

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown, MA
WEDNESDAY DECEMBER 18, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Hersh Schwartz (HS), Chamber of Commerce Rep.; Christopher Mathieson (CM), PAAM Rep.; Martin Risteen (MR), Alternate.

Excused Absence: Laurie Delmolino (LD), Historical Commission Rep.; John Dowd (JD), PGB Rep.; Michela Carew-Murphy (MCM), Alternate.

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

Work Session: VOTES MAY BE TAKEN

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

611 Commercial Street

AH said the owner is downstairs at Town Hall at this moment filing his applications regarding the issue of siding; house is in the Historic District.

288B Commercial Street

AH reported that while the property is in the Historic District, it is not visible from a public way.

Roof Citations

Per AH, roofing citations have been given to 449 Commercial St., 384 Commercial St., and 147 Commercial St.

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 January 15, 2020, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

TB made a motion to consider ii) 353A Commercial St. and iii) 24 Pearl St. as Administrative Review. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

AH addressed 3 Cudworth St. as having the fence on the plans but not the design of the fence, which is subject to Zoning and Planning boards; said she now has photos of the fence that has been installed as well as plans. TB asked if the decision should be a Full Review and abutters notified. AH replied that the fence was always designated to be in kind, but that the Board could determine if the case warranted a Full Review following a presentation with the owner.

i) 3 Cudworth St. – To install a fence.

Lyn Plummer presented; said the old fence was chain-link and that when all the vegetation was taken down, the property owner of the adjacent site had a fence already in place and also did not want to see headlights from the parking lot vehicles shining into his house; thus, part of the decision was that a light-impervious fence was required; they were told it could be an inexpensive variety and a stockade was chosen and installed. Ms. Plummer said they didn't realize they needed to come before HDC on the issue of the fence, as it was through Zoning and Planning and that there is still work to be done on the end-panel so the abutter's view is not blocked coming out of his driveway.

AH read past decisions on the matter, including a letter from the abutter regarding the case of HDC 18-029, September 27, 2017, wherein the abutter pointed out that the fence height should be compatible with the HDC guidelines and where, AH noted, no specifications had been mentioned in that HDC decision. AH referred to the Planning Board decision of October 10, 2019, case FY20-06, which conditioned a light-impermeable fence be installed on the southerly part of the property to block glare from headlights on neighboring properties; Zoning Board case FY 19-78, condition #4B indicating a light-preventing fence as required by the Planning Board for the reason stated.

TB declared that the HDC bylaws conflict with the Zoning and Planning Board decisions. CM stated that the fence is 6' and not 10' back from the front of the property and so in conflict with the HDC bylaw. TB indicated that the front of the façade is the garage and the fence, as such, should be set 10' back.

AH said it would be hard for her to say that the owner of the garage property is not in proper compliance; said the abutter has a request into the Building Department and has also had ample opportunity to follow-up and that the abutter is now claiming he cannot see to back out of his driveway.

Ms. Plummer said the reason they didn't put up a fence is because the abutter has a fence in place and AH said some sort of compromise is needed as she is juggling three regulatory bodies in need of project-compliance which are at odds with one another.

TB made a motion to continue as a Full Review to the meeting of January 15, 2020. AH said it might have to be the meeting of January 29, 2020, and that she would inform the HDC, the owner, and the abutter.

HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

ii) 353A Commercial St -

Christopher Rego presented; said deck is rotting and railing is falling down; balusters would be captured as per HDC's condition.

TB made a motion to approve as presented. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

iii) 24 Pearl St. - To install solar panels.

Bette Warner, Co-Executive Director, Fine Arts Work Center, and Paul Kelly, Building Committee of FAWC, presented.

TB said the Town is a green community and in favor of solar panels, remarked on the large quantity of panels proposed here, and aspects of design and implementation.

TB made a motion to approve as presented. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

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

iv) 46 Bradford St. - To build out a meeting space and restore 6 windows; v) 6 Pleasant St. - To install a pergola over an existing deck and to install a picket fence; vi) 161 Commercial St. - To replace a French door with a 5-panel folding door; vii) 240 ½ Bradford St. - To construct a one-story addition and a deck; viii) 122 Commercial St. - To revise a previously approved project by changing a shed roof to a flat roof with a wood deck and rails.

CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

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

None. .

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

Letters of support sought for Historic District Inventory

AH announced a call for letters of support for the Historic District Inventory application; said no word yet from Mass Historical Commission on the proposed matching grant for a new inventory. TB thanked MR for his hard work on the grant application, said outreach was being conducted to various individuals and a slide show prepared for public viewing.

HS referred to the letter that is being circulated by the HDC, encouraging the public to draft letters of support for the HDC in its efforts to secure funding from the Community Preservation Act, with matching funds from the MHC to update the *Historic District Inventory*, which has not been updated since 2003.

