

# THE PROVINCETOWN GENERAL BYLAWS

Reorganized General By-Laws (Annual Town Meeting April 1998)  
Provincetown By-law Revision Commit

## 15. Local Historic District

### 15-1. Purpose.

The purpose of this bylaw is to promote the cultural, economic, educational and general welfare of the inhabitants of the Town of Provincetown through: 1.) the preservation and protection of the distinctive characteristic of buildings and places significant in the history and development of Provincetown; 2.) maintaining and improving the settings of these buildings and places; and 3.) the encouragement of design compatible with buildings existing in the area, so as to continue to maintain the historic village, fishing, artistic, cultural, commercial and residential character and other qualities which distinguish the town as a desirable community for permanent and seasonal residents and visitors.

### 15-2. Definitions.

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

- 15-2-1 Alteration, to Alter** The act or the fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition, or other similar activities.
- 15-2-2 Building.** A combination of materials forming a shelter for persons, animals or property.
- 15-2-3 Certificate.** A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.
- 15-2-4 Commission.** The Provincetown Historic District Commission
- 15-2-5 Construct, to Construct.** The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
- 15-2-6 District.** The Provincetown Historic District as established by this Bylaw.
- 15-2-7 Exterior Architectural Feature.** Such portion of the exterior of a Building or Structure as is open to view from a Public Way, including but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights and other appurtenant exterior fixtures.
- 15-2-8 Person Aggrieved.** The applicant; an owner of adjoining property; an owner of property within the same District; an owner of property within 150 feet of said District; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, Buildings or districts.

**15-2-9 Public Way.** This term shall include public ways, public streets, public parks and public bodies of water. The term "Public Way," however, shall not include a foot path, cart path or any easement or right of way that does not constitute a public way or public street.

**15-2-10 Structure.** A combination of materials other than a Building, including but not limited to a fence, deck, wall, terrace, or walk.

### **15-3. District.**

The District shall consist of the area shown on the map entitled Provincetown Historic District, dated December 4, 2002, attached as Appendix 2. The District boundary is identical to the boundary of the existing National Register District.

### **15-4. Commission Composition and Appointments.**

**15-4-1 Number of Commissioners, Terms of Appointments:** The District shall be overseen by a Commission consisting of five members and two alternates to be appointed by the Selectmen, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. The alternates shall be appointed, one for periods of two years and one for three years; and for three year terms thereafter.

**15-4-2 Appointment Process:** The Selectmen shall appoint one Commission member from up to two nominees solicited from the Provincetown Chamber of Commerce; one member from up to two nominees solicited from the Provincetown Business Guild; one member from up to two nominees solicited from the Provincetown Art Association and Museum; one member from up to two nominees solicited from the Provincetown Historical Commission; and one member from up to two nominees solicited from the Pilgrim Monument and Provincetown Museum. If, within 30 days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

**15-4-3 Alternate Commission Members:** The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman.

**15-4-4 Background Recommendations:** It is recommended, but not required, that Commission members selected by the nominating entities, including the Board of Selectmen, have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural history, history, law or engineering.

**15-4-5 Term Expiration:** Each member and alternate shall continue to serve in the office after the expiration date of his or her term until a successor is duly appointed.

**15-4-6 Meeting Schedule:** Meetings of the Commission shall occur as provided for under G.L. c.40C, §11, 1, sentence 1 and, in any event, shall be held at least once per month and more often as necessary and as provided for under any

applicable rules and regulations promulgated by the Commission.

**15-4-7 Quorum:** Three members of the Commission shall constitute a quorum.

#### **15-5. Commission Powers and Duties**

**15-5-1 Powers of Commission:** The Commission shall exercise its powers in administering and regulating the Construction and Alteration of Structures or Buildings within the District as set forth under the procedures and Guidelines established in this Bylaw, and its duly adopted Rules and Regulations. This Bylaw is not intended to allow Alterations or Construction not in compliance with state and local laws and regulations.

**15-5-2 Rules and Regulations:** The Commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Ch. 40C, setting forth such terms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of the Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of such Rules and Regulations with the Office of the Town Clerk after review by Commission counsel.

**15-5-3 Guidelines and Amendments:** This By-law may be amended in any manner not inconsistent with G.L. c.40C by a two-thirds vote of Town Meeting, provided that the substance of any such amendment has first been submitted to the Commission for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

**15-5-4 Annual Meeting:** The Commission shall each year hold an organizational meeting and elect a Chairman, Vice Chairman and Secretary, and file notice of such election with the Town Clerk.

