

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, DECEMBER 19, 2018

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep.; Laurie Delmolino (LD), Historical Commission Rep.; Christopher Mathieson (CM), PAAM Rep.; Hersh Schwartz (HS), Alternate; Michela Carew-Murphy (MCM), Alternate.

Excused Absence: John Dowd, PBG Rep.

Others Present: Annie Howard (AH), Building Commissioner.

TB called the meeting to order at 3:40pm, acknowledged MM's final HDC board meeting after 14 years with a round of applause, champagne and flowers.

1. Work Session: VOTES MAY BE TAKEN

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

AH requested a delay to address current potential violations.

b) 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 Public Hearing agenda of January 2, 2019, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion to consider the following as Full Review:

iii) 6 Commercial St; viii) 24 Pearl St.; ix) 359 Commercial St., UG;
x) 132 Bradford St.

HS seconded the motion and it passed, 5-0-0; TB, HS, MM, LD, CM.

TB made a motion to consider the following for Administrative Review:

i) 108 Commercial St.; ii) 152 Commercial St.; iv) 610 Commercial St.;
v) 421 Commercial St.; vi) 6 Mozart Ave. vii) 10 Court St.;
xi) 281 Commercial St.

MM seconded the motion and it passed, 5-0-0; TB, MM, JD, HS, MCM.

i) 108 Commercial St – (continued from the meeting of Dec. 5th)
.No one presented.

TB asked if the board had done a site review. LD said she had not; HS said she had and the windows are wood. Materials were reviewed.

LD suggested the front facade windows be replaced with wood and the sides be left as an option. HS said she preferred all windows be wood.

TB made a motion to approve with the condition that all the Commercial St. side windows be wood. MM seconded the motion and it passed, 2-2-1; TB, MM, in favor; CM, HS opposed; LD, abstained.

HS said the building is a contributing structure in the Historic District.

TB made a motion to approve with the condition that all exterior window replacements be wood. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, CM, HS.

ii) 152 Commercial St. – To replace roofing shingles.

No one presented.

HS spoke of incomplete applications with unclear pictures and missing information; advised the public to make sure their application requests are complete as laid out in the guidelines. At MCM's mention, Recording Secretary, Jody O'Neil, referred to the minutes from the HDC meeting of October 17, 2018 wherein Kevin Bazarian had submitted photos for a revamp request at 116 Bradford St. that the board had considered among the best in their review history.

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

iv) 610 Commercial St. – To reside and replace rotten trim with Azek trim.

No one presented.

LD noted the request concerns the very rear of the building. TB said the lot next door is Suzanne's garden which AH said cannot be seen and that the west side trim was not in question as far as she was aware.

TB made a motion to continue to the meeting of Jan. 2nd following a site review. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, CM, HS.

v) 421 Commercial St. – To reside and replace roofing shingles.

AH said there was a typo on the application and that it should have indicated sidewall, white cedar shingles and red wood.

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

vi) 6 Mozart Ave. – To replace roofing shingles, trim siding, 2 windows and 2 doors.

Walter Warren, builder, and Ann Robinson, Chief Program Officer from the Community Development Partnership, presented.

Mr. Warren clarified that two gliding windows in vinyl clad were to be replaced with vinyl. TB asked if the applicant would consider wood replacements.

Ms. Robinson said they were financing the project with CDP funds and as they had a limited budget were hoping to keep the costs down as much as possible.

TB made a motion to approve as presented with the condition that the trim be wood. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, CM, HS.

vii) 10 Court St. - To replace 5 windows, roofing shingles and barn doors in kind and to replace metal siding with wood clapboard.

Sandra, owner, presented, said she's had the house for 20 years, barn door on the left is almost broken in half, filled with water and swollen, said the doors and windows of the garage are beyond their useful life.

TB remarked that it is a wonderful wood garage and not too many left in Town, recommended a Full Review as the proposed replacements are not in kind. HS said she would be for it if the applicant was going to replace as is.

