

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA  
WEDNESDAY, JULY 17, 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), PBG 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.**

620 Commercial St.

AH said the owners have made application regarding the fence and will appear on the next meeting Agenda.

542 Commercial St.

AH has not heard back from the owners regarding their fence, but added that they have not exhausted their 14-day notice as yet.

4 Kiley Court

AH said she had a call per window replacements without a permit or review from HDC; said she will investigate.

Boastslip

TB noted a new landing and stairs and asked why they hadn't come before the HDC, especially as there are no captured balusters. AH said she didn't know why there was no notification but said the HDC doesn't approve or review bulkhead stairs; that this is under the purview of Conservation. TB suggested a change in jurisdiction, and MCM said bulkheads were more of a protection concern. Discussion continued regarding water-flow issues and AH said she would have a word with Conservation.

**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 August 7, 2019 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

TB made a motion that the following be considered as Full Review:

594 Commercial St.; 192-194 Commercial St., #4; 18 Bangs St.; 522 Commercial St.; 19 Winthrop St.; 286 Bradford St.

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

i. 333 Commercial St. – To replace roofing shingles.

TB noted new Architectural Birchwood shingles.

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

ii. 308-310 Commercial St. – To replace roofing shingles.

TB noted new Architectural pewter-wood shingles.

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

TB, LD, HS, CM, MR.

iii. 88 Bradford St. – To replace roofing shingles.

MR asked if there was a specific style on the side of the building, to which LD said was strictly a roofing concern.

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

iv. 142 Bradford St. – To replace roofing shingles.

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

v. 103 Commercial St. – To install a rubber roof.

CM asked if the application was to replace in-kind, which AH confirmed.

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

vi. 521 Commercial St., U2 – To replace 2 windows in kind.

AH said there was no trim as the units are flexi-frames, which TB concurred, saying it was a contemporary treatment.

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

vii. 6 Commercial St. – To change the design of a bump-out roof from hip to shed.

TB suggested the application might be a Full Review. AH reminded the Board that the property is before it as a courtesy.

LD said the changes are consistent with the HDC's guidelines and is not in the Historic District, which MCM agreed. TB asked about panels under the windows, which LD said are seen all over Town.

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

viii. 84 Commercial St. – To replace a wood screen door with a wood storm door, wood trim and a wood threshold as needed.

LD recused herself.

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

ix. 414 Commercial St. – To replace a previously-approved Andersen door with a Marvin door.

Paul Fiore, architect, presented; said the existing door has only one panel that opens and the owner wants all three to open, same three-quarter lite.

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

x. 5 Standish St. – To replace a rubber roof.

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

JD joined the meeting at 5:37pm.

xii) 259-263 Commercial St. – To change a door on a previously-approved project;

Kevin Bazarian, contractor, presented; said as per the previously approved design the entire gable was glass and the owner wants to change to a patio door.

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

xiii) 535 Commercial, U5 – To replace windows in kind.

Kaye McFadden presented; said previous approval for same application had expired in February; referenced eight windows to be replaced, said everything would be wood.

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

xv. 224 Bradford St. – To replace 14 windows;

TB said he doesn't remember a 3-over-1 coming in front of the HDC. AH said it was three

years ago.

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

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

#### Fence at 594 Commercial Street.

AH said the previous fence had been removed during a gut renovation in 2014 and asked if the current fence passed the Board's approval. TB said he did a site visit and that the current fence violates the HDC's bylaws and should come before review at the next meeting.

#### HDC Guidebook

MCM proposed that the Board assemble a guide book of practical applications to make it easier for the applicants as well as the HDC to determine code and suggested talking to residents Ginny Binder or Tom Boland of Far Land as both are historical preservationists, as well as former HDC Board member, Marcene Marcoux. LD asked if there would be a consultation fee involved and thought this might be prudent. TB recommended first going through the bylaws to make pre-determinations and spot areas of confusion. LD suggested having a meeting within the HDC first for those who wish to take this on and reach consensus.

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

None.

### 5. Public Hearings: VOTES MAY BE TAKEN

TB opened the Public Hearing at 4:05pm

#### a. HDC 19-249 (continued from the meeting of June 19<sup>th</sup>)

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**.

LD recused herself.

Ezra Block, architect, presented; said a few elements have been redesigned: exterior sidewalls now all shingled; windows changed to make them more diminutive; door locations re-assigned; exchanged two shed dormers for a single gabled dormer on east elevation and shorter shed dormer on west elevation; front door to make it more shed-like.

No public comments or letters.

