

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA

**WEDNESDAY, MARCH 21, 2018**

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Martin Risteen (MR), PBG Rep; Hersh Schwartz, (HS), Alternate; Michela Carew-Murphy (MCM), Alternate.

Absent: Marcene Marcoux, Vice Chair, Chamber of Commerce Rep.; Laurie Delmolino, Historical Commission Rep.; Ted Jones, PAAM Rep.

Others Present: Annie Howard (AH), Building Commissioner; Jody O'Neil (JON), Recording Secretary.

TB called the meeting to order at 3:35 pm, welcomed new board member, MCM.

**1. Work Session: VOTES MAY BE TAKEN**

**a) Update on potential violations reported to the Building Commissioner.**

**i. Fence at 17 Center Street**

AH said she hoped HDC had been by to inspect the mock-up fence; reported that the applicant had dropped off pictures for approval; fence is now below 48" so less than the 4' max allowed. TB said he felt it was in keeping with fence policy and the remedy acceptable. TB made a motion to approve the remedial fence; HS seconded the motion and it passed, 3-0-0, TB, HS, MR. AH verified applicant was re-using old stock.

**ii. 101 Commercial Street**

AH reported no movement as she hadn't quite put it all together as yet. TB mentioned the there is a similar wire barrier at the new dock at **99 Commercial St**. AH said she would investigate if the rail system was previously in place, noted a very large file and that the whole project went back a few years and did not require a building permit.

**b) Site visit at 20 Winthrop Street.**

TB said he thought the new, 6' privacy fence was in the rear and in keeping with HDC policy. TB made a motion to approve as presented; HS seconded the motion and it passed, 3-0-0. TB, HS, MR.

**c) 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 April 18, 2018 Public Agenda and**

**Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

- i. 8-10 Commercial St., UC – To replace 8 windows and 1 door in kind.  
TB noted seven windows were double-hung and that wood would be used throughout and painted white; remarked the spec sheets were a bit difficult to read, duraplas(sp)-composite vinyl cited. No one presented.  
TB made a motion to treat as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB said he'd like to see a new spec sheet before HDC continues with approval; made a motion to approve with the condition that the door be wood and that the applicant supply a compatible spec sheet if possible. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- ii. 232 Bradford St., U1. – To replace roofing shingles.  
TB made a motion to treat at Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- iii. 16 Court St. – To replace 5 windows in kind.  
TB noted Anderson 400 series in application, made a motion to treat as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to approve as presented. HS seconded the motion, and it passed, 4-0-0. TB, HS, LR, MCM.
- iv. 233 Bradford St., #8 – To replace boardwalk and decking in kind and add a new railing.  
TB remarked that he wasn't sure if this could be seen from a public way and questioned which units were which. AH confirmed it was the right-hand side and could be seen from Bradford St. TB noted a 6' privacy fence.  
Nate McKean presented, said they were replacing an old railing with a cable system. TB said HDC was generally allowing cable railing systems only on the water side, with the exception of Spindler's. AH said the railing would be perpendicular to Bradford St and so behind the post. MR said he thought it couldn't be seen from a public way.  
TB made a motion to accept as Administrative Review; HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to approve as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- v. 156 Bradford St., U5 – To replace roofing shingles.  
AH said that due to the rain when the application came in, she gave the applicant permission to repair the roof ahead of an HDC decision.  
TB made a motion to treat as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to approve as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM

- vi. 426 Commercial St., #3 – To re-shingle.  
TB noted request to replace 500 sq. feet of white shingle in kind; made a motion to accept as Administrative Review. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to approve as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- vii. 17 Conant St. – To replace roofing shingles.  
TB made a motion to consider for Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- viii. 247 Commercial St. – To replace a rubber roof.  
TB made a motion to consider as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- ix. 130A Commercial St. – To replace 4 windows and a door in kind and to re-shingle.  
TB said he wasn't sure this could be seen from a public way at Wharf's Court. AH said it was by Flyer's. TB read aloud the specs including white cedar shingles, white pine trim, asked what the Anderson 200 series is.  
TB made a motion to consider as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.
- x. 41 Commercial St. – To replace roofing shingles.  
TB noted the application was pretty straight-forward and made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MRM.
- xi. 8D Commercial St. – To replace a slider and door in kind.  
TB asked if the property was Delft Haven. AH clarified the location, noted there is a land-side and a water-side.  
TB asked if it could be seen from a public way. MR said he went by and noted visibility, which AH said was a driveway.  
Richard Baker (RB) presented; verified that the slider would be visible, said it was vinyl-clad to be replaced in-kind, that fiberglass door was in the back which AH said is perpendicular to the private drive.  
TB made a motion to consider as Administrative Review; HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.  
TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

xii. 10 Whorf's Court – To add a porch and an addition on the west elevation. TB made a motion to accept as Full Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

xiii. 379 Commercial St. – To renovate chimneys. TB made a motion to accept as Full Review; HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.

xiv. 233 Bradford St., #9 – To replace a gliding window with a smaller gliding window. TB suggested it might be a Full Review, but in the interest of moving things along, advised a closer look at the materials; agreed with MCM that it had minimal visibility.

    TB made a motion to treat as Administrative Review; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

    TB made a motion to accept as presented; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

**d) Review and approval of Minutes:** June 1, July 20, August 3, September 21, October 5, 2016; February 1, February 15 and April 19, April 26, May 3, May 17, June 7, June 21, July 5, 2017; and January 3, February 21, March 7, 2018.

    TB made a motion to postpone the approval of minutes until the end of the meeting. HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.

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

Rupert Bankert asked if anyone who might come before HDC with an asphalt roof replacement in-kind request would ever be turned down. TB said no. RB then asked why an applicant needs to come before HDC at all if that's the case. MR said he's not known of a refusal in his tenure on the board, but that like other situations it's on a case by case basis; that windows or skylights or historic aspects might come into play and that HDC has no purview over color.

## **3. Public Hearings: VOTES MAY BE TAKEN**

    Applicants addressed plans from AH's computer projections.

a) **HDC 18-056** TB made a motion to postpone hearing the case until later in the meeting. HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.

b) **HDC 18-107** (*continued to the meeting of April 18<sup>th</sup>*)

c) **HDC 18-175** (*continued from the meeting of February 7<sup>th</sup>*)

    Application by **Tom Thompson**, on behalf of **George Rogers & Patrick Gavin Watson**, requesting to reconfigure a screened porch into an all season sun room and add dormers on the east and west elevations of the structure on the property located at **3 Atkins Lane**.

    Tom Thompson (TT), presented; asked of the reconfigured board, noted a previously fuller board at the prior meeting. HS mentioned that only three

presently sitting board members would be voting; applicant opted to continue with the presentation rather than postpone to the next meeting.

MCM asked for clarification on the stair unit location, east or west; PG said they come up to the east side but access is needed from both sides based on a door from the bedroom; TT said they bisect the house.

TT concurred with TB that it was only the dormer on the west side that was their concern and the posts, which TT said had been changed.

TT presented revised drawings for review, noted single sash instead of double and reduction of front mass. MR cautioned TT not to refer to inside of house as it is not in the HDC purview.

GR pointed out distinct architectural features in front of house, oldest section noted by old brick circular cellar; suggested four possible phases in additions harking back to Greek Revival design. TB noted that houses were often added onto in a sometimes unpredictable way.

TB read letter from Barry Buck at 520 Commercial St., direct abutter, giving unqualified and enthusiastic support; cited plan had no detrimental impact on the neighborhood in a negative way and is in keeping with the tenets of the Local Comprehensive Plan of the Town.

MCM said she went on a site visit with TB yesterday and felt the revised plans fit in with the Town's historical mold; that the property was lovely.

HS referenced the previous meeting as HDC being more inclined to isolating one side or the other, but that she was fine with the current re-vamp. MR said he recalled HDC feeling that they should approve right or left but is now comfortable with the size presented. TT referenced reduced dormer in the back, east elevation; and the wall moved back about 8". TT noted reduced balusters.

