

**HISTORIC DISTRICT COMMISSION**  
**PUBLIC MEETING**  
Town Hall  
Provincetown, MA  
**WEDNESDAY DECEMBER 4, 2019**

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Hersh Schwartz (HS), Chamber of Commerce Rep.; John Dowd (JD), PGB Rep.; Martin Risteen (MR), Alternate.

Excused Absence: Laurie Delmolino (LD), Historical Commission Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate.

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

**Site Visit: 53 Commercial Street: 3:00pm.**

**Work Session: VOTES MAY BE TAKEN**

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

963 Commercial Street, U6

AH said she was by the property and that the structure has been dismantled, but not demolished and will be covered with a tarp; owner did not come before the HDC even though it is 50 years old and not in the Historic District because it was not demolished; a foundation is going in and a new first floor with the original story on top of the new one.

51 Commercial Street

AH said she has been informed that the cottage that has migrated from 51 to 53 has been protected. TB said the Board had gone by and witnessed the situation, as well.

Enos Property

AH replied to HS's inquiry by stating that she has not had an opportunity to connect with Mr. Enos per the property across from Liz's Cafe on Bradford Street.

**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 December 18, 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:

ii) 3 Atkins Lane – To extend a previously approved shed dormer an additional 3"; iv) 18 Prince Street – To demolish and rebuild a rear section of a structure and add a dormer; v) 11 Pearl Street – To construct a new dormer, an addition, a screened porch and a faux chimney to match existing, to elevate an existing deck, to reconstruct a roof on a rear section of a structure, to demolish an exterior stair, to replace, eliminate and install new doors and windows, and to install new shutters where needed.

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

i) 164 Commercial St., (continued from the meeting of November 20<sup>th</sup>) – To replace front stairs, front entry overhang and doorway and other trim where needed in kind.

TB asked if the Mullin Rule was necessary for Administrative Review. AH said it has been done as procedural.

Ezra Ambrose presented; said anything rotted would be replaced in kind, using pine, wood gutters with spacing; saving baluster and hand rail work on the front; posts that are rotted would need to be re-shaped.

MR spoke of retaining the architectural features; expressed his concern with the pediment and retaining its place as an important and historical entryway, to which Mr. Ambrose agreed, but said he wasn't certain as to the extent of the rot of the overhang.

JD invoked the Mullin Rule and said that any Victorian moldings that come off must be returned in kind, brackets replicated exactly.

TB made a motion to approve with the condition that everything that is being replaced or repaired, including brackets, be replicated exactly. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

iii) 119 Bradford St.—To enlarge a bump-out and add egress stairs not visible from a public way.

Ted Smith, Architect, presented; said the roof remains flat and all new work will be tucked behind the building. JD said it didn't appear visible at all. AH elected to bring up the street-side on Maps Online, per the Assessor's indication, as the HDC reviewed the plans.

TB made a motion to determine that the application as printed is not in the purview of the HDC. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

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

#### Provincetown Art Association & Museum

Chris McCarthy, CEO of PAAM, and Grace Ryder O'Malley, COO of PAAM, presented. Ms. Ryder O'Malley said they are in the process of applying for CPA funds from the CPC and that it was recommended that they appear before the HDC to get approval of their site plans regarding restoration of the historic façade of PAAM.

Ms. Ryder O'Malley said part of the project had already been approved. Ms. McCarthy said repairs are needed as there are water leaks through the doors and windows and that the look would not be changed. Ms. Ryder O'Malley said they are hoping to start construction in the fall of 2020; displayed photos of windows from 2004 that were part of an application to repair, but which now need to be replaced; hoping to restore the door, getting a quote to that end; goal is to keep everything as is.

JD advised the applicant to review the tablature around the door which, he said, had not been done correctly. Ms. Ryder O'Malley reported that historically there had been lanterns on both sides of the door and that this would also be addressed in the re-vamp.

MR said the HDC would provide a letter of support for the PAAM project and that the HDC would be coming to PAAM for a letter of support, as well. AH noted the packet applications are due on December 18<sup>th</sup>.

#### Approved Plans for 11 Brewster Street

AH spoke of the west elevation and the chimney on top of the roof and referred to plans approved from 2017; said the owners had returned to the HDC because they didn't want to put the chimney cap on. MR said there is evidence that the National Park Service is not in favor of faux chimneys.

Permits for roofing & siding, not including trim

AH reported that the following permits were issued and reviewed for roofing & siding, not including trim: 165 Bradford Street; 535 Commercial Street; 5 Center Street; 192 Bradford Street.