**15-5-5 Records:** Record keeping shall be maintained as required by State law.

**15-5-6 Public Education:** The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of the District, to the extent that time and appropriations allow.

#### **15-6. Alterations and Construction Prohibited Without a Certificate.**

**15-6-1 Certificates:** Except as this Bylaw provides, no Building or Structure or part thereof within a District shall be Constructed or Altered in any way that affects the Exterior Architectural Features as visible from a Public Way, unless the Commission shall first have issued a Certificate with respect to such Construction or Alteration.

**15-6-2 Building Permits:** No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within the District and no permit for demolition or removal of a Building or Structure within the District shall be issued by the Town or any department thereof until the Certificate as required under this Bylaw has been issued by the Commission. Nothing in this bylaw shall restrict the Building Commissioner from immediately ordering demolition of unsafe structures in accordance with provisions of M.G.L. Ch. 143.

## **15-7. Procedures for Review of Applications**

**15-7-1 Applications:** Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, of Non-Applicability, or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information as may be reasonably deemed necessary by the Commission to enable it to make a determination of the application. The Commission shall determine whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission. The Commission shall determine promptly, and in all events within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission, except for administrative approvals as provided in Section 7.5.

**15-7-2 Certificates of Non-Applicability:** If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature which is not subject to review by the Commission under the provisions of this Bylaw, as provided in Section 9, the Commission shall forthwith issue a Certificate of Non-Applicability.

**15-7-3 Hearings:** If the Commission determines that such application involves an Exterior Architectural Feature subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The Commission shall hold such public hearing within forty-five (45) days from the date of the filing of the application if the Commission meets once a month, and within thirty (30) days if the Commission meets bi-monthly. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Provincetown. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed by the town of Provincetown to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby as they appear on the most recent applicable tax list, to the Planning Board, or to any person filing a written request for notice of hearings, such request to be renewed yearly in December. The concurring vote of a majority of the members of the Commission shall be required to issue a Certificate.

**15-7-4 Certificate of Appropriateness:** If the Commission determines that the Construction or Alteration for which a Certificate of Appropriateness has been filed conforms to the Bylaw and Guidelines and will be appropriate for or compatible with the preservation and protection of the District, the Commission shall issue a Certificate of Appropriateness.

**15-7-5 Administrative Approvals:** If an application for a Certificate involves an Exterior Architectural Feature which is subject to review by the Commission under the provisions of this Bylaw, but the proposed Alteration clearly conforms to the purposes of this Bylaw and Guidelines and, therefore, is

insubstantial in its affect on the District, this application shall be placed upon the next available meeting agenda, with notice to abutters as provided in Section 7.3 for ratification. Ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application and issue a Certificate.

**15-7-6 Certificate of Hardship:** If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve substantial hardship, financial or otherwise, to the applicant. In such cases, the Commission shall issue a Certificate of Hardship provided such application may be approved without substantial detriment to the public welfare, and without substantial derogation from the intent and purposes of this Bylaw.

**15-7-7 Certificate Conditions:** In issuing Certificates, the Commission may impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw and Guidelines.

**15-7-8 Issuance of Certificate:** As soon as convenient after such public hearing but in any event within sixty days after the filing of the application or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.

**15-7-9 Failure to Act:** If the Commission shall fail to act upon an Application within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow, the Commission shall thereupon issue a Certificate of Hardship due to failure to act. The Commission shall file its determination with the Town Clerk as required under G.L. c.40C, §10(f).

**15-7-10 Appeals:** Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court as provided in Chapter 40C, Section 12A. Notice of an appeal must also be filed with the Office of the Town Clerk within twenty (20) days of the determination.

## **15-8. Criteria for Determinations.**

**15-8-1 Criteria for Determinations:** In deliberating on applications for Certificates, the Commission shall adhere to the standards established in the Guidelines, as amended, which are part of this Bylaw, all of which must be consistent with this by-law and the requirements of G.L. c.40C. In general, the Commission shall consider, among other things, the historic, architectural and cultural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of Exterior Architectural Features involved; and the relation of the work proposed in the application to similar features of Buildings and Structures in the surrounding area and the

District as a whole. In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape, proportions, siting and the materials of the Building or Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The degree of visibility from a Public Way may be a consideration in determining the level of compliance with this Bylaw and Guidelines.

**15-8-2 Interiors and Use:** The Commission shall not consider interior arrangements or architectural features not subject to view from a Public Way. In addition, the Commission shall not consider uses for the Building or Structure.