TB noted a discrepancy in drawings, said the windows are not historic, either by shape or size; dormer is not sized correctly to align with window; dormer face should sit back. HS said she agreed with TB regarding the dormers and against square windows. Mr. Block said he felt the consensus was to not make a miniature version of the main house. JD said he felt it was just a few tweaks that were needed and that after HDC discussion, the proposal emerged to move the shed dormer to the rear but at an appropriate length. TB said a 6-lite window would be more appropriate and JD said the windows as presented in the latest design plan were more 20th century or 1990s than mid-19th century.

Discussion on the application of dormers and appropriate fenestration continued.

JD noted the dilemma in that the HDC is tasked with approving aspects of out-buildings that were never meant to be dwellings and asked if the owners aren't trying to save the look of it is a tear-down the other option; summarized the HDC's conditions as the proposed east elevation can remain minus the dormer, and on the rear elevation, six panes rather than the 4- lite; shed dormer to be a 6-lite; front window a 6-lite and back window of the same size.

TB made a motion to accept the time-waiver of August 7, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, JD, MCM.

TB made a motion to continue the decision to the meeting of August 7, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, HS, JD, MCM.

MCM left the meeting at 4:30pm.

TB made two procedural points; 1. That he is more mindful of breaks, and said a break would come today at 5:15pm; 2. A request that people stay off their cell phones during deliberations.

b. HDC 19-270

Application by **William N. Rogers, II**, on behalf of **New Hop Holdings, LLC**, requesting to renovate a structure, including putting a one-story addition on the first floor to replace an existing outdoor stair entrance, extending a first floor deck on the east elevation and adding egress stairs, and adding two dormers and a new second floor inset deck on the south elevation at the property located at **429 Commercial Street**.

MR related that he is a neighbor of the applicant.

Lester J. Murphy, Jr., attorney, Gary Locke and Ron Robin, presented. Mr. Locke said the pertinent plans are from July 1, 2019. Mr. Murphy said the plans were revamped to avoid a variance. Mr. Locke said the plan was to conceal the kitchen equipment which he said is unusually positioned in the front, not the back, of the restaurant and dispense with the problematic awning that exists today; said that creating an interior stair which would help protect the patrons and add more storage space and passage area at the first floor bar and bathrooms; said upstairs bar would be expanded through an economic development grant; creating a deck over the existing deck to give a separate entrance to the upstairs dwelling unit which will be made into a sort of Townhouse and overall bring the upper areas into code compliance.

Joachim Sandbichler spoke from the public; said he has always appreciated the Mews restaurant with the exception of the exterior which he has never found pleasing.

LD said she feels the building is non-descript; has no comments per the rear; asked why the bump-out of the windows in the front to which Mr. Locke said the straight eaves along the front needed some interest to break up the long stretch; said casements were added to match surroundings for a commercial streamlined look.

CM said he'd like to see a more historic look per the windows, including the bump-outs; felt the elevator door while needing to be code complaint could blend in better with historic design.

AH reminded the HDC that the building suffered a catastrophic fire in 1987 or 88 and, as such, everything from the second floor up was re-built anew. MR added that the building is a non-contributing structure.

JD stated that this is not the building, from a new design perspective, that the HDC would permit to go forth, commended the owner for cleaning up what he said was a cacophony of streetscape. Mr. Locke asked if a front elevation that was in keeping with the HDC's comments would be acceptable. Mr. Locke said they were restricted by a Chapter 91 license from doing things like adding a deck on the south elevation of the second floor.

TB said he agreed with what's already been presented from the Board, suggested an alternative be found for the sliding glass doors and that the front façade proposal doesn't relate to the HDC's guidelines which he read into the record; said a fourth window was needed to the left of the pitched roof and that a 6' fence is not permitted, although LD concurred that the fence is pre-existing. TB said he felt the overall design was unremarkable and cautioned against a cookie-cutter approach as seen around Town.

LD asked if the machinery would still be kept in place. Mr. Locke said it would remain but be concealed by the fencing. LD said the circular cut-outs over the door and the bump-outs are not relatable. JD suggested cutting back the bump-outs, replacing the single-pane windows with 2-over-1s or 6-over-6s and putting a window where the fake-arch is proposed with the half-round. Mr. Locke agreed to all JD's recommendations.

TB made a motion to continue to the meeting of August 7, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, JD.

c. HDC 19-272

Application by **William N. Rogers, II**, on behalf of **Noho Properties, LLC**, requesting to repair and replace an existing stair system on the north elevation of a structure located at **452 Commercial Street**.

Gary Locke presented; said the stairs are in complete disrepair, sloping severely, joists are rotting, unsightly chain-link railing; proposing to replace existing deck and stair system that is code-compliant and which as such will have maximum feasibility.

Lester Murphy spoke from the public in saying that they were contacted by the owners at 448A Commercial St. to confirm all work would be confined by the property lines.