TB made a motion to approve as presented with revised plan date of March 21, 2018; HS seconded the motion and it passed, 3-0-0. TB, HS, MR.

**d) HDC 18-190 (continued from the meeting of March 7<sup>th</sup>)**

Application by **Tom Thompson** (TT), on behalf of **Bruce Heron**, to renovate an existing single story structure by increasing the interior space, adding a second story and installing new windows and doors on the property located at **18 Priscilla Alden Road**.

Tom Thompson (TT) and William Heron (WH), Trustee for Heron family and caretaker of brother, Bruce Heron, presented.

TT referenced having the property re-surveyed featuring a footprint of the house in today's packet: heavy black line as property distinction which shows property sitting in a private way; said the building sits in a heavy-duty artist area, appears to been altered many times and has no particular style according to historical survey; north, south and west elevations are obscured by other surrounding buildings.

TT detailed aspects of the new proposal: materials to be used are in keeping with neighborhood; east elevation to feature shed-style roof line and large studio windows; south and north elevations will have both shed and gable-roof lines and newly arranged windows; west elevation to feature gable roof line with large studio windows; entire building to be re-clad in cedar with wood-trim board.

AH noted date of the plans as February 25<sup>th</sup>, which TT said had since been revised. TT then read into the record the bylaws, Section 15-8-1, with HDC's approval, which he felt applied to the application; concluded that he felt the new design fits the definitions of a public way.

WB spoke about his family's concerns for a safe environment for Bruce and the concerns of neighbors in suggesting the new design didn't fit the neighborhood in noting that since they purchased the property in the late 80s/early 90s, the buildings alongside their property have roof lines that are much higher; felt the current design is pleasant and matches the neighborhood; that property is his brother's home until he passes.

TB read a letter from long-term neighbor, Jacques Marcara, in favor.

TB read a letter from Richard Shields, owner at 19 Brewster St., Unit D, against the re-vamp which would raise the roof 22.6', quoted zoning bylaws.

TB read a letter against the proposal from the Trustees of 19 Brewster St., including Richard Shields, Bill Fornaciari and Ben Emery of Unit B; Mark MacCallum of Unit C, and Elizabeth Ellsworth of Unit E, citing a doubled mass and lack of compatibility in architectural style.

TT said the sloped roof over the pitched design addresses the abutter's concerns and that they didn't have much option in needing to increase the space.

TB read a letter in opposition from Steven F. Smoot, owner of the townhouse at 19B Priscilla Alden Rd. since 2005; said he was not consulted in advance of changes and felt his property would be adversely affected by the design which was not in keeping with the neighborhood aesthetic and increased density.

AH said Priscilla Alden Road is listed as a public way with a width of 35'.

TT said it was determined not to be a private way per Outermost, that the property barely touches the historic district. MR said that if it was in a private way and cannot be seen from a public way then the review would be conducted differently. TB clarified that the issue is that it can be seen from a public way. TT said he thought the public part stops at Priscilla Alden Way.

MCM asked if there were plans for re-shingling. TT said the plan was to work with board batten or vertical board.

MR made a motion to confirm that the east elevation is the only elevation visible from a public way. TB seconded the motion and it passed, 4-0-0. MR, TB, HS, MCM.

In discussing the east elevation, MCM said she felt it was in keeping with the neighborhood; noted that the abutters against the design do not live at those properties year round; advised keeping shingles.

HS said she liked the idea of shingle; MR said he was comfortable with the design and that the area has a lot of art studios; is okay with the siding option.

TB said the architecture down there was a bit of a mish-mash and that while scale is part of HDC's purview, he has no problem with the design.

TB made a motion to accept the plans with the condition that shingling be employed in the design. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

e) **HDC 18-191**

Application by **KA Bazarian** on behalf of **Dol-phin Development**, requesting modifications to a previously approved plan for the property located at **16 Carver Street**.