## **15-9. Exclusions.**

**15-9-1 Categorical Exclusions:** The Commission shall exclude from its purview the following:

**15-9-1-1 Maintenance and repairs that do not alter or replace material, as defined in Section 9.2.**

**15-9-1-2 The color of paint.**

**15-9-1-3 Exterior lighting.**

**15-9-1-4 Gutters and downspouts.**

**15-9-1-5 Signage.**

**15-9-1-6 Storm windows and window air conditioners.**

**15-9-1-7 Satellite antennae, or similar equipment, provided they are located to minimize visibility from a Public Way.**

**15-9-1-8 Temporary Buildings or Structures subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.**

**15-9-1-9 Terraces, walks, sidewalks and similar structures, provided that any such Structure is substantially at grade level.**

**15-9-1-10 Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.**

**15-9-1-11 Buildings that are less than 50 years old are exempt from review, with the following conditions:** Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such Building by more than 25% must conform with Guideline 15 New Construction and Additions.

**15-9-1-12 Piers/Wharves:** Additions and alterations to piers and wharves, including all mechanical and maritime-related Structures and equipment, are exempt from review.

**15-9-1-13 Cemeteries:** All cemetery Structures are exempt except Buildings and fences.

Plant material and trees.

**15-9-2 Ordinary Maintenance and Repair:** Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or to the outward appearance thereof, nor construed

to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.

**15-9-3 Additional Exclusions:** Certain categories of Exterior Architectural Features may be constructed or altered without review by the Commission, provided such construction or alteration do not substantially derogate the intent and purposes of the District and of G.L. c.40C. The Commission may, upon conducting a public hearing, exclude from its purview Exterior Architectural Features, in addition to those listed in Section 9.1, which it determines do not significantly impact the purpose of the District.

#### **15-10. Enforcement and Penalties.**

**15-10-1 Violations:** The Commission shall determine whether a particular activity is in violation of this Bylaw, and the Commission shall be charged with the non-criminal enforcement of this Bylaw, and seeking civil enforcement under G.L. c.40C, section 12A, after obtaining the necessary authority to do so.

**15-10-2 Remedies:** The Commission shall institute any appropriate action or proceedings in the name of the Town of Provincetown to prevent, correct, restrain or abate violation of this Bylaw.

**15-10-3 Fines:** Whoever violates any provision of this Bylaw shall be subject to a fine of \$300.00.<sup>1</sup> Each day during which any portion of such violation continues to exist shall constitute a separate offense.

**15-10-3A Special Provisions Regarding Demolition:** In addition to the other penalties set forth in this Bylaw, whoever shall violate guideline 14 of this bylaw by demolition of a building or structure without approval therefore shall: (a) Be subject to revocation after notice and hearing of any Certificate of Compliance issued by the Commission with respect to said building or structure; and (b) Not be issued a Certificate of Compliance, for the property on which said building or structure was located, for a period determined by the Commission, not to exceed two years from the date of said demolition. (c) Be required to reconstruct the said building or structure to the footprint, height, dimensions and character-defining features, as they existed before demolition commenced.<sup>2</sup>

**15-10-4 Building Commissioner:** The Commission may designate the Building Commissioner to pursue non-criminal disposition under G.L. c.40, §21D. The Commission shall have jurisdiction to pursue enforcement under G.L. c.40C, §13.

**15-10-5 Validity and Separability.** The provisions of this Bylaw shall be deemed separable. If any provision, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Bylaw shall continue to be in full force and effect.

#### **15-11. APPENDICES**

##### **APPENDIX 1. PROVINCETOWN HISTORIC DISTRICT GUIDELINES**

###### **1. STATEMENT OF PURPOSE.** Provincetown is a unique community;

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<sup>1</sup> Amended April 2007 ATM Article 17

<sup>2</sup> Approved April 2007 ATM Article 17

unique in its location, in the degree of its economic dependence on tourism, and in its architectural and cultural heritage. Few towns have so much of their historic architecture still in existence, and maintaining its visual character as a 19<sup>th</sup> century seaport is of vital importance to the town's economy and way of life. These Guidelines are intended to ensure that alterations and new construction within the District occur in a manner that preserves and respects this unique heritage.

## **2. GENERAL GUIDELINES**

In the District, the Commission shall determine whether the proposed construction, reconstruction, alteration or demolition of an exterior architectural feature will be appropriate to preserve the character and appearance of Provincetown. Commission members will refer to the Provincetown Survey when reviewing applications to better understand architectural and historic significance.

