

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

WEDNESDAY, JANUARY 3, 2018

Members Present: Thomas Biggert (TB), Chair, Pilgrim Monument Rep; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep; Laurie Delmolino (LD), Historical Commission Rep.; Martin Risteen (MR), Alternate; Hersh Schwartz (HS), Alternate.

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

1. WORK SESSION: VOTES MAY BE TAKEN

a) Board ELECTIONS

TB announced the three seats up for vote: Chairman, Vice-Chairman and Clerk.

MM spoke of 2017 as a year of challenges; that HDC had handled over 288 formal cases, involving certificates of applicability, not counting what is probably over 300 Administrative Reviews; also noted that HDC had taken over and improved upon in a professional way the filing and writing of decisions where sometimes the audience is the Superior Court.

MM spoke of the very good job TB had done as Chair on a board that at times has been like a herd of scattering cats and so nominated him as Chair for another term; LD seconded the motion, and it passed, 5-0-0.

TB thanked HDC for its vote of confidence and nominated MM as Vice-Chair for another term, acknowledging her hard work on the board and behind the scenes as an expert on process and her diligence in filing decisions. HS seconded the motion, and it passed, 5-0-0.

TB nominated MR to serve as Clerk on HDC noting his service to the board in putting in more hours than any other HDC board member – than all members combined, added LD. MM seconded the motion, and it passed, 5-0-0.

b) Update on potential violations reported to the Building Commissioner.

AH said she had been away and had not heard from, nor been in contact with, the owner at 17 Center Street per the fence violation; referenced that the owner said they would get in touch with Landmark fence to see what could be done. TB added that the violation had been discussed but not remedies. MM suggested the issue is: how does the owner make a 4'

picket fence out of what appears to be a 6' privacy fence, which will take some creative work if it's possible.

TB remarked that it is easier to make something shorter than it is taller and that this is a question for Landmark Fence. TB said HDC would hear the case at its next meeting and moved on to determinations.

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 January 17, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion accept as Administrative Review the following cases. MM seconded the motion, and it passed, 5-0-0:

i., 6 Masonic Place; ii., 12 Commercial St., #11; iii., 430 Commercial St., #3; iv., 176 Commercial St.; v., 269A Bradford St.; vi., 12 Commercial St., #14; vii., 9B Winthrop St.; viii., 543 Commercial St.; xiv., 480 Commercial St., #8.

TB made a motion to accept as Full Review the following cases. HS seconded the motion, and it passed, 5-0-0:

ix., 45 Commercial St., U1; x., 56 Bradford St., xi., 100 Alden St., #105; xii., 214A Commercial St.; xiii., 394 Commercial St.

i. 6 Masonic Place – To remove and replace 3 windows in kind. No one presented.

Discussion ensued, led by MM, of building's historic precedence as the Atlantic House with old, historic wooden windows. TB and LD agreed that the structure is probably one of the most significant in town.

HS noted that the photos submitted suggest 6 total windows. HDC reviewed and determined that there was a typo on the Agenda and that 6 windows are to be considered.

MR remarked that the windows to be replaced are all wood and the replacement materials are not "in kind." MM agreed and observed that many applications state "in kind" but if the applicant is replacing wood with vinyl that is not in-kind.

LD commented that the windows on the side are much less visible which to her is of less importance. MM agreed.

TB made a motion to approve the application with stipulation that all front windows be all wood not clad, inside and out. MM seconded the motion, and it passed, 5-0-0. TB, MM, HS, MR, LD.

LD asked to make sure conditions were properly conveyed to owner. AH said it would be a condition on the building permit.

ii. 12 Commercial St., #11 – To replace a door in kind. No one presented.

MM remarked on the photo submitted as not giving the door a proper context and suggested a need for the elevations.

TB read the description as A-series French wood which would not verify that it is, in fact, wood.

TB made a motion to approve as presented with condition that the door be wood in kind. MM seconded the motion, and it passed, 5-0-0. TB, MM, HS, MR, LD.