TB announced a talk December 4<sup>th</sup> at 4:00pm at Seas Shore Point with Janet Wiseman to feature old photos of the Town.

425 Commercial Street

TB called Don DiRocco of Hammer Architects to the mic to address claims that inquiries had been made per obtaining the cottage at the property even as the HDC had been informed that no one wanted it.

Mr. DiRocco said he could not speak for the owners, but that he was aware two people had visited the site, but that both determined it was not economically feasible to relocate the cottage per contractor estimates.

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

None.

**5. Public Hearing: VOTES MAY BE TAKEN**

a) **HDC 20-030** *(continued from the meeting of November 6<sup>th</sup>)*

Application by **Fred Ramos & Bob Starmer** requesting to add a fence on the property located at **552 Commercial Street**.

Bob Starmer presented; said the reconstruction of the sidewalk and street by the Town revealed an encroachment of 8-10" and a berme – 24" on one side and 8" on the other; said he was left with a wall of dirt after they had lowered the sidewalk, got a call in April per the situation, without warning, saying the fence was to be taken down

Mr. Starmer said he had put up a temporary fence based on having two dogs and two young children at the location; was present to address the fence as not temporary, but to be cut down and add a hedge. TB said the fence, as is, is pre-existing, and also very prominent. AH referenced Bob Caruso, previous engineer at the Department of Public Works, who Mr. Starmer said left half-way through the project.

HS presented print-outs of the fence bylaw policy. Mr. Starmer complained that the Town failed to detail the work to be done and that he had put up his own fence. HS said she felt some sort of picket had to be constructed and TB added that 2" were required between boards.

Mr. Starmer asked if he could put the old fence back, and was informed he had that option, or replace in kind. JD noted that many people request to have these sort of privacy fences. Mr. Starmer asked if fences are erected for the owners or passersby. TB replied that both are considered and discussion ensued regarding the Town's preservation efforts regarding historic properties.

TB read the fence bylaw into the record.

TB made a motion to not approve the application as presented. HS seconded the motion and it passed, 3-0-1: TB, HS, MR, in favor; JD, abstained.

b) **HDC 20-077** *(continued from the meeting of November 6<sup>th</sup>)*

Application by **Don DiRocco**, on **Hammer Architects, LLC**, on behalf of the **Delft Haven II Condominium Association**, requesting to raise all structures, construct new entry stoops at existing entrances, replace windows and doors, add a door, reconstruct/repair breezeway areas and repair/replace siding and roofing shingles as needed on the property located at **7 Commercial Street, U1-5, U2, U3-4, U6, U7-8 & U17**.

Don DiRocco & Leif Hamnquist of Hammer Architects and John Vasconcellos, owner/trustee, presented.

Mr. DiRocco said the proposal is to elevate all the properties, cited significant flooding in the storms of January 2018 and that since then they've been working with the Trustees and owners on the best way to proceed. Coastal Engineering was hired to do an extensive analysis with the concluding recommendation that the owners comply with FEMA guidelines for flood zones and elevation levels and, in fact, go even higher. Mr. DiRocco said they instead were working with raising cottages in a way that would not trigger FEMA; No. 2 cottage is the only one not in the velocity zone and the Association made a decision to raise 2.8' with Hammer working on compatible egress stair situations as each building was required to provide for two; wood would be employed throughout to keep in character with Delft Haven.

Mr. DiRocco addressed the plan proposals at length including stair units and applicable replacement elements; mentioned that the cottages on the beachside are being buried by the dune. JD questioned the effect on the foundations and elongation of the cottages.

Bernard Pont, owner of #4 at 7 Commercial Street spoke as the longest owner of a unit at Delft Haven and said that prior to the storms of 2018, they had never had a flooding situation that invaded the homes' interiors; cited 11 owners with 11 differing opinions who nonetheless came together in approval of the designs presented today.

TB read a letter in favor from Lucas Garofalo, owner at 10 Commercial Street, #9.

TB read a letter in opposition from the resident/owner at 12 Commercial St., Apt. 6, based on obstruction of views.

Mr. DiRocco conveyed to TB that the present foundation is mostly concrete block and TB said he agreed with JD in stating that the buildings should not be elongated in spite of the need to raise the structures, but that he felt the applicant had done a great job in its thoughtful design toward elevation. Mr. DiRocco said he understood the opposition to elongation and could work with that, pointing out new red cedar in the plans and said they could keep the same line. TB weighed in on vertical skirting verses horizontal. AH noted that mesh is required for a greater than 4" sphere to fit through, to which Mr. DiRocco said they were trying to avoid mesh on the stairs.