In the District, each building or structure shall be recognized as a physical and cultural record of its time, place and use. The historic character of a building or structure shall be retained and preserved. The removal of historic materials or alteration of features that characterize a building or structure shall be avoided.

Deteriorated historic features significant to the architectural style should be repaired rather than replaced. All architectural changes shall be appropriate either to the original style of the building or structure (if it has not been significantly altered) or to its altered style (if it has been significantly altered to reflect characteristics of a later style). Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and the other visual qualities and, where possible, materials. Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.<sup>3</sup>

**2.5 A. Demolition.** Demolition is defined as the act of pulling down, destroying, removing or razing more than 25% of a building or commencing the work of total or substantial destruction with the intent of completing the same.<sup>4</sup>

**3. EXEMPTIONS FROM REVIEW.** The following items shall be exempt from review by the Commission:

- a. Maintenance and repairs.
- b. The color of paint or finish.<sup>5</sup>
- c. Exterior lighting.
- d. Gutters and downspouts.
- e. Signage.
- f. Storm windows and window air conditioners.<sup>6</sup>
- g. Satellite antennae or similar mechanical equipment, provided it is located to minimize visibility from a Public Way.
- h. Temporary buildings and structures, subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.

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3 Amended April 2006 ATM Article 27

4 Amended April 2007 ATM Article 17

5 Amended April 2006 ATM Article 27

6 Amended April 2006 ATM Article 27

- i.** Terraces, walks, sidewalks, or similar structures, provided that any such structure is substantially at grade level.
- j.** Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.
- k.** Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such buildings by more than 25% must conform with Guideline 15 New Construction and Additions.
- l.** Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related structures and equipment, are exempt from review.
- m.** Cemeteries: All cemetery structures are exempt except buildings and fences.
- n.** Plant material and trees.

**4. LIMITS OF JURISDICTION.** Review under this By-law shall be limited to those Exterior Architectural Features which are visible from a Public Way, as defined under the By-law. The term "Public Way," however, shall not include a foot path, cart path or any easement or right of way that does not constitute a public way or public street.

## **5. WINDOWS<sup>7</sup>**

- a.** Unique architectural styles of structures may use types of windows that are keeping in the style of architecture.
- b.** Entirely new windows may be added provided they do not detract from the historically accurate arrangement of windows.
- c.** Windows determined to be significant by the commission may be restored at the applicant's request.<sup>8</sup>
- d.** When the applicant requests replacements, they can choose one of the following types of sash, and this will be specified in the decision.  
 Wood, single pane true divided light. Non-Insulated.  
 Insulated energy efficient true divided light double pane. These have a true muntin bar as a true divided light single pane window does.  
 Insulated energy efficient simulated divided light double pane. These have permanently applied interior and exterior split muntin bars with a filler piece between the glass.  
 All of the above may have exterior cladding of aluminum, vinyl or other appropriate material.
- e.** The muntin pattern must be appropriate to the original style of the building, or to its altered style, if that style has gained significance. Muntins, whether structural or permanently applied, must have an exterior three-dimensional profile of an appropriate width.
- f.** Glass may not have any deeper tinting than a manufactures normal Low-E coating applied for energy efficiency.
- g.** Replacement windows shall not frame down the historic window openings. Altered window openings shall be returned as close to their historic dimensions as is reasonable.
- h.** Waterfront elevations: On the waterfront elevations, window and door openings have

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<sup>7</sup> Amended April 2006 ATM Article 27

<sup>8</sup> Attorney General did not approved portion of motion that read "rather than be upgraded to meet current building codes."

frequently been altered and enlarged to accommodate water views. It is not the intention of these Guidelines to prohibit such alterations. Alterations to window and door openings shall be reviewed on a case-by-case basis. Alterations should retain and reflect the historic characteristics of the building, including appropriate materials, proportion, and design.

**i.** Solid vinyl windows will be allowed in certain cases for non-significant windows.

**j.** Storm windows are permitted. These may be triple track aluminum with half screens. Traditional removable interchangeable full storm window and screens are also allowed and should approximate and or compliment in style, materiel, and color, the window sash. Permanently applied half screens are also allowed and should approximate and or compliment in style, materiel, and color, the window sash.

**k.** Shutters: When used, shutters shall be made of wood or of a material, approved by the Commission, and be of a design appropriate to the style and period of the building. Each shutter shall match the height and one-half the width of the window opening. It is recommended that the shutters be installed on shutter hardware and be operable or made to appear operable, and be hung in a manner consistent with traditional installations.

**l.** Exterior window trim must duplicate or closely replicate the appropriate size and architectural style of the structure. Alternative building materials that are manufactured to resemble the original material may be permitted.