Orson Watson, neighbor, spoke; said he was an abutter at 448A Commercial St., presented a letter for the record pertaining to the proposed stair reconstruction as encroaching on this property line and the understanding this issue will be rectified.

TB read into the record a letter of collective support from the neighboring condominium owners.

JD asked per the size of the stair, which AH concurred with Mr. Locke that with an egress stair certain specifications were required. LD asked why a handrail on top of a handrail was a part of the design. Mr. Locke said he had no choice because he didn't have the width he needed for the requirement of the egress stair. LD requested more posts instead, but Mr. Locke said it cannot be interrupted as such and approached the panel for clarification. MR noted the house is circa-1840 Greek Revival style and the new design should adhere to that, not be municipal-like.

TB asked why (4) 2x4s were needed for the balusters, which Mr. Locke said were needed for the compliance and the weight requirements, but said he could see if a 2x3 would work and a 2x6 frame rather than the 2x8s.

CM asked about replacing a proposed railing to match the existing, to which Mr. Locke said he would speak to the owners about that suggestion. Mr. Locke then approached the panel again to hear further design options.

TB made a motion to continue the decision to the meeting of August 7, 2019. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, JD, CM.

d. HDC 19-274

Application by **William N. Rogers, II**, on behalf of **Sandmark Management, LLC**, requesting to install a 20' by 46' retractable canopy on the property located at **328 Commercial Street**.

Lester J. Murphy, attorney, Gary Locke and Joachim Sandbichler, owner, presented. Mr. Murphy said the owner is seeking a retractable canopy to provide better cover to patrons in inclement weather at Patio restaurant; said it would be (2) 23' sections put together and kept symmetrical.

Ron Robin spoke from the public, said he was in favor of the awning and that it wild be great for the Town. There were no letters.

HS said she was glad a part of it would be left open for those who wish to sit in the sun. Mr. Locke was the material was aluminum and would be painted white; replied to TB's request in stating that wood was not feasible as it would be much heavier and also larger in scope.

JD asked if might make sense to divide the awning into thirds as the posts are not equally divided in the current plan and serve to obscure the Greek Revival building. CM objected to the design in that the proposed awning had no discernable historic properties. MR concurred, said that while he acknowledged the building had previously featured an awning, this current plan is not historic. HS agreed, but said the awning wouldn't be used that often to which CM said why not then just keep umbrellas. TB stated that the HDC needs to be a business-friendly Board, to which CM agreed.

CM said he researched historic-looking awnings that are wooden and retractable. Mr.

Sandbichler said they did a lot of research and that this design was the least intrusive and most effective for their needs. JD asked why it was made wider than the addition in the front, to which Mr. Sandbichler said was based on their protected seating area in bad weather. LD said she'd like to see some other options including one with more historic materials. TB agreed.

JD argued against something more heavy or wooden and bulky which would further obscure the Greek Revival structure and remarked that the awning is a non-permanent fixture. HS and MR concurred with JD. Mr. Locke said wood posts would have to be a minimum of 3"x3.5" while these poles are 2", or an inch and a half or three-quarters. LD spoke in favor of JD's proposal and a rendering for three sections without center posts and said she understood the impracticality of wood in regards to the wind factor.

TB made a motion to approve as presented with the condition that the posts are symmetrical or equal-distant within two, three or five sections as permitted by the manufacture in the design, and no center posts. HS seconded the motion and it passed, 4-0-1; TB, HS, LD, JD in favor; CM, abstained.

e) HDC 19-276

Application by **Mark Kinnane**, of Cape Associates, Inc., on behalf of **Sean McConnell**, requesting to add an 8" by 12" bump-out on the structure located at **25 Watson's Court**.

Mark Kinnane presented; asked if there was a conflict in that CM was a previous customer. CM said that this was four years ago and he would sit on the decision by choice. LD said she personally uses one-year as the marker whether to sit on a decision or recuse herself.

Mr. Kinnane said the owner feels the room is too small to accommodate the fireplace; supplied bump-outs as photographed around Town; said Watson's Court is a private way and the bump-out would not be seen in any case. AH confirmed Watson's Court as a private way. TB said a vote would be as a formality since this decision was not in the HDC purview.

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

f) HDC 19-277

Application by **Mark Kinnane**, of Cape Associates, Inc., on behalf of **Barry Peskin**, requesting to install a new fence to match an existing fence at the property located at **11 Brewster Street**.

Mark Kinnane presented; said the plan is to restore a fence where it previously existed with a new, regular red cedar, solid board fence.

TB read two letters in opposition; one from Steven Latasa-Nicks at 14 Brewster Street and another from direct abutter, Bryan Armstrong at Priscilla Alden Rd.