As such, the update seeks to:

- * *Consider the impact of climate change when developing design guidelines*
- * *Aid in the development of Resiliency Planning for historic structures.*
- * *Provide input and support for the Provincetown Comprehensive Town Plan*
- * *Ensure guidelines to inform land use and planning*

Letters may be submitted to:

Anne Howard
Provincetown Building Commissioner/HDC Liaison
ahoward@provincetown-ma.gov
Ph: (508) 487-7020

5. Public Hearing: VOTES MAY BE TAKEN

TB announced that with only three sitting Board members today, a unanimous approval would be needed for a decision to pass and that applicants have the option to poll the Board prior to a formal vote, or to re-schedule their hearing to another meeting date.

a) **HDC 19-078**

Application by **Cass Benson** requesting to add a fence and gate at the end of the driveway on the property located at **6 Johnson Street**.

Cass Benson presented; said driveway is 40' long, showed a picture of her neighbor's fence but said, for privacy reasons, she was seeking a greater height on the new fence and will add a gate.

TB confirmed that the fence sits back 10' from the face of the structure so 6' is allowed, but CM corrected that it is on the side of the property, which HS indicated meant it can be seen from Johnson Street.

TB made a motion to approve as presented. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

b) **HDC 20-090**

Application by **Peter Grosso**, on behalf of **Joseph Haley**, requesting to replace a patio door with a vinyl-clad slider and an entry door with a new fiberglass door on the structure located at **214A Commercial Street**.

Peter Grosso presented; said the patio door as indicated has outlived its usage, needs to be kicked to shut and tugged to open; owner is seeking to install a 6' Anderson French slider, wood on the inside; and to comply with the code by putting in a 36" bottom, egress door.

No public comments or letters.

HS said she was okay with it as it's set way back and TB also noted the distance from Commercial Street.

TB made a motion to approve as presented. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

c) **HDC 20-109** (*postponed from the meeting of December 4th*)

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

J. Lester Murphy, Jr., Attorney presented; requested a postponement based on the three-member sitting Board and also pending new plans on one of the buildings. TB apologized to Mr. Murphy for not being able to advise him of the small Board contingent ahead of today's Public Hearing.

Mr. Murphy signed a time-waiver.

TB made a motion to accept the time waiver to January 15, 2019. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion postpone the decision to the meeting of January 15, 2019. HS seconded the motion and it passed 3-0-0; TB, HS, CM.

d) **HDC 20-112**

Application by **Mark Kinnane**, of **Cape Associates, Inc.**, requesting to demolish and rebuild a rear section of a structure and add a dormer to create a second floor on the property located at **18 Prince Street**.

Derik Burgess presented; requested a poll before a vote on today's decision.

TB said the key problem is that there are no current new plans on hand, just proposed. Mr. Burgess said he had given the current plans to Permit Coordinator, Ellen Battaglini, on Monday, but thought possibly the wrong drawings had been pulled from Mr. Kinnane's office. HS noted the drawings in the packets are dated September 30, 2019.

Mr. Burgess apologized for the error in wrongly submitted plans, said the west elevation is the best indication of the existing structure and that the proposed plan is to demolish and add two stories from the main to the rear of the building, not anything on the front. TB related that typically the HDC does not permit demolition in the Historic District and that the proposal seems to involve more than 25% of the property.

TB made a motion to continue to the meeting of January 15, 2020. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Mr. Burgess signed a time waiver to January 15, 2020.

TB made a motion to accept the time-waiver to January 15, 2020. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

e) **HDC 20-117**

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Michael Rose**, requesting to construct a new dormer for egress stairs on the north elevation demolish an exterior stair on the northeast elevation, construct an addition and screened-in porch, elevate an existing deck, reconstruct a roof on the east elevation, construct a faux chimney to match the existing, replace, eliminate and install new doors and windows on the north, east and south elevations, install shutters, reconstruct a ground-level deck and repair/replace siding, casings, roofing and trim as needed on the structure located at **11 Pearl Street**.

Don DiRocco and Leif Hamnquist of Hammer Architects; Michael Rose and Ruben Rodriguez presented.

Mr. Rose said the most important thing is the thrust regarding their stair situation; that the interior staircase is not tall enough for him to access, and is non-compliant, so the hope is to remove the ugly exterior staircase to amend the problem.

Mr. DiRocco said the Pearl St. elevation would only have added shutters; the southwest side is about changing out a mess of doors and windows on the first floor to clean it up; keeping the L on the back but adjusting the roof pitch; apologized for the small font in the plans; said they are using mahogany and red cedar; expressed how the top level will plan out including the corner that is visible from Law St.; new dormer will brought to the end to achieve clearance on the staircase; reconstructed deck will be slightly wider; giving the corner a glassy, conservatory look, screened-in porch on the 2nd floor and deck on top; new windows on the rear elevations and all wood windows and clad doors; double French doors to be changed out to a single door, added new door with side window.

