **Town of Provincetown**, requesting to replace a 5' high chain-link fence with an 8' black vinyl chain link fence with black slats and increases its length along the property-line on the property located at **12 Winslow Street**.
Dr. Beth Singer, of Provincetown Schools, presented. TB confirmed that all HDC board members present had done a site visit. TB asked if vinyl is still the desired material, Dr. Singer confirmed it was. TB and MM voiced concern that it wasn't their preference, but that there was consistency with the vinyl already in place. TB made the motion to accept as presented;
LPR seconded the motion and it passed, 5-0-0.
- a) **HCD 18-056 (continued from the meeting of November 1st)**
Application by **Don DiRocco, of Hammer Architects**, on behalf of **Jay Anderson**, requesting to demolish an existing three-story structure and construct a new two-story structure on the south elevation of the property located at **53 Commercial Street, Rear**.
TB advised HDC to first discuss the aspect of demolition separately from opinions on design aspect. Don DiRocco and Leif Hamnquist of Hammer Architects, presented.
LD reiterated her initial sentiment that demolition in this case was warranted under the extraordinary circumstances as stated in the bylaws, as read by MM, and owing that the structure is a 1970's building with little historic value that would have to be elevated 5'.
MM voiced against demolition, expressing that the structure is part of the historic district and in its odd way, still part of our architecture. HS concurred with MM; LPR echoed LD's vote for demolition noting the building is less than 50 years old.
TB said he could see both sides, but feels it's a shame to tear down any building out of respect; asked where all the materials go after the building is torn down, referencing Provincetown's "green" imperative.

Don DiRocco detailed the various ways renovation would involve extensive demolition in any event.

Mark Kinnane took to the mic to add support to the applicant's request for demolition, explaining that in a renovation all the siding and windows would have to be eliminated as well as the roof and all exterior shingling, meaning you'd have preserved four walls of 2x4's but not the building. In terms of recycling of materials, he said the doors and windows would be offered up for free or taken to Habitat for Humanity and anything else taken to Daniel's Dumpster where the sheetrock is ground up for re-use, glass separated and appliances re-sold where applicable.

MM mentioned that a renovation design would also entail the applicant's adherence to FEMA regulations in a review process. LD asked the feasibility of moving the building out of zone to another location. Don DiRocco said that could be an option. Mark Kinnane said it would come at a huge cost.

LD made a motion to allow the demolition of the building at 53 Commercial St. LPR seconded the motion and it failed, 2-3-0; LD, LPR in favor; TB, MM, HS opposed.

Don DiRocco requested another option for renovation by using the original four walls and made note of design changes from Nov. 1st meeting: The tower has been modified; the flat roof is now a 3-pitch roof, shortened about a foot; shorter, clouded windows; large plate-glass window has been broken up into a number of smaller windows; new building is on a proposed 58' footprint, down from 84' wide.

MM expressed the need to see the current building with the refurbished designs as opposed to the current designs that are based on demolition which has been denied. TB and MM wanted to make sure that the new proposal was not actually a demolition.

Don DiRocco said the applicant is planning to live in the new building, not selling homes from the property and mentioned that the new structure will prove more historically compatible, sensitive to the neighborhood and that if approval is not won by Jan. 1st the elevation will raise to 6' for the existing condition.

TB made a motion to continue the decision at the December 6th meeting; MM seconded the motion and it passed, 5-0-0.

TB made the motion to accept a time-waiver on the item request; MM seconded the motion and it passed, 5-0-0. Applicant signed a time-waiver agreement.

b) HDC 18-072

Application by **Joaquin Wheeler**, on behalf of **Barbara Reynolds**, requesting to remove and replace an existing roof and install a skylight on the structure located at **462 Commercial Street**.

The contractor distributed specs, but didn't have dimensions of skylight, offered to make a call and return with more information. Upon presenter's return, the proposed skylight's dimensions were revealed as 30 + 1/2" by 46 + 1/4". HDC determined the proposal too large in scope, requested smaller dimensions; TB suggested 2x3. Applicant said he would return with new sizes at the Dec. 6th meeting.