TB made a motion to consider the application for Full Review at the January 2nd or January 16th meeting. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, CM, HS.

LD advised Sandra to return to in January with a rendering of the exact door replacement with dimensions. Sandra said she would comply.

xi) 281 Commercial St. – To renovate existing deck railings.

No one presented.

HS noted that the application does not state what materials are to be used. MM said she couldn't tell what was to be replaced. AH said the replacement concerns a tiny triangle area over the deck which can only be seen with your back directly to the water. TB said it's the whole back, which AH suggested was expanded from what she knew was proposed.

TB said the only question was the lattice on the right, south elevation, which was noted to be pre-existing. MCM remarked that there had been a little fire so everything they are proposing is an improvement.

TB made a motion to approve as presented with the condition that all replacements be wood, including caps and balusters. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, CM, HS.

c) Any other business that shall properly come before the Commission.

CVS Building; 132 Bradford St., 13 steel windows

MM stated a problem with the steel window replacements proposed at the future CVS building at 132 Bradford St. in that the approval was to keep the windows as they are and that the new rigging is not in keeping; that this is CVS and not a hardship case. TB noted a letter stating they wanted to keep the original windows. AH said the applicant discovered that there is not existing material to repair and restore the current steel muntins which several contractors and local welders agreed was the case. MM said this is an historic issue and that other towns have found ways to restore industrial design work in historic districts, AH said the building had not been kept up over the years, but that the HDC is invited to do a site visit.

MM thanked Sarah Korjeff, Shannon Jarbeau and Lisa Hassler for their participation at the FEMA meeting on Dec. 11th and the public for its participation. TB noted a successful seminar with 50 people in attendance

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

None

3. Public Hearing: VOTES MAY BE TAKEN

a) **HDC 18-279** (continued to the meeting of February 6, 2019)

AH reported that the owner had provided information to the HDC on the chimney that had been taken down.

b) **HDC 19-084** (continued from the meeting of December. 5th)

Application by Todd Perry requesting to add a dormer with three windows on the west elevation and a new second story deck on the south elevation with a door and a bay window, add an egress stair with a landing on the north elevation and add three skylights and 4 small windows on the east elevation on the structure located at **361 Commercial Street, #C-U4.**

Todd Perry presented; said the architect put the stairs on the wrong side on the new drawings, but that the stairs would be on the back or water side on the south elevation with a switch-back.

No public comments or letters.

LD said it was much improved, but that there needed to be an apron on the wall dormer, which Mr. Perry said would be done; that the dormer needs to land about 6" or more below the top of the ridge; said windows are not historic, suggested putting skylights on top of dormers instead of on the east side of the roof. Mr. Perry said he wanted to put solar panels on the roof and that the two skylights on top of the dormer on the current drawing is a mistake.

LD said east side windows need to be historic-appearing and taller, twice the height with same width. Mr. Perry said he wanted to let more light into the space.

TB agreed with LD; said the two middle windows should be eliminated and the other two windows of standard width and height; that a deck should never cantilever the end of a post, which is not historic; that he doesn't approve of a wall dormer and that raising the building two feet basically indicates a demolition..

Mr. Perry said he's hoping to keep everything but the dormer. TB said the two doors on south elevation should match and match the one on the first floor with single lites, 2-over-1s or 2-over-2s. Mr.Perry agreed to 2-over-1s.

MM concurred with TB and LD, as did MCM who said the new design was a good improvement and that she appreciated the wood railing system and that the single door and dormer are significantly better.

HS said the new plans were problematic for her in that they don't reflect the actual intended design. MM said she felt confident in a vote today, as did MCM, but LD and HS said they were hesitant. LD noted there is no spec sheet for the new window configuration. HS said she'd be okay with a determination today if the conditions were spelled out.

