

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown, MA
WEDNESDAY, JUNE 19, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Historical Commission Rep. Hersh Schwartz (HS), Chamber of Commerce Rep.; John Dowd (JD), PGB Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate; Martin Risteen (MR), Alternate.

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

Work Session: VOTES MAY BE TAKEN

1. Update on potential violations reported to the Building Commissioner.

594 Commercial St.

AH said an application is expected to be before the HDC for the July meeting, concerning a compliant picket fence that was installed but the owners did not come before the HDC.

526 Commercial St.

AH reported that there are posts in the ground for what she believes is the start of a new fence and that the owners have not come before the HDC.

244 Commercial St.

TB asked of the railing pertaining to this case and AH replied that she is awaiting the file.

579 Commercial St.

TB sited the privacy fence at the entrance on the east side; said he recused himself, but questioned the approval.

505 Commercial St.

Pat DeGroot's old house. AH said this is the property where the idea was to use the old lumber from the house to craft the fence; said she has photos of the original. TB said the fence is over 7' tall and MCM said the house has always been a sort of mystery.

14 Bangs St.

TB noted new top posts on an original fence. AH said she saw it as well and will investigate.

2. 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 July 17, 2019 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

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

429 Commercial St.; 328 Commercial St.; 25 Watson's Ct.; 11 Brewster St.; 6 Cottage St.

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

- i) 441 Commercial St., #11 – To re-side and replace corner boards.
MCM noted the new railing is on the back and TB said the corner boards in question are located on the third floor rear.

TB made a motion to approve with the condition the trim be wood and the rake board on the rear continue on the right dormer. MCM seconded the motion, then discussion continued with JD making the case that this scenario wouldn't work for the window at the top left. MCM recommended a Full Review to make certain the dimensions are correct. AH said someone would need to sketch out the condition. TB suggested conditioning a little notch-out.

TB made a motion to approve with the condition that the trim be wood and the rake board be continued with a notch to accommodate the window and a sketch to be provided by the HDC. MCM seconded the motion and it passed, 5-0-0; TB, MCM, HS, JD, CM

- ii) 192 Bradford St. – To replace 8 windows in kind.

TB noted Anderson A series, divided lite, with Body Guard, which AH said is the New Zealand pine. TB said this is Priscilla Jackett's second phase of an ongoing project.

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

MCM recommended the HDC compile a glossary list of acceptable materials, which AH said would probably fall to her and/or Town Planner, Jeffrey Robiero, to facilitate. TB reminded the Board that inviting vendors in to speak on behalf of product and materials has also been discussed previously.

- iv) 452 Commercial St. – To repair a deck and a stairway system.

TB said the location for the work proposed is in the rear and that the change was for the better, but would need be a Full Review if abutters had not been notified. MCM noted that the abutters have been very vocal about this situation, which CM concurred. JD said he felt no abutter would have issue with this application and that drawing out the process might not be in anyone best interest.

TB agreed with JD in principle but said that it is a grey area in this case and sided with MCM based on the abutters, one of which, he said, is the museum, and to which MCM added is in litigation. TB took a poll in which TB, HS, CM and MCM voted in favor of a Full Review; JD, against. It was then decided the decision would be a Full Review to be placed on the July 17, 2019 meeting, no formal vote taken.

LD arrived to meeting at 3:49pm.

- vi) 577 Commercial St. – To remove deck walls and replace with railings.

TB noted the applicant wanted to replace a side wall with railing to match and continue with existing material, which he felt was a change for the better by design.

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

MCM asked AH what is meant by applications listed on the Agenda that do not complete the explanation of proposed work, but end in a semi-colon, for example. AH said she thought this was possibly to indicate that the next application was simply to follow in turn.

- ix) 286 Bradford – To re-side and replace roofing shingles..

CM asked for clarification on the location of the 100 square feet. MCM said this figure was applicable to the existing dimension of the space in question.