Mark Kinnane said he would re-install the chimney as part of the previous approval and that the reason the fence came down was due to the septic system needs.

JD spoke against a solid plank fence per the guidelines and TB cited the requirement of replacement fencing in the historic District as being no more than 4'. JD said the guidelines have been written to prevent making the Town a walled-off environment, and to favor a sense of light and neighborhood.

TB made a motion to continue to the meeting of August 7<sup>th</sup> with a picket or other acceptable fence design. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, JD, CM.

AH left the meeting at 6:25pm.

g) HDC 19-279

Application by **David L. Newton**, of **C.H. Newton Builders, Inc.**, on behalf of **Neil Jacobs & Eric Ganz**, requesting to modify a previously-approved plan regarding an entry door and stairs and to remove a condition to install a faux chimney on the structure located at **6 Cottage St.**

LD recused herself as a direct abutter.

David Newton and Dan Dinardo, engineer, presented. Mr. Newton gave some back history in stating they had taken over the project from previous contractors and had assumed there was previous approval; said that the condition which cited a faux chimney was to replace the original had never been installed and that current conditions would make that difficult.

JD suggested there wasn't necessarily an historic imperative in this case based on its rear location and asked if was possible to put one up in a historically original location. Mr. Newton said the problem with that recommendation is the owners had the builders cathedral-out the entire second floor, which eliminated space.

HS said she doesn't have a problem in this case, even as she is usually all in favor of chimneys. Mr. Newton said the feature was built improperly and water ran down inside. TB spoke in favor of replacing the chimney as it was part of the original application, took a poll from the Board. MR cast the deciding vote in stating that he felt the chimney was not necessary in this case for the building to maintain its historic integrity as it was probably an add-on; this gave sway for the applicant to eliminate the chimney as a condition for approval of the application.

TB made a motion to approve with the condition that the stairs have a vertical apron. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, CM, MR.

Discussion continued following the vote on the expected new look of the property.

JD and CM left the meeting at 6:40pm.

h) HDC\_19\_284,

Application by **John P. Lyons**, on behalf of **Gary Marotta**, requesting to replace two egress doors, a window, a deck and deck railings on the structure located at **6 Pearl Street, #A.**

John and Jeanne Lyons presented. Mr. Lyons said the window replacement would be Anderson 400 series and a fiber-true door.

LD said she did a site visit and noted some great work done at the property, including changing out the asphalt roof for cedar shingles, added that a lot of the work that is being requested isn't visible from a public way, with the exception of the front door, which begged the question of a wood replacement based on its distant visibility. Ms. Lyons said the project is a community development project and so there are financial restrictions; said the owner doesn't want a storm door even as the reason the wood door failed is because it was not protected by a storm door.

TB said he did a site visit but a large truck had obstructed his view. MR said he also visited the property and was comfortable without making a wood requirement, to which HS concurred. LD asked of the nature of the deck railing replacements.

LD made a motion to approve as presented with the condition that the balusters be captured and trim be wood. HS seconded the motion and it passed, 4-0-0; TB, HS, LD, MR.

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

TB made a motion to approve the decision of HDC 19-245, **397 Commercial St.**, written by TB and approved on June 19, 2019. LD seconded the motion and it passed, 3-0-0; TB, LD, MR.

TB made a motion to approve the decision of **HDC\_19\_242, 2 & 2A Conway St.**, written by LD and approved on June 5, 2019. LD seconded the motion and it passed, 4-0-0; TB, LD, HS, MR.

HS made a motion to approve the decision of **HDC\_19\_251, 261 Bradford St.**, written by HS and approved on June 19, 2019. TB seconded the motion and it passed, 4-0-0; HS, TB, LD, MR.

TB read into the record a draft of a revamped HDC fence policy which he made a motion to approve. LD seconded the motion and it passed, 4-0-0; TB, LD, HS, MR.

Decisions to be written as follows: **HDC\_19\_274, 328 Commercial St.** by TB; **HDC\_19\_276, 25 Watson's Court**, by LD; **HDC\_19\_279, 6 Cottage Street**, by MR.

Per HS, the following decisions would be filed with the Town Clerk on July 18, 2017: **HDC\_19\_241; HDC\_19\_230, HDC\_19\_251; HDC\_245.**

LD spoke of the skylight request by 192-194 Commercial St. which had been rolled into Full Review, but which she believes is not visible from a public way and should be verified as such.

TB made a motion to adjourn the meeting at 7:16pm. HS seconded the motion and it passed, 4-0-0; TB, HS, LD, MR.

Respectfully Submitted,  
Jody O'Neil

OK  
Tom Ry/  
OCTOBER 2, 2019