TB remarked on the number of window-centric applications in today's reviews. AH responded that there are tax-credits to be used by the end of the year as incentives. TB said the cold weather also serves as an incentive.

iii. 430 Commercial St., #3 – To replace 3 windows in kind.

No one presented.

Discussion was had on verification of the wood aspect. TB asked what is a fibrex material? AH gave explanation, saying Anderson makes three options for exterior coverings of an all-wood window: wood, fibrex, or aluminum. AH said she felt the vinyl was more stable.

TB inquired of the appearance. LD said it is a pretty good quality. TB noted the location is the third floor.

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

iv. 176 Commercial St. – To replace 8 windows in kind.

No one presented.

TB noted the Fibrex component. MM pointed out that here was another case of a number of window replacements in a high visibility situation and the need for wood.

MR questioned the definition of in-kind; that if wood is being replaced with vinyl in the same size opening it should be stated in the application. AH considered the definition should be made with certainty to include no changes in the opening dimension, or the number of lights. LD added that the mullions, as well, should be considered and that by the picture, it looks quite historic.

MR noted the location as a store-front building with high visibility.

MM referenced the Fine Arts Work Center when they came in with the first set of windows; they put in for vinyl which HDC approved; Mass Historic got involved and said vinyl is vinyl and that the replacement wood had already altered the historic structure of the property. MM said that HDC never heard the outcome, but suggested it looked as though FAWC was to be penalized 6-8k of their grant because they did not keep their building intact.

AH said that windows become key when one is seeking an historic grant, but on a building not seeking a grant, wood windows are not going to meet the energy code which is required for replacements; that not many manufacturers that produce a true wood window with the storm window on top that would get to .30 or less.

LD asked if a storm window could be added. AH said, yes, but the two units combined might not meet the u-factor.

TB suggested such a situation puts HDC in a bind, which AH concurred, adding that the Anderson windows aren't cheap, that it is a matter of energy credits.

MR said he understood the State was working with Historic & Preservation on this very topic and that there should be clarification soon.

TB made a motion to approve the application with the requirement that the front windows be all wood and side windows composite presented. LD seconded the motion, and it passed, 5-0-0. LD, TB, HS, MR, MM.

LD asked how a permit can be issued for the properties in review today if the HDC mandate that results from its decisions can not be followed through by the applicants based on a lack of consumer materials that meet the code.

LD suggested a review of the replacement features to determine if, with a coat of paint, the difference can't be detected. TB recommended letting the stricter decisions stand at least until a review of the window can be arranged.

AH asked Mark Kinnane, who was in the room, if he had an Anderson 400 or 800 series in the office that AH can display for HDC at the next meeting. He said he did have a vinyl-clad similar model to the Anderson and agreed to provide a demonstration model.

- v. 269A Bradford St. – To replace 8 windows in kind.

No one presented.

MM noted high visibility in the front elevation at Bradford St., but not in the other location, on the side. TB pointed out that the request for the windows in front complies and made a motion to accept as presented. LD seconded the motion, and it passed, 5-0-0. TB, MM, HS, MR, LD.

- vi. 12 Commercial St., #14 – To replace 2 doors and 1 window in kind.

No one presented.

MM commented that the application featured poor photos, repeated her request in the future to ask applicants to provide the proper context for a door or a window so that it's part of an elevation.

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

- vii. 9B Winthrop St. – To replace 7 windows in kind.

No one presented.

TB noted the side location of the windows in question and made a motion to accept as presented. LD seconded the motion, and it passed, 5-0-0. TB, HS, LD, MR, MM.

- viii. 543 Commercial St. – To replace 12 windows and 24 doors in kind.

No one presented.

TB announced the location as the Surfside Arms and that the renovations had been ongoing. AH clarified to MM that the applicant was not looking to replace the railings.

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

xiv. 480 Commercial St.#8 – To replace a roof.

No one presented.