AH said the rear egress decks might be explained as the building was a former guest house that has gone through several iterations.

TB read letters in support from abutter Darin Contini, of 10 Washington Condo Association, Cottage 1; Alyssa Metcalfe, abutter, co-owner of 8 Law St., and Terry Catalano of 8 Pearl St.

HDC Deliberations

CM said he felt the design was a huge improvement; related JD's comments in mentioning a request to align the window on the left that is too close to the door with the one on the right on the front elevation. CM sought confirmation of the skylight as existing and noted that the roof top deck as proposed is altered from the existing and that while this is not in kind, he would still vote in favor of the design.

Mr. DiRocco said that fencing is not a part of this application, even as shown in the plans.

HS asked per the dormer on a dormer. Mr. DiRocco noted the house's history of stacked dormers and described the current plans as a means of making the structure seem less heavy.

TB said he as fine with the front elevation, the south and west elevations, but asked for other local properties that utilize stacked dormers as relate to the north elevation. Mr. Rose replied that the neighbor facing their house has a similar design. TB said it was a-typical and wasn't sure he could support this design aspect, related that these dormers should stop before the pitch of the roof. Mr. DiRocco explained the interior construct as a basis for the stacked dormer look but this explanation did not sway TB, who stated the plan as inappropriate, not historically accurate. Mr. Rose searched for examples stacked dormer designs on his phone.

HS asked per the rear chimney as proposed elimination. Mr. Rose said the rear chimney is a weird exhaust for the basement which would be changed out to a faux chimney, the two front chimneys to remain as is. TB opined that the rear chimney go away altogether.

Mr. DiRocco said the history of the house is about the stacked dormers, which CM noted existed through its history as a rooming house.

Mr. Rose found a version on his phone of a home with an acceptable dormer position alternative that Mr. DiRocco argued against based on the needs of the interior stairway. TB said the fascia and corner boards need to stay the same. AH said she couldn't recall any examples in Town of two-story dormers. TB said a longer shed dormer of one-story might be acceptable, but Mr. Rose said he would not then have a compliant staircase.

HS said a dormer on top of a dormer is a weird look, but observed that weird has already been set at the property, to which CM concurred and also cited the building being set-back in position. HS said possibly the new plan would make the house look less weird.

After hearing all the arguments in favor of the stacked dormer design, TB said he's not convinced but is also not prepared to deny; felt there is a better solution.

TB made a motion to approve as presented with the elimination of the faux chimney at the applicant's discretion. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

6. Review and approval of Minutes:

TB made a motion to approve the meeting minutes of November 20, 2019. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

7. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

1. TB made a motion to approve the December 4, 2019 decision of **HDC 20-030; 552 Commercial Street**, written and read into the record by TB. HS seconded the motion and it passed, 3-0-0; TB, HS, CM. [Note: Denial, without prejudice.]
2. TB made a motion to approve the December 4, 2019 decision of **HDC 20-111; 419 Commercial Street**, written and read into the record by TB. HS seconded the motion and it passed, 3-0-0; TB, HS, CM. [Condition: Existing double-hung windows on the 2nd floor above the entry door to remain.]
3. TB made a motion to approve the December 4, 2019 decision of **HDC 20-077; 7 Commercial Street**, written and read into the record by TB. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
4. TB made a motion to approve the December 4, 2019 decision of **HDC 20-106; 22 Pearl St., #1** written by HS and read into the record by CM. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
5. TB made a motion to approve the November 20, 2019 decision of **HDC 20-083; 72B Commercial Street**, written and read into the record by HS. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.
6. TB made a motion to approve the December 18, 2019 decision of **HDC 20-078; 6 Johnson Street**, written by HS and read into the record by CM. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
7. TB made a motion to approve the December 18, 2019 decision of **HDC 20-090, 214A Commercial Street**, written and read into the record by CM. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
8. TB made a motion to approve the December 4, 2019 decision of **HDC 20-107, 7 Railroad Avenue**, written and read into the record by HS. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
9. TB made a motion to approve the December 4, 2019 decision of **HDC 20-102, 286 Bradford Street**, written and read into the record by HS. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.
10. TB made a motion to approve the December 4, 2019 decision of **HDC 20-117, 11 Pearl Street**, written and read into the record by CM. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

AH thanked the Board for its diligence in ending the year with all approved decisions voted into the record and filed with the office of the Town Clerk. CM thanked TB for his guidance. TB thanked HS for her clerking and MR for his work on behalf of the Board. CM thanked the recording secretary for his work on the minutes.

TB made a motion to adjourn the meeting at 6:06pm. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Respectfully Submitted,
Jody O'Neil