Lyn Plummer (LP) and Kevin Barzarian (KB) presented.

LP referenced the original approval which resulted in a weird angle on the back, visible from Bradford St. MR said he had done a site visit and trespassed in the process, which LP said was fine and he was free to trespass as he wished.

LP referenced small dormer on current drawings as a potential fix.

MR said he liked the window in place, that it was a nice use of space.

LP said the window would be non-functional; that she would let HDC decide.  
TB said he was confused from the drawing. KB explained the framing as a need to go forward, not back on the design, which resulted in the odd protrusion.  
TB made a motion to accept with the condition that there be no window; HS seconded the motion and it passed, 3-0-0. TB, HS, MR.

f) **HDC 18-193**

Application by **Tom Thompson (TT)** on behalf of **Hal Z. Katzen**, requesting to replace approved French doors with a single half-lite door on the west elevation of the structure located at **307 Bradford Street**.

Tom Thompson (TT) presented.

TB said it was pretty straight forward and made a motion to accept as presented. HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.

g) **HDC 18-197**

Application by **Rupert Bankert**, on behalf of **Bill Casey**, requesting to replace 3 windows, reducing the opening by 6" on the structure at **15 Center Street**.

Rupert Bankert (RB) presented; said the house has sash Harvey windows put in about 22 years ago, requests to remove original frames and Harvey windows, shorten it about 6" and install new windows; said current owners are re-doing the kitchen, but don't want the windows diving down 5" behind the cabinets.

No public comments or letters.

MR referenced bylaws that do not permit approval for trimming down; TB read from the bylaw, 15-11-5-G.

RB asked if they could be lengthened. MR reiterated that the bylaw indicated replacements be in kind per existing dimensions. TB noted extremely high visibility from Bradford St.

MCM sought clarification on shortening request; suggested window boxes with flowers. RB replied that the issue is the windows dropping below the counter level on the interior.

TB made a motion to deny the application as presented. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

h) **HDC 18-199**

Application by **Ben DeRuyter**, on behalf of **New Art Realty Corp.**, requesting to renovate a structure, including expanding a second floor, shed-roofed space by installing a gable roof to match an existing gable, adding a second floor over an existing portion of the structure on the north elevation, eliminating a saltbox roof in lieu of a gable roof, pitched to match an existing main gable, and rebuilding a shallow gable on the north elevation to match the pitch and finish of an existing gable at the property located at **212-214 Commercial Street**.

Ben DeRuyter (BDR), owner, and Ryan Weber (RW), general contractor, presented.

BDR made reference to the property in question as the 212 building, which has three commercial tenants on the ground floor: Global Gifts, Grab n' Go Health Bar and Norma Glamps card shop; upstairs is BDR's office and to the east will be built an employee-housing unit with water gallons previously approved.

BDR said they bought the property in 2002 and have addressed concerns like water-infiltration with Band-Aid repairs, but feel it is time to bring it up to snuff and make sure it is a contributor to the neighborhood.

RW apologized for a lack of details on the Power Point plans, although the photos describe in better detail; noted very little continuity exists in the current form; said biggest change is the elimination of the shed roof and fenestration on southerly wall; to add a gable roof to match the Greek temple that exist; adding new fenestration and creating more balance on the easterly portion of building.

RW reported that the second story windows were moved at some point to better facilitate interior space but this created a lack of balance; new design seeks to create symmetry; applicant not planning to remove the entry but removal of arch-top windows as they are vital to the businesses that need good exposure for their markets; suggested reducing the cornice or lowering the pediment by a third or 9" or 8" over Norma Glamp's store; played around with a pitched roof over Norma's at a 4' max which might prove attractive.

MR said the pitch could work toward adding visibility and liked the idea of bringing back a former look. TB said the rear of the building need not be addressed. RW distributed designs.

HS said she really loves the distinctive curved windows; RW said that's the first time they'd heard that and BDR referenced a request to have them removed.

MCM asked if shingles or siding was in the plans; RW said the lower portion would have cedar.