MM remarked that the photos were of good quality; TB concurred.

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

c) 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, July 19 and August 2, 2017, September 6 and December 20, 2017.

TB made a motion to approve meeting minutes at the end of the agenda. LD seconded the motion, and it passed, 5-0-0. TB, LD, HS, MR, MM.

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

None.

3. PUBLIC HEARINGS: VOTES MAY BE TAKEN: Opened at 3:59pm.

a) HDC 18-056 *(continued from the meeting of Dec. 20th, 2017)*

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**.

Lester J. Murphy (LJM), attorney, Don DRocco (DD) and Leif Hamnquist (LH) presented with screen projections.

TB said that the word “demolish” ought to be removed from the application copy and the applicant agreed.

DD spoke of the projected diagrams as being 3-D representations of what currently exists in HDC’s packet. DD spoke of the side-elevation as being the property’s most visible and, as such, incompatible with the neighborhood in its current state; made comparisons of how the new buildings will better blend.

DD pointed toward the revamped tower with a lower elevation, explained that elevations needed to be above the roof line in other sections.

DD spoke of removing a portion of the garage from the v-zone, bringing the roof down just shy of 3’; windows made much smaller. DD said a lot of the details are designed to match other structures and referenced their other work at 11 Bradford St. and 11 Tremont St. as examples of historical integrity in the design.

AH asked of the date of plans in hand and DD assured that the date of the most recent plans is Dec. 28, 2017. LH put up a PDF of the 12-18-17 plans as proof of plan-compatibility.

No public comments or letters.

LD asked if DD had a lazar printer; he said no. LD questioned applicant’s rationale for the main building to be so tall. DD explained the need for head-room. TB asked if the tower could be rendered a dormer. DD said they’ve tried different things but lowering the tower serves to make the complex look huge and blocky.

MR said he appreciated the lower tower, but still had concerns about the Disneyland effect when considering #51 Commercial St. as the historic building that he is charged with keying off of. MR said he had spoken to some professors on the case and felt going simpler and simpler was in keeping with the historic concern as everything is auxiliary to #51. MR asked of the possibility of removing the tower. LH replied that the tower was needed to connect the two buildings as zoning laws dictates; that there is the need for a connective element.

DD said it's an extraordinary task to go back to the design to simplify for the neighborhood, but that the larger building can never be subordinate to the lower building. MR referenced the current building as being non-contributing. DD said they are hiding all the parking. MR asked DD how they might address the Disneyland factor.

At 4:28pm, TB made a motion to adjourn for five minutes so the meeting can reset and resume in Caucus Hall next door, owing to the Board of Selectmen meeting reserved for the Judge Welsh Room at 5:00pm. LD seconded the motion, and it passed, 5-0-0. TB, LD, HS, MR, MM.

TB re-opened the meeting with a review of **HDC 18-056** and where the case stands thus far.

MM said she appreciated the new plans and how careful the applicant had been in trying to follow the rules while maintaining the integrity of the design; would like to see some modification of the tower and the skylight on the east elevation which she felt did not appear to have the same integrity as other aspects of the design.

TB said the crucial elevation is the one from Commercial St.; that from the beach – the massing, volume, the shapes, all work as expressed by design – but stated that HDC is not at the point where they can be happy with the design in total; asked if a farmer's porch to fill the negative space would help to detract from the impact of the tower, give it a village feel.

DD said that one of their original concepts was to create two mass buildings with traditional looks that were connected by a glass tower or structure, however they didn't think the concept would fly with HDC.

MR expressed a preference for the glass tower, suggested that it would help to make both buildings visible. DD said he was glad they were having this conversation because the glass connector structure concept was their preference and they felt they could generate something fairly quickly and make something elegant. MR asked if the glass design would serve to make the porch go away; DD replied that it probably would.

MM remarked that as this case has been going since June, she'd like to see the design approved minus the tower in its current draft.

LD made a point that there would still be the need for an entrance, which DD expressed they could manageably resolve.