TB made a motion to approve as presented with the condition that the height of the shingle wall remain the same and the finish to be vertical. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

TB remarked on the small size of the plan's font, which Mr. Hamnquist explained as a function of working with 18"x24" sheets, but that they would work with a larger font.

c) **HDC 20-102**

Application by **Builder Men, LLC** requesting to install 130' of 6' high cedar privacy fence and 25' of natural split-rail on the north and east side property lines at **286 Bradford Street**.

Jay Abbiuso, co-owner, and Brad Mayeux, co-owner, presented. Mr. Abbiuso said the house is located next to the tennis courts and added a picture that had been left out of the application; said split-rail would start at the point of the garage.

Ted Cole, abutter at 284 Bradford Street, said the fence looks great but asked how the hedges would be affected. Mr. Abbiuso said the hedge separating the two properties would not be touched, other than manicured maybe a little bit and the fence would also avoid the two large oak trees at the courts.

TB cited the bylaw for fence height and discussed the 6' height variation relative to the property. Mr. Abbiuso said they didn't have a problem with the HDC's recommendations and that Landmark Fence Co. has options.

TB made a motion to approve with the condition that the 6' fence start 10' behind the front of the building. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

d) **HDC 20-106**

Application by **Earl E. Dimaculangan** requesting to renovate a structure, including replacing and relocating windows and doors on the property located at **22 Pearl Street, #1**.

Ted Smith, Archirect and Earl Dimaculangan presented. Mr. Smith said he was not sitting in on the application in an official capacity, but as an advisor and project support. Mr. Dimaculangan said he was also a Trustee of the Association, and that he would be introducing the owner of Admiral's Landing.

Mr. Dimaculangan described the window replacement plan, including the addition of two French sliders, Greek features and original 2-over-2s; mish-mash style, 6-over-6s that were put in later and now dilapidated; seeking symmetry with 2-over-2s vs. 6-over-6s and a second egress to the master bedroom.

Robin Bazlen-Weglarz, of 158 Bradford Street and owner of Admiral's Landing, said she supports the plan completely and that she has submitted her thoughts, as well, in a letter.

TB read a letters in support from the neighbors at 3 Pearl Street, 25 Pearl Street and the owners at Unit 2, direct abutters.

Mr. Dimaculangan confirmed for TB that (5) windows in total are being replaced and described the positions of the sliders as proposed.

HS noted no visibility of the north side and hardly any on the south and, as such, said she could be in favor of the French doors. TB explained the difference between true-divided lite and simulated.

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

e) **HDC 20-107**

Application by **Peter Mazzaglia** requesting to replace windows and doors, replace an existing deck and construct a screened-in porch underneath, to re-shingle the east, west and north elevations and replace shingles with clapboard on the south elevation of the structure, add a second floor dormer on the east elevation, remove a concrete pad and deck stairs from the south elevation and construct a new stairway and covered entry on the property located at **7 Railroad Avenue**.

Glen Fontecchio presented. HDC and AH discussed the location of the property as sitting on a private way and the visibility of the house.

TB made a motion to dismiss the decision as not in the purview of the HDC. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

f) **HDC 20-109**

Application by **William N. Rogers, II, P.E. & P.L.S.**, on behalf of **Builder Boys 286.5 Bradford Street, LLC** requesting to construct 5 buildings with 12-over-12 gable roofs and dormers on the property located at **286 ½ Bradford Street**.

TB made a motion to postpone the decision, at the applicant's request, to the meeting of December 18, 2019. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

g) **HDC 20-111**

Application by **Tom Thompson**, on behalf of **Luis & Vanessa Rueslas**, requesting to construct a small bump-out and demolish a small post-1980s shed on the south elevation, extend a front porch on the north elevation, and replace windows, doors, sidewall, roofing shingles, exterior egress stairs and deck railings on the structure located at **419 Commercial Street**.

Tom Thompson presented; requested to submit freshly proposed elevations based on new information from the surveyor and the site plans, and an added detail formerly missing on the east elevation. Mr. Thompson went through the application by elevation, including a mandate to install egress windows to the bedrooms on the east elevation, single casement, as well as two egress doors, one as the main entrance and the other a slider on the south elevation

where two sliders currently exist; cited set-backs of 6' on a narrow lot and decks to be constructed within the footprint at a 5' bump-out; mentioned State fire regulations that restrict their ability to put more windows on the east and the west; owners seek to put in a roof deck atop the small bump-out, minimal cable rail, and French doors on the front; stated owners wish to celebrate Commercial Street as much as the Harbor and desire a balcony on the second floor, out to the existing porch.