LD outlined the conditions: that the stairs be on the southwest elevation, facing the water; no cantilever on the deck so the deck is reduced or posts go all the way out; on east side: two skylights and two historic double-hung windows, 2-over-1s; ridge dormer dropped a minimum of six inches; second floor door to match the 1st floor door; west side elevation:

no dormer wall, apron to go across, 6" minimum; second floor and first floor doors on south elevation to match.

CM asked why the windows were drawn so close together. Mr. Perry said as it's his painting studio and there's a bathroom on the second floor, he desired to get in as much light as possible.

LD made a motion to approve as presented with the following conditions #1 thru #6 on the plans dated December 4, 2018.

1. Move stairs to south elevation; 2. No cantilever on deck supports; 3. On east-side, two historic double-hung windows, 2-over-1s; south elevation doors be full lite with emollients; 4. West side dormer stepped back to see roofing shingles; 5. Dormer dropped 6" below ridge line; 6. doors to match on south side as full-lite with emollients, simulated, true-divided lite, 15s.

TB seconded the motion and it passed, 5-0-0; LD, TB, MM, HS, MCM.

c) **HDC 19-093** *(continued from the meeting of December 5th)*

Application by **Michael Britt** requesting to install a 6' vertical wood stockade-style fence on the property located at **18 Cottage Street**. **Michael Britt** presented; handed off two letters from neighbors and copies of a fence which, he said, he hopes to duplicate; said there is presently fencing on two sides and is seeking two more sides of fencing to close-off from the road, no less than 2' in either direction; said the entire fence along the south side is rotting, part of which is stockade, placed by neighbors, the Meads, approximately 30-40 years ago; pre-existing fence on the west side is flat-top, 6' board.

TB read a letter in support from Sharon and Linda Marrocco of 3 Bradford, Unit 1, and a letter in opposition to the stockade fence for the sake of privatizing a shower from Lawrence and Nancy Meads at 16 Cottage Street.

MM said her problem is the fence was installed in August as a violation, partially installed and without a permit; said there hadnot already been a stockade fence place at the property which, as situated on a corner, is an obstruction for the public; advised a 4' picket fence which adheres to the HDC's clear-cut fence policy, but said she was fine with a stockade fence at the rear of the property. HS agreed with MM.

MCM agreed with MM and noted the longevity of the neighbors, the Meads, in the abutting property and how their lifestyle would be affected.

LD remarked that she and Mr. Britt are neighbors and have spoken about the gentrification of the town and so said she was surprised to see his application for a 6' stockade fence, acknowledged a 6' picket fence would be permissible, but possibly inappropriate for an outdoor shower. MCM asked Mr. Britt is there is a fence or shield already built around the shower.

Mr. Britt responded that the Meads' 6' stockade fence is a foot on his property and is rotting. TB said that fence was very possibly erected prior to the HDC's purview and that if the Meads were to approach the HDC with an application request per that fence, they too would be beholden to the bylaws; said a maximum 4' open picket fence along Bradford and

Cottage Streets was the bylaw for the area under consideration. TB suggested the fence company might have done Mr. Britt a disservice as they know the bylaws.

MCM referenced high, mature hedges that were placed by the owners at 510 Commercial Street at the site of the Old Homestead.

Mr. Britt said he has a degree in landscape design from Harvard; related that less than a year ago, a 6' high flattop stockade fence was put up along the property at the corner of Cottage and Tremont Streets and sold for 2.5 million. LD said part of that fence along the road was pre-existing.

MM made a motion to allow a 4' picket fence on the north and south sides and a privacy fence up to 6' on the west side. TB seconded the motion and it passed, 5-0-0; MM, TB, LD, CM, HS.

HS sought clarification for the 17' set-back; it was determined that the fence Mr. Britt put up would be removed and replaced as approved.

Mr. Britt asked what the HDC proposed he do for the shower area. TB said the HDC would accommodate up to 6' of fence to enclose the shower area.

d) HDC 19-104

Application by **Ted Smith Architect, LLC**, on behalf of **Mitchell Klein**, requesting to construct an addition and a half story cottage located at **26 Bradford Street**.