MM made a motion to accept the plans dated 12-18-17 as presented including all elevations and changes, except the tower and the porch to be presented with new designs at the January 17, 2018 meeting. TB seconded the motion, and it passed, 5-0-0. MM, TB, HS, MR, LD.

- b) **HDC 18-078** (continued from the meeting of December 20th, 2017)
Application by **Mark Kinnane, of Cape Associates, Inc.**, on behalf of **Barry Peskin**, to demolish and reconstruct a structure on a new foundation at the property located at **11 Brewster Street**.

Mark Kinnane (MK) presented with clients, Barry and Cynthia Peskin.

TB read a letter MK presented from a structural engineer making the case for demolition. AH said that from the site visit the first floor joists looked good, but the building is anything but safe; at site visit with David and MK, she found that that house is very bouncy and that effecting changes at this point would be very difficult.

TB said MK had convinced HDC that the building needed to be replaced, but asked with what; options 1 and 2, dated from 11-15-17.

MK referenced drawings dated 12-5-17 that has the gambrel going all the way through with a regular gable end coming out as the addition.

A discussion followed on what had already transpired in the case – if demolition had been denied. AH checked her notes.

TB made a motion to continue discussion based on need for demolition; LD seconded the motion and it passed 4-0-1. TB, LD, HS, MR; MM abstained.

TB corrected himself, saying he has drawings from 12-28-17 and MK verified that 9-5-17 was the original plan, that both are very similar. TB directed HDC and the applicant to address drawing #2.

LD asked if the window configuration has changed. AH said they had changed; MK said they went from three to two to line-up.

TB asked how people felt about the south elevation. AH stated that the upper left is the south elevation; bottom right is north elevation. TB said he's not a fan of sliders and negative space and asked if single doors and more windows could be added to the design.

MK said the units are pretty small and didn't want a door to open onto the garage but agreed to add a window on the stairwell.

TB made motion with condition that a 3rd small window be added in the center of the first floor of the lower foundation. LD seconded the motion, and it passed, 5-0-0. TB, LD, HS, MR, MM.

MK said he would re-do the drawings. Barry Peskin said his two kids, who are each going to get a unit, also thank HDC.

- c) **HDC 18-107** (continued from the meeting of December 6th, 2017)
Application by **KA Bazarian**, on behalf of **509 Commercial St., LLC** requesting to raise a structure 9' to meet FEMA regulations, to remove and replace a deck and enclose the area beneath it on the south elevation and to construct a stairway for egress on the west elevation on the property located at **509 Commercial Street**.

Lester J, Murphy (LJM), attorney; Steve Cook (SC), Cotuit Bay Design, LLC, project designer; Lyn Plummer (LP) presented.

LJM spoke, said they were back where they started; that the bottom line, based on research, is that they've not been able to come up with any means of an upgrade without raising the building to honor FEMA guidelines as they were over the 50% evaluation that triggers both the foundation and flood zone elevations; said that they have no choice.

SC referred to FEMA v-zone code and read definitions of historic building bylaw as relates to the code; said building permit cannot be

issued unless building is raised. TB said SC needn't give an explanation as to why the building must be raised; that they had been well apprised. .

TB read letter from structural engineer, Eric J. Cederholm, PE, Transition Engineering, Inc. dated 1-3-18, who recommended that the applicant study its cost-analysis closely and comply accordingly.

LP said they tried very diligently to stay under the 50% but the quotes were under the actual costs of things, including interior finishes.

LJM said the value was \$429,000 and that once they went over \$215,000 FEMA code kicked in.

TB questioned how the applicant could do all this renovation work and not think they'd be going over \$210,000.

AH gave a confirmation of the elevation based on the latest elevation certificate, dated 12-22-17: The property is designated in the FEMA v-zone with a base flood elevation of 15'; the lowest horizontal structural member is currently 8.7, which is 6'+ below the base flood elevation, and as in the v-zone the lowest horizontal structural member has to be 2' above the base flood elevation, the number is 17 (15 + 2).