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

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

Revision to the Fine Arts Work Center Project

Margaret Murphy, presented; referenced the previous HDC approval of January 2, 2019 and noted the area of the raised parapet as the south wall location of the design change for which the FAWC is seeking approval; said the existing roofline is being continued in the new design, the bi-fold glass door is now shorter which alters the transom windows. Ms. Murphy said the changes are due to difficulties encountered with the steel beam construction; the architect's recommendation is that everything be brought down 16".

MCM said that this plan is more similar to what had been originally presented. CM said that he, too, is fine with the change, as it is what he initially had hoped for. JD said he's fine with it, but that he found the original plan more elegant.

TB said he liked the grand scale of the original garage doors, but questioned if the windows should be single paned, one-lite, instead of 1-over-1 as pertain to the transom glass.

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

The date of the plans was noted as June 19, 2019 and the original approval of January 2, 2019 was case no. **HDC 19-122.**

Ms. Murphy raised a second point, relating to the glass doors; said they discovered through their pricing exercise that the architect had presented an incorrect spec on the door as Anderson, but that the doors going in are glass, aluminum doors and that she had a correct spec sheet to add to the file; confirmed to LD that they were the same as on the current plans approved.

509 Commercial St.

AH distributed documents pertaining to the status of 509 Commercial.

TB read into the record a letter of complaint lodged against the HDC by lawyer, Lester J. Murphy, Jr., who stated that the HDC had no authority to dictate how the proposed piling structure must be installed and that the owners had no intention of continuing consultation with the HDC on relevant plans which, he wrote, had already been approved.

TB read into record a letter from Town Consul, who cited a valid Certificate of Appropriateness as issued by the HDC stemming from an approval at the July 18, 2018 meeting and that the COA does not require the applicant to seek further approval of the piling plan from the HDC; that all necessary zoning conditions had been met and a request for a Full Review to address the HDC's present concerns as expressed at the meeting of June 5, 2019 is not valid.

MCM said she strongly disagrees with Town Consul's opinion on the matter of 509 Commercial St. and that Town Consul's agenda is at cross purposes with the aims of the HDC. MCM then gave a brief history of the property applications from memory which resulted in a debate with TB on the talking points of the current status. AH said that she is obliged to honor the current COA.

MCM continued to strongly disagree with the recommendations of Town Consul and the applicant's attorney, as well as TB, who related that the HDC must let this one go and do a better job next time, in stating her opinion that the issue goes beyond setting a precedent for parking underneath and rather speaks to owners who litigate against the Town endlessly and bully prospective parties they get what they want.

TB said the HDC would send the two letters to Sarah Korjeff at the Cape Cod Commission for her opinion and discuss the case at the next meeting. JD said that while he agreed with MCM in principle, the HDC would need to stand by its vote of July 18, 2019. MCM countered that the vote in July was for specific plans and that she has been on record as against the aims of the

applicant. MR noted that no precautions were put in place to protect the building, to which HS concurred.

TB moved to close discussion, but MCM made a final statement wherein she reminded the Board that the HDC was notified by the applicant that its structural engineer had declared that the plans as approved by the HDC were not possible to execute and that this recommendation is what resulted in the applicant seeking a demolition; said that the applicant then withdrew its application for demolition request, which, while approved in meeting, she was personally against and questioned how a building permit could possibly be issued at this point in the application process. MCM concluded by repeating that if the HDC allows the applicant to proceed as things now stand then a precedent will be set for future applicants to skirt the HDC. HS agreed.

TB made a motion to continue the case to the meeting of July 17, 2019. MCM seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

*[Time-line: At the Sept. 5, 2018, the engineer for the applicant at 509 Commercial St. reported that the HDC-approved plans of July 18, 2018 were not structurally possible to implement. Applicant then placed a demolition request at the HDC meeting of Oct. 17, 2018; **HDC 19-059**. Demolition application was deliberated and continued to the HDC meetings of Nov. 7, 2018 and Nov. 28, 2018, at which point the request to withdraw the application for demolition was approved by vote, 3-2-0; TB, JD, and LD in favor; Marcene Marcoux and MCM, opposed.]*

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

None.