TB made motion to approve re-roofing as in-kind; MM seconded the motion and it passed, 5-0-0.

TB motioned to continue skylight decision at Dec. 6th meeting; LD seconded the motion and it passed, 5-0-0.

d) **HDC 18-075**

Application by **Paul Kelly** requesting to install a 6' privacy fence with a gate on the property located at **22 Brewster Street**.

Paul Kelly of Manitou Architects presented, said he couldn't find a fence set-back amendment in the bylaws. LPR verified that the subject in question can be found in the "policy" section. Paul Kelly asked why he needed a hearing if the fence was to be set back 35'; TB responded that it is because it is visible from the street and gives abutters an opportunity to weigh in. No abutters or comments.

TB read a letter from neighbor, Cynthia and Barry Peskin of 11 Brewster Street, asking if the proposed fence would run the perimeter and cut views, suggested a 3' fence would not so diminish green views.

TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0.

e) **HDC 18-077 (continued from the meeting of November 1st)**

Application by **Paul Kelly, of Manitou Architects**, on behalf of **Blue Shutters Nominee Trust**, requesting to replace exterior cladding and trim on the west and south elevations, replace wood trim and wood railings in kind, replace wood doors, wood windows and fixed shutters and install an exterior spiral staircase connecting the second and upper level decks on the structure at the property located at **109 Commercial Street**.

Paul Kelly & Ed Dusak presented blueprints.

Ed Dusek reported that the design has been revamped per the small window on the left elevation which is now on the east-side, not visible from the street; pointed out that the 3rd floor studio belongs to working artist, Eleanor Score, who needs frequent access which is the prime criteria they used in their proposal; added that options or alternatives would require doubling the area size which would then be visible from the north elevation and Commercial St. and also raise the need for two different kinds of dormers, eliminate one of the bedrooms and raise overall costs.

Ed Dusak said the owner was under pressure from new FEMA regs to raise the elevation, adding to the scope of replacement. Alternatives, such an electric lift is non-feasible due to potential for power outage; a life/death issue. Current design would not be visible from beach even at high tide, except through porch.

Abby O'Hara, abutter, spoke of making contact with Manitou Architects between HDC meetings; referred to plans that showed the whole roof becoming a deck; concerned that somebody in the future could opt to make that 2nd floor roof their primary deck, which would then be 3' from O'Hara's bedroom window; seeks

conformation that 2nd floor deck will only expand to accommodate spiral stairs for studio access. Paul Kelly confirmed.

Ed Dusak added that it is a requirement from the owner's insurance agent that access to that roof is forbidden. Abby O'Hara requested to retain the privacy screen on the 2nd floor and re-confirm that neighboring bathroom windows would not be aligned in re-design. Ed Dusak confirmed on both.

LPR asked if a 4' spiral meets code. AH confirmed 27" when post is taken out. LPR reiterated her disapproval of a spiral staircase, citing weather concerns. HS said she doesn't care for spiral stair cases in general but doesn't see anything that will work as an alternative. MM said she is okay with plans as presented, that alternatives would make situation worse. LD agreed, feeling that applicant had exhausted alternatives and mentioned that other spiral stairs have been approved in the historic district. TB pointed to the need for safe passage to studio access.

TB made a motion to approve as presented; LD seconded the motion and it passed, 4-1-0.; TB, LD, HS, MM in favor; LPR, opposed.

f) **HDC 18-078 (continued from meeting of Nov. 1st)**

Application by **Mark Kinnane, of Cape Associates, Inc.**, on behalf of **Barry Peskin**, to demolish and reconstruct on a new foundation at the property located at **11 Brewster Street**.

Mark Kinnane presented, agreed that demolition is pretty much off the table; will remodel front section, tear down and replace rear section; put grill patterns on some windows instead of one over one, add door overhangs on driveway side; option to keep chimney visible only from above the roof.