MR referenced this case as a cautionary tale; TB said that a cost-analysis would be key going forward to prevent these kinds of surprises.

LJM suggested that these variables should be expressed as a part of the application process going forward.

Lisa Pacheco-Robb (LPR) spoke from the public, said that if the town abuses the code we could all lose our insurance. AH substantiated the point, said the town is a member of the Community Rating Service which affords a 5% discount on its flood insurance policy; Provincetown has 542 parcels located in a flood zone, or flood plane, many on Bradford St., adding that following a violation on the Town's part, new owners looking to purchase flood insurance would be find the costs astronomical.

Discussion turned to new designs and efforts to soften the impact.

SC said what's new is the exterior stairway, egress stair, and lattice work underneath for support. MR pointed to the public objection of the black hole, which SC said was designated for parking. LP said they were going to try and do some break-away things in the back. AH noted the three things one is allowed to have: access, parking and storage.

TB took issue with the huge mass being employed to enclose the stairs and with SC's opinion that the structure has low value by insisting it is not a non-contributing building.

Discussion followed with stairs and landing features and how and if they could be placed at the front of the building. AH suggested that even with 37' for a landing there wouldn't be enough room to get the stair and landing repositioned and compliant to the front.

LPR asked if the 2nd means of egress could be an interior stair unit. LD suggested it couldn't be shoe-horned in; MR spoke of this option contributing negatively to the massing. LD wondered about circular, exterior stairs, but LP spoke against the measure in terms of weather and safety. SC added that the tightness of the lot came with restrictions.

TB recapped that they were at a point where the door had to be moved with the stair tower to the right.

MR mentioned the public's despising of the black hole for parking; asked if doors were possible. SC said perhaps, if it was a break-away.

LJM observed that HDC's needs included a re-design of the stairway to be open, captured balusters, vertical siding on the front part of both sides of the building and a solution to a workable garage door so the public is not looking into a black hole or garage storage. LP said she'd look into doors.

TB made note of a fake center window feature on the first floor, street-side; said HDC does not prefer them. LP said she could change it.

TB made a motion for the applicant to a sign continuation waiver; MM seconded the motion, and it passed, 5-0-0. TB, MM, HS, MR, LD.

TB made a motion to continue the case to the meeting of Jan. 17th, MM seconded, 5-0-0. TB, MM, HS, MR, LD.

LP requested HDC members who were not present, review the tape of the previous meetings.

- d) **HDC 18-124** *(continued from the meeting of December 20th, 2017)*
Application by **Lisa Pacheco-Robb**, on behalf of **Scott Stevens**, requesting to remove decks on the west elevation, add a deck on the east elevation and replace railings and deck boards on remaining decks and replace existing windows and doors on the structure at the property located at **155 Bradford Street**.

TB announced that LPR would not be continuing with HDC as a board member as her term was up at the end of year, and so was sitting in on this decision as the applicant, along with her client, the owner.

AH spent the rest of the meeting dividing her time the HDC meeting and the Board of Selectmen meeting in the Judge Welsh Room, as needed.

Lisa Pacheco-Robb and Scott Stevens (SS) presented with designs.

LPR outlined the plans to make the house look more historic even as it is less than 50 years old and as it sits in an historic district; two major goals were to remove all the pressure-treated decking and replace metal windows with historically correct fenestration; tried to use as much of the existing rough openings as possible to work within a budget.

No public comments or letters.

MM felt there was an improvement made, but questioned the number of windows.

LD said she felt it was great and an enormous step back into historic perspective but did question the asymmetric quality of the fenestration.

MR said he really liked what was done, very simple, not austere and noted removing synthetic material gave a befitting look to the community.

HS said she agreed with MR.

TB said the design was a huge improvement, but asked of the sliding doors on the first floor. LPR said they were existing sliders being replaced with sliders with muttuns, behind a stockade fence. TB referenced the doors, which LPR said would be 15-light.