AH approached the panel to discuss 435 Commercial St. and left the meeting briefly to collect the files for the day's public hearing. In the interval, MCM made a statement by way of a request to secure a Town Consul that, she said, would work on behalf of the Board and not just to work at saving the Town money.

5. Public Hearing: VOTES MAY BE TAKEN

a) **HDC 19-245** (continued from the meeting of June 5th)

Application by **Elena C. Hall** requesting to erect a 6' high fence on the property located at **397 Commercial Street**.

Elena Hall presented with a 3D model of her proposed fence; indicated on the model where the highest point would be in relation to the porch position, rising up to 48" at the top and 41" at the low end; said the fence would sustain itself in bad weather.

TB noted the model as a sandwich picket and the HDC thanked Ms. Hall for taking the HDC's recommendations in producing a well-constructed addition to the property.

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

MCM took a photo of Ms. Hall and MR with the fencing, to be kept in the file for reference.

b) **HDC 19-249** (continued from the meeting of June 5th)

Application by **Ezra Block**, on behalf of **Matt Metivier** and **Ricardo Gessa**, requesting to renovate a cottage on the property located at **7 Bradford Street**.

Ezra Block presented.

LD recused herself and said she had not conducted a site visit to the property. The Board referenced Mr. Block's submitted plans of the existing structure.

Mr. Block said the proposal extends the footprint by 39" in length and 10" in width, but confirmed to TB that it keeps the proportions of the footprint on the diagonal.

JD said he felt the structure is not historically intact, in terms of the interior, and that as such he was fine with it being taken down for a rebuild but that it resembles a 19th century shed which is now proposed to be transformed into a little house, too fancy in design with incorrect clapboard; recommended a natural shingle and said he was not crazy about two dormers or the shape of the windows.

TB said he felt it should not match that main house too much as it is an accessory building; proposed simplified elevations and a single-window dormer.

HS agreed with JD, added that cottages do not have dormers.

MCM thanked the applicant for inviting the Board into the structure and providing insight into the environment; lamented the similarity of too many renovations and re-builds in the Town's west end, spoke in favor of individuality in design; suggested Mr. Block view the old Hawthorne property on Miller Hill to see how the remaining buildings there have been modified in keeping with the old style look.

CM echoed what others on the Board noted; said the dormer on the east elevation is not as appropriate and would prefer to see the door on the back side.

TB summarized in saying that the Board would be in favor of demolition and use whatever wood might be salvageable; good with the consistent footprint; would like to see dormers re-worked and some reduction overall; suggested duplicating the existing fenestration.

TB made a motion to approve with conditions that the windows be 6-over6s with spec sheet provided; door be Provincetown door, #F117; base board along the front is eliminated; trim, clasps, railing be wood with captured balusters. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, JD.

c) **HDC 19-251**

Application by **John Murphy** requesting to replace a fence at the property located at **261 Bradford Street**.

John Murphy presented; apologized for not following the protocol per his application, said he thought the replica fence replacement would allow for better privacy.

TB read a letter in support from neighbors at 262 Bradford St. and another from an abutter at 552 Commercial St. who wrote that they liked the design of the fence but questioned if it had gone over to their property line.

TB said the previous privacy fence would have been in violation of the current HDC guidelines, and that the replacement does need to adhere to the bylaw. Mr. Murphy said a proposed modification of a full picket fence would restrict their privacy.

LD suggested removing the lattice topper could be a compromise which would then reduce the height by a foot to 5'. Mr. Murphy said he has proof of other examples of lattice fences such as his in Town, which Board members agreed might be grandfathered in or else located at the rear of the property.

TB made a motion to approve as presented with the condition that the top lattice rail be removed along the entire fence. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, JD.

AH urged the HDC to draft a letter that can be sent out to the professional contractors in the area who might then advise their clients as to the relevant HDC bylaws. TB requested that MR draft such a letter to include current HDC policies, to be reviewed by AH before being sent out.

MR left the meeting at 5:05pm.

MCM left the meeting at 5:12pm.

d) **HDC 19-262**

Application by **Theresa K. Stangel** requesting to add a fence on the property located at **6 Law Street**.