AH cited the shed as a low-cost accessory shed that is 96 square feet and allowed on the premises in the flood plane with a special permit.

TB read a letter of concern from the neighbor at 417 Commercial Street, requesting the HDC deny the application.

JD said he has less of a problem with the building sitting so far back from the beach, but questioned the angled posts of the roof deck giving an odd 1980s look. TB asked if another deck was necessary, to which Mr. Thompson said the view is spectacular, curve of the Earth, accessed by a ship's ladder. AH said, as such, this is not permissible as a roof-top deck, needing a code compliant egress; suggested she and Mr. Thompson meet apart from the HDC on this matter.

MR said he thought the railing was clad wood from the plans, but Mr. Thompson said it was cable rail. TB recommended the guard posts be perpendicular and not angled on the south elevation. JD asked if the south elevation windows might all be the same size and a 3-panel on the first floor be aligned with the third floor.

TB took a poll and it was determined that the Board was okay with the west elevation as well as the shed.

East elevation fenestration was discussed in terms of single-pane casements rather than double casements on the bump-out. Mr. Thompson said these units are weather-worthy and afford good views.

TB mentioned that French doors on Commercial Street are highly inappropriate, and that the first floor should have a window that is similar to the 2<sup>nd</sup> floor with a 1/3 to 2/3 split; porch over front door is also not appropriate. Mr. Thompson showed a photo of 471 Commercial St. with a wrap-around porch, but TB noted that this porch is on the side, not the front. JD demonstrated how the trim should go up to the fascia.

MR spoke in opposition to some of the Board's views, citing a re-purposing of a historic structure for a modern or different use. HS said she could go either way.

JD made a motion to accept as printed with the following provisions:

South elevation: proposed roof deck posts to be plumb; 1<sup>st</sup> and 3<sup>rd</sup> floor have same 3-lite window pattern; option for the 2<sup>nd</sup> floor pattern to also match the 3<sup>rd</sup>; spiral stair to extend to top deck.

East elevation: split casements to be a single casement.

Front elevation, north: elimination of balcony; elimination of French doors; trim out all windows to match; head trim to align on the bump-out, side to match the front, bays all trimmed out; front bay to be 1/3 to 2/3 per drawing; front bay proposed door to remain a window; two entry doors to remain as proposed.

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

Mr. Thompson presented a proposal for a door reconfiguration in lieu of French doors.

TB made a motion to give the applicant the option of including the second door on the face of the building, or remain as is. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

Further discussion continued on the design plan. TB requested Mr. Thompson submit new drawings to reflect the changes agreed on for the next meeting.

**6. Review and approval of Minutes:**

TB made a motion to approve the meeting minutes of October 16, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.

JD left meeting at 6:10pm.

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

HS determined that TB will write the decisions for **HDC 20-030, 552 Commercial St.;** **HDC 20-077; 7 Commercial St. ;** **HDC 20-111, 419 Commercial St.**

HS determined that HS will write the decisions for **HDC 20-102, 286 Bradford St.;** **HDC 20-106, 22 Pearl St., #1;** **HDC 20-107, 7 Railroad Ave.**

TB and AH concurred that something should be written regarding **7 Railroad** as being not visible and also not in the HDC purview.

**8. Any other business that shall properly come before the Commission (*continued*):**

Additional Work Sessions

MR asked about the ability to have a work session for reading and voting of decisions if needed.

TB made a motion that the HDC will review applications and schedule a public hearing as needed. HS seconded the motion and it passed, 3-0-0; TB, HS, MR.

Fence & Window Guidelines

HS referenced AH having made copies of the fence policy and window bylaws in the HDC guidelines, which AH then handed out.

Cape Cod Commission Roundtable, New Submission Guidelines

MR mentioned that he and TB had attended a round table at the Cape Cod Commission and that a new policy was presented for referring cases to the Commission, with alternative materials discussed in terms of windows. MR said he will get the information out to the Board.

AH said she referred a builder working on a plan for the rectory at St. Mary of the Harbor to Sarah Korjeff at the Commission, regarding not affecting 49% of the linear perimeter of the foundation.

TB made a motion to adjourn the meeting at 6:20pm. HS seconded the motion and it passed, 3-0-0; TB, HS, MR.

Respectfully Submitted,  
Jody O'Neil