MM expressed HDC's regret to SS that the case could not be heard last month before the break when he had appeared to present.

TB made a motion to accept as presented with the condition that the 4-light doors be replaced with 15-light doors. MM seconded the motion, and it passed, 5-0-0. TB, MM, HS, MR, LD.

LPR said she'd submit updated drawings.

LPR said that she enjoyed serving on the HDC board and was kind of sad; would maybe come back when she wasn't working.

LD departed the meeting at 6:10pm.

e) **HDC 18-130**

Application by **Swain Construction**, on behalf of **Joachim Sandbichler**, requesting to remove sliders and install windows on the east and west elevations of the structure located on the property at **371 Commercial Street, U11**.

Jonas Swain (JS) presented design for re-vamp of Pepe's restaurant; said some sliders would be replaced with true, divided-light windows to give the restaurant a better look.

No public comments or letters.

HS said she liked the divided light feature. JS said they'd be used in the front patio, as well.

MR said he liked the changes.

MM said she, too, liked the changes, that the sliders will add a more historic aspect; acknowledged she enjoys Pepe's and how much the building had changed in the past, from when Astrid Berg had it, and Matt Mulvaney (sp).

TB mentioned that HDC preferred diagrams to photos to show a before and after, but that clearly the changes were an improvement.

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

f) **HDC 18-133**

Application by **Pavel Fiodaru**, of **FPA, LLC**, on behalf of **Wareham Investment Group, LLC**, requesting to replace 2 large picture windows; one on the south and one on the east elevation, with windows having a different grill pattern and to enlarge a deck and replace existing handrails with captured baluster handrails on the structure located at **352 Commercial Street**.

Pavel Fiodaru (PF) presented, said the owners want to change the Bay window to clear windows, that the grill patterns will remain the same and that the Commercial St. window will change, be repaired.

No public comment or letters.

MM said she would like the building to remain as is; per the window, read bylaw on storefronts to be made compatible with historical character.

HS said she, too, preferred the old way.

MR remarked that the design looked nicer, opened it up to the street.

TB said the mullions were a pretty defining aspect of the building and wanted to see them stay; felt the front window should stay the same and asked for a good reason for the side window to be changed,

MR said open-planed, plate-glass windows were the rule in older buildings and gave the sandwich shop as an example.

HS said she liked the original but could be convinced to redo the side window as the applicant requests.

TB cited a consensus on the landing and the front window to stay the same and a divide on the issue of the side window.

TB made a motion to approve the stair landing; MM seconded the motion, and it passed, 4-0-0. TB, MM, HS, MR.

TB made a motion to restate the motion; MM seconded the motion, and it passed 4-0-0. TB, MM, HS, MR.

TB made motion to accept the presentation in regards to the front window not changing and the changes allowed for the stairs and landing.

MM seconded the motion, and it passed, 4-0-0. TB, MM, HS, MR.

1. d) Review and approval of Minutes:

TB made a motion to approve the minutes of Dec. 20, 2017.

HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MM.

TB made a motion to accept the meeting minutes of Sept. 6, 2017.

HS seconded the motion, and it passed, 4-0-0. TB, HS, MR, MM.

PF returned to ask if the application could be changed to say windows in kind for Administrative Review, or is a Full Review required. TB said it would need to be a Full Review, dissuaded applicant from pursuing changes.

4. DELIBERATIONS ON PENDING DECISIONS: VOTES MAY BE TAKEN

No decisions were read.

TB agreed to take over from MR the writing of the decision of **HDC 17-217: 3 Cudworth St.**

A need was expressed to collect decisions being written by LPR, noting 53 Commercial St.

5. ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE COMMISSION

No other business was reported.

TB made a motion to adjourn the meeting at 6:40pm; HS seconded the motion and it passed, 4-0-0. TB, HS, MR, MMM.

Respectfully Submitted,
Jody O'Neil