TB read a letter from Jeff Overby, abutter, who agreed owner should be allowed to make needed repairs as property has fallen into disarray, but noted the front is from 1850's and is historically significant, as are fireplaces, chimneys; questioned need for proposed height to scale 10% over neighboring properties; sliding doors visible from street are not historically relevant; concerned about septic system being dug up over summer and cherry tree to be uprooted.

HS said she would like to have chimney retained. AH verified date of current revisions. TB felt it was an odd design, difficult to locate the front and back of the building; did not appreciate north elevation with sliding doors and 9 windows. Mark Kinnane clarified confusion in blueprints; explained new fenestration will include grills and overhangs, maintained gambrel, said owner is open to any grill pattern on new windows that is deemed acceptable.

TB suggested the new building is incompatible with the town, resembled three townhouses in an apartment complex, which Mark Kinnane confirmed is what it is.

LD requested symmetry with new windows. TB suggested new roof be pitch rather than a gambrel on a gambrel; feels south elevation is more appropriate, suggested changing gambrel roof to pitched roof. LPR asked if a new pitched roof would change the

street façade. Mark Kinnane said it would not if dormer continued to the end. MM suggested earlier plans are better.

Paul Kelly asked if existing gambrel roof was to be removed and re-pitched, citing historical significance of 2nd floor dormers as former school or dance studio that give the building its distinctive look. HDC concurred.

TB made a motion to continue decision with re-vamped blueprints at Dec. 6th meeting; MM seconded the motion and it passed, 5-0-0. TB made a motion for a time-waiver for HDC 18-078. LD seconded the motion and it passed, 5-0-0. Mark Kinnane signed the time-waiver.

LPR left meeting at 5:52 pm.

g) HDC 18-082

Application by **Peg Burgess**, requesting to install a stair-lift on the west elevation of the structure located at **423 Commercial Street**.

AH stated that no one was available to present, applicant is in hospital. HDC reviewed materials including photographs.

TB read a letter from John DeMatteis, next-door neighbor who was also present, in support of request, alleging Peg Burgess' physical limits would be assisted by equipment. TB made a motion to accept as presented, HS seconded the motion and it passed, 4-0-0.

h) HDC 18-090

Application by **Richard Silva** requesting to install three skylights on the north elevation of the structure at **22 Alden Street, #3**.

Richard Silva presented request to allow for more natural light; As living room is longer than kitchen, Silva, the owner, seeks symmetry with those two features; one in the kitchen would be wider but the same length and he is amenable to smaller sizes.

No public comments/letters.

LD noted the norm is to allow for two skylights, sought clarification of placement. Richard Silva offered that the materials to be used are high-energy efficient windows with solar blinds.

MM recommended having all three skylights the same, as precedent dictates, but favors restricting to two skylights; LD & TB concurred. TB asks if skylights can be placed on the south side, but Richard Silva said he is hoping to make a dormer on that side to match the one that already exists.

TB made a motion to allow two skylights on north elevation, 21 + 1/2" x 38 + 1/8"; LD seconded the motion, and it passed, 4-0-0.

4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

TB proposed to schedule a business meeting to complete decisions and approve minutes. Wed., Nov. 29th at 3:30pm was decided upon and all agreed to the meeting.

TB, LD, & HS left for sight-visit to 422 Commercial at 6:05 pm, returned at 6:30pm. MM discussed minutes with Jody O'Neil.

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

a) 422 Commercial Street, #7

LD agreed with Peter Page that the door is too worn and feels visibility is minimal for public view as the new door is to be set on a building behind a building

HS asked if old door can be salvaged so someone can enjoy it.

TB argued that entrances are probably the most important feature of the house; that HDC, on site visit, was unable to ascertain if it was non-functioning as key was not available.

MM asked what work could be done on the door if it was kept. Peter Page insisted door is not worth keeping. LD made a motion to replace entry door as presented; MM seconded the motion and it passed, 3-1-0; LD, MM, HS in favor; TB, opposed.

HDC signed decisions from submitted materials.

TB made a motion to adjourn the meeting; MM seconded the motion and it passed, 4-0-0.

Respectfully Submitted,
Jody O'Neil
Nov. 27, 2017