Theresa Stangel presented; said she spoke with CM at her property that morning; proposes a 6' section at the rear and sloping down to a 4' where applicable.

TB said the 6' that would be set back a regulation 10' from the front line is correct on the submitted plans. Ms. Stangel detailed the specific location of her property lines, including the boundary with the Waterford and garbage storage area, to which JD then said made the case for a solid fence. CM made a suggestion for an alteration that would make it more historic.

TB made a motion to approve as presented with the condition that the swoop begins no less than 10' from the front façade of the house. JD seconded the motion and it passed, 5-0-1; TB, JD, LD, HS, in favor; CM, abstained.

e) **HDC 19-263**

Application by **Dan Almeida** on behalf of **Karl Buch**, requesting to add a 12' x 20' deck to the structure located at **7A Point Street**.

AH said that this proposed deck is located on the property from a position that absolutely cannot be seen anywhere; said the owners are not in Town to present; but asked why the proposal wasn't on the building permit.

JD made a motion to approve without the addition of the proposed bump-out. TB seconded the motion and it passed, 5-0-0; JD, TB, LD, HS, CM.

244 Commercial Street

AH distributed design plans to which TB remarked were not what had been approved.

HS noted which Board member elected to write which decision from today's hearing as follows:

TB: **HDC 19-245**; HS: **HDC 19-251**; CM: **HDC 19-262**; JD: **HDC 19-263**.

435 Commercial Street

HDC reviewed revised plans submitted by Tom Thompson, which AH highlighted as new fenestration on the west elevation. JD said the 2-over-1s should replace the 6-lites. HS said the application was read and approved on May 1, 2019 and asked how the Board should go forward in not approving the current revised plans. Window options were discussed.

TB made a motion to re-consider **HDC 19-230**. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, JD.

TB made a motion that the two E-windows on the third floor of the west elevation be changed from a 6-lite to 2-over-1s, 2-over-2s, or 4 panel casements of similar dimensions to be indicated on newly submitted plans. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

TB objected to the revised drawing as too small to properly consider.

6. **Deliberations on Pending Decision: VOTES MAY BE TAKEN**

The following decisions were read, approved and filed on this day, June 19, 2019.

HDC 18-237, 252 Bradford Street.

HDC discussed the conditions of the approved door with AH's guidance.

CM made a motion to re-consider the door at 252 Bradford St. from a wood door with glass to a solid wood door, # F2044. TB seconded the motion and it passed, 5-0-0; CM, TB, LD, HS, JD.

TB made a motion to approve the May 15, 2019 decision of **HDC 18-237**, 252 Bradford Street, as read and written by CM. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB made a motion to approve the May 15, 2019 decision of **HDC 19-145**; 6 Commercial Street as read and written by JD. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB made motion to approve the June 5, 2019 decision of **HDC 19-239**; 17 West Vine, #1 as read and written by JD. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

TB made a motion to approve the June 5, 2019 decision of **HDC 19-228**; 11 Brewster Street as read and written by TB. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

LD made a motion to approve the June 5, 2019 decision of **HDC 19-250**; 101 Commercial as read and written by LD. TB seconded the motion and it passed, 5-0-0; LD, TB, HS, JD, CM.

TB made a motion to approve the June 5, 2019 decision of **HDC 19-253**; 31 Bradford St. as read and written by HS. LD seconded the motion and it passed, 4-0-0; TB, LD, HS, JD.

TB made a motion to approve the June 5, 2019 decision of **HDC 19-255**; 19 Ryder St. Ext. as read and written by TB. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

TB made a motion to approve the June 19, 2019 decision of **HDC 19-263**; 7A Point Street as read and written by JD. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, JD.

TB made a motion to approve the June 19, 2019 decision of **HDC 19-262**; 6 Law Street as read and written by CM. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

TB said he mailed the two letters of intent pending 509 Commercial St. to Sarak Korjeff at the Cape Cod Commission.

TB made a motion to adjourn the meeting at 6:07pm. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, LD, JD.

Respectfully Submitted,
Jody O'Neil