Ted Smith presented; dispersed new site plans; said per an application from a year ago and as noted in the copies of the photographs submitted, that it was determined Carnes Lane is not a public way; noted the main structure as partially visible; said the cottage is not visible from the public way and only a corner of it would be visible after the construction; said that various architectural features would be visible such as roof pitch, roof slope, materials, etc.

Mr. Smith said the original cottage was built in 1966 and noted there was nothing architecturally or historically significant about the current structure and that they are looking to expand the footprint to the north and the south; proposing to reduce the number of bedrooms from nine to eight.

Mr. Smith addressed the new drawings, said about 3' will be added to the front and the back, that the basic footprint is 25'x16'; second story is a half-story, dormers represent less than 50% of the first floor and do not go to the ridge lines, asphalt shingles for the roof, clad and wood, double-hung, mostly 2-over-2 windows with simulated divided lites to be used in the addition.

Arthur Mahoney, abutter at 24A Bradford St., said the property has been a boarding house for seasonal employers for some time, said Mr. Smith is only allowing for 6' between their properties with the addition of the new cottage; said the cottage is labeled Unit 3 and questions the direction of the project; questioned if the applicant is agitating the cinder-block crawl space; asked of a single window on the 2nd floor which is not seen on the new plans; said he was the one who raised the question of Carnes Lane and suggested the structure will be visible for parts of Bradford St.

Mr. Smith agreed that the window was missing on the west elevation and the bathroom from the new plans.

Mr. Mahoney asked of the interior staircase, which TB said was not the HDC'S purview but did ask for clarity. Mr. Smith said there were some inconsistencies in the design and that, as planned, the bathroom will be in the first floor of the L-shaped stair, that the switch-back was incorrect, but said the west elevation is correct as presented.

LD asked what will be visible from Bradford St. Mr. Smith said that the two-story high structure is 10' above the street-line. TB said the west elevation and Bradford St. view is probably not visible at all, but from Carnes Lane it is as well as from Pleasant St., and not at a distance.

MCM said she'd like to see two double-hung windows spaced appropriately apart to be historically accurate; noted the widening and set-back is a zoning issue; dormers to come in a small bit off the rakes.

HS said she felt the design is basically very big and overtakes a tiny area. Mr. Smith replied that it fulfills all the requirements for a cottage, which AH concurred.

CM said he would pass on commentary, for now.

MM said she had no problem with a one-and-half story building, but that this looked more like a two-story building; that the dormers should be reduced.

LD said she agreed with what the other commissioners had been saying, and that there is some flexibility in a 1966 building, but the wall dormer should look more like a typical shed dormer; asked if Mr. Smith was requesting a demolition of the structure in that they're getting rid of 25% of the original building. Mr. Smith said not necessarily, that the foundations are not in good shape and that the design runs as such in order to be able to leave the CMU foundation in place; said he was unsure if the work would go over 50% of the existing foundation or not.

TB surmised that the board was okay with the east and west elevations and what needed to be addressed are the south and north, the eaves and the fenestration; asked if the bump-out for the fireplace can be placed on the inside; if the structure could mimic a three-quarter Cape with a window on the left and the two on the right. The board agreed.

LD said she'd be better able to make her determination now that she knows how high the building will be and what part of Carnes is private. AH said the road turns private just after No. 22 Carnes Avenue.

Ed Walsh, of 24A Bradford St., spoke, asked if the Town services private ways. AH said it is dependent on the road. Mr. Walsh said the trash is picked up all the way along Carnes and AH said that wouldn't determine the private part of the road to be regarded as officially public.

MCM requested this point be clarified with the Department of Public Works. AH said her notes on the Town road map are also unclear.

CM suggested an added window for symmetry on the first floor. LD advised not to make changes until it is clear what is or is not visible.