HS said it's throwing her off to have shutters only on the 2<sup>nd</sup> floor but no where else. RW said they would be Timberlane shutters, inspired by Ken Falk's house. HS suggested a decorative shutter which TB said would not be logical.

TB said the Greek Revival should be maintained, that he felt the windows need not be symmetrical.

MCM said she liked the 12-pane window over Global Gifts on the east side and keeping the original style. RW said the original window is partially made of plexiglass and plywood with no remaining structural integrity.

TB recommended existing fenestration stay the same as well as existing shingling and tablature around the door; that all seemed in agreement in keeping Greek Revival style, asked about the door. RW said the door would be replaced in kind as an insulated glass door and the side-lights kept.

MR asked if the windows to the left of the door might be more conducive to a period, historical look. TB referenced a window approved at Bayside Betsey's. RW presented a design adjustment which HDC approved.

TB reviewed the window adjustments in agreement, then asked about BDR's office – if the 15-light window would remain the same; said the only item remaining was the two curved windows; options were then discussed.

MR asked when the top floor window had been added. BDR said at least since the 70's when the space was a bedroom.

RW said he preferred the symmetry on the 2<sup>nd</sup> floor windows, per Greek Revival style – that this was his only strong opinion; and that the shutters brought balance which seemed more appropriate.

TB asked if HDC was alright with increasing the mass; MCM said that, based its location, she was okay with it.

TB suggested the double-hungs on either side shouldn't have a center emollient as the panes get very narrow. RW said a solution would be to make them 1-over-1's.

RW asked per pitched roof over Global Gifts; HDC said they were comfortable with it.

TB made a motion to accept as presented with the condition that the Greek Revival tablature be maintained and shingling detail on the third floor, all doors

be single-light to match; retail windows be single-light with 6-light multi-pane above; double-hungs on second floor of west edition be 1-over-1s. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MCM.

AH and HDC discussed having a meeting on April 4<sup>th</sup> to address four determinations pending approval. MCM said she is not available, but it was decided a quorum would be achieved.

RW said AH would have the revised plans on her desk by next Wednesday.

**a) HDC 18-056 (continued from the meeting of March 7th)**

AH said she had in hand a request for continuation to the meeting of April 18<sup>th</sup>.

TB made a motion to accept the time-waiver requested; HS seconded the motion and it passed, 3-0-0. TB, HS, MR.

TB made a motion to hear the case at the meeting of April 18<sup>th</sup>; HS seconded the motion and it passed, 3-0-0. TB, HS, MR.

**4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN**

None made, discussed or assigned.

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

**.a) Meeting Minutes & Public Documentation**

TB suggested HDC delay the review and approval of the meeting minutes to the meeting of April 4<sup>th</sup>. AH cautioned being careful with the minutes as well as a newly formed Excel spread sheet crafted by JON at Commissioner Marcoux's request. AH instructed that as these documents are a matter of public record, they need to go from JON to AH and Ellen Battaglini and then be distributed to the HDC for review.

TB said he doesn't use the Excel spread sheet, suggested it might be overkill. JON displayed the document for HDC. TB recommended putting the item on the agenda for next meeting. AH reiterated the need for transparency in creating a public record and told JON they would work out details following Town Meeting.

**b) Town Meeting Warrant**

AH asked if HDC wished to comment on any pending Articles. TB said he didn't think there was anything that required their direct address.

**c) Polices Posted on the Website**

AH reported that only three HDC policies are posted on the website: Window, Cottage and Fence. Solar, Demolition and Hardship are not currently posted. AH said she would make copies and distribute them to HDC; noting 15-9-1-15 as Solar Exclusion, which she read aloud. MR cited a specific case at **83 Commercial** per the Solar Exclusion. AH said Ace Solar, others are coming in.

**d) Decisions Assigned: HS: 18-197, 18-193; MR: 18-199; TB: 18-175, 18-190, 18-191.**

TB made a motion to adjourn the meeting at 6:25 pm; HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MCM.

Respectfully Submitted,  
Jody O'Neil