TB made a motion to continue the decision to the meeting of January 2, 2018; MM seconded the motion, and it passed, 5-0-0; TB, MM, LD, CM, HS.

TB announced a short break at 5:47pm.

e) **HDC 19-110**

Application by **Kevin O'Shea** requesting to remove a large mushroom vent from the roof, add an awning window on the north elevation and remove a commercial refrigeration unit and reconstruct the area to match the existing façade, including adding an awning window on the east elevation of the structure located at **157 Commercial Street**.

Carlos Verde, builder, presented, distributed plans; said the only change was the transitional window on the walk-in. AH clarified the new window is on the south elevation.

MCM said she'd be happy to approve. HS said she approved, as did MM and LD.

TB made a motion to approve as presented with the condition that the trim be wood. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, CM, HS.

f) **HDC 19-119**

Application by **Kevin A. Bazarian**, on behalf of **Steven Ballerini**, requesting to renovate a kitchen and north wing of a structure and replace and restore windows, siding and roofing shingles on the property located at **72B Commercial Street**.

No one presented.

TB asked AH if the street on the site plan is a public way and questioned if any of it can be from a public way; canvassed the board if it felt a determination could be made in the applicant's absence.

TB made a motion to continue the decision to the meeting of January 2, 2019. MM seconded the motion and it passed, 5-0-0; TB, MM, LD, CM, HS.

5. Deliberations of Pending Decisions: VOTES MAY BE TAKEN

TB said he would complete decisions started by Commissioner Dowd.

LD made a suggestion to have a decision sheet check-off at the time a decision is being deliberated in meeting. TB said he thought this was a good idea and that former Commissioner Martin Risteen had been doing that detail up until this current week. MCM said she would take on that task.

TB pointed out that, per AH, not every detail of a decision had to be read into the record.

TB requested a meeting for the reading of decisions with a minimum quorum of three; settled on Friday, December 28, 2018 at 10:30am. Recording Secretary, Jody O'Neil, requested that the date of the approved decision be read aloud into the record when decisions are being read and voted on.

TB made a motion for a public meeting on Friday, December 28, 2018 in the Caucus Room at Town Hall for the purpose of reading decisions. HS seconded the motion and it passed, 5-0-0; TB, HS, MM, LD, CM.

Decisions by MR, read by MM:

- a) **HDC 19-146**; 355 Commercial St. Decision of February 15, 2017.
- b) **HDC 17-150**; 535 Commercial St. Decision of February 15, 2017.
- c) **HDC 17-127**; 307 Commercial St. Decision of January 18, 2017.

Decision by MR, read by LD:

- d) **HDC 17- 294**; 48 ½ Bradford St. Decision of July 19, 2017.

LD left the meeting at 6:06pm.

TB made motion to approve the four decisions above as read at meeting; MCM seconded the motion and it passed, 5-0-0; TB, MCM, MM, CM, HS.

4. Review and approval of Minutes:.

TB made a motion to approve the minutes of Nov. 28, 2018; MCM seconded the motion and it passed, 5-0-0; TB, MCM, MM, CM, HS.

MM gave a farewell mention of appreciation for her years of serving on the HDC. MCM invited MM to join the current board, along with some former commissioners, for a good-bye dinner in MM'S honor at Ciro & Sal's.

AH passed out revised plans for 286 ½ Bradford St. for board signatures.

AH said the Board of Building Regulations and Standards will not offer an official interpretation of Codes 105.3.1.1 and 105.3.1.1.1 which is the exclusion criteria for historic buildings in the flood plain; that the Board can only offer guidance on a case-by case basis pertaining to properties affected by the 50% or more in changes to structure based on the fair market value, not including the property. MCM noted that Mass Historical Commission is required to get to these cases within 30 days.

TB made a motion to adjourn the meeting at 6:13pm. MCM seconded the motion and it passed, 5-0-0; TB, MCM, MM, CM, HS.

Respectfully Submitted,
Jody O'Neil