## **6. ENTRANCES/DOORS**

**a.** Original or historically significant doors, vestibules, steps and porches shall be retained or replaced-in-kind. Replacement doors, if necessary, shall match the original in material, size, and design. Decorative features (such as transoms, sidelights, door hoods, brackets, columns, balusters and pediments) shall be retained and repaired or replaced-in-kind, and may not be removed.

**b.** New doors may be added, or existing doors moved, provided they do not detract from an original or architecturally significant elevation.

**c.** In commercial entrances, replacement doors must be compatible in design and material to the storefront, or to the original style of the building.

### **6.1 Exemptions<sup>9</sup>**

If it is the determination of the Building Commissioner that a doorway, vestibule, step or porch is a significant means of egress and is currently not of a size or style to accommodate emergency egress from the structure, than the size and style of door, vestibule, step or porch may be altered to comply with Massachusetts State Building Code 780 CMR Sixth Edition or its successors. Such alterations shall be in keeping with the remaining intent of this bylaw.

**7. ROOF CLADDING.** Traditionally, most roofs were clad in cedar shakes, except for a few high Victorian-era examples that were clad in slate. It is encouraged, but not required, that traditional wood shake shingles be used when recladding a roof. Asphalt shingles are allowed, and should be of appropriate color, size, and shape.

## **8. ROOF DORMERS, ALTERATIONS AND ADDITIONS**

**a.** Dormers and other roof alterations and additions are permitted under the following

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<sup>9</sup> Amended April 2006 ATM Article 27

criteria:

- i. Preserving original roof slope unchanged at either side of alteration;
  - ii. Use of materials which are appropriate to the surrounding original roof and siding materials;
  - iii. If replacing missing features, such as cupolas or chimneys, such replacement should be based upon historic evidence.
- b. Chimneys:** Chimneys are an important component of many historic structures in Provincetown. It is required that, whenever possible, original or later important chimneys be retained and repaired.
- c. Skylights:** Skylights with flat profiles are allowed on all elevations. Approval will be based upon size, number, and location of skylights. The goal is to ensure that skylights do not dominate the appearance of a roof slope.

**9. ROOF DECKS, DECKS AND PORCHES.** Roof decks may be permitted under the following criteria:

- a.** The size and location of the roof deck should not dominate the roof.
  - b.** Roof decks should be located to be minimally visible from a public way, and detailed to reflect an historic roof walk, if appropriate to the building and site.
  - c.** Railing design should consist of wooden railings with captured balusters.
- Decks and porches extending beyond the façade plane of a building may be permitted provided the deck supports do not obscure significant architectural detail. New decks should be detailed in a manner appropriate to the building.<sup>10</sup>

## **10. COMMERCIAL STOREFRONTS<sup>11</sup>**

Historic or architecturally significant storefronts shall be preserved or restored to the greatest extent possible, while keeping in mind that public safety is of significant importance and as such, alterations necessary to maximize safety as determined by the Building Commissioner will be allowed. Said alterations shall be in keeping with the intent of this bylaw. Alterations of other storefronts shall use materials and be of a design compatible to the overall character of the historic commercial setting. The addition of new storefronts in historic facades shall retain the character and design of the building as originally designed, or as altered if such alteration has gained architectural or historic significance.

**11. FENCES.** The typical Provincetown front yard enclosures throughout the 19<sup>th</sup> century and into the 20<sup>th</sup> were some version of the wood picket fence. Such fences were 30” to 48” tall, simplicity and linearity were emphasized; in many fences no visible posts interrupted the unbroken run of pickets, decorative posts were used at corners and gates. It is encouraged that such yard enclosures be preserved or replicated. Existing fences that reflect these characteristics should be preserved and maintained. Chain link, concrete block, and light gauge metal are inappropriate fencing material for front or side yards and will not be approved.

**12. SIDING.** Clapboards, cedar shingles, board and batten, and flush board siding are the

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10 Amended April 2009 ATM Article 21

11 Amended April 2006 ATM Article 27

predominant exterior siding materials for Provincetown commercial and residential buildings. Synthetic siding will be approved on a case-by-case basis.<sup>12</sup>

**13. OUTSIDE STAIRS.** Outside stairs will be allowed, if required, and will be reviewed on a case-by-case basis. Considerations for approval include material, design, and location.

**14. DEMOLITION.** Demolition, or partial demolition, of buildings or structures is prohibited except when in the opinion of the Commission warranted for extraordinary circumstances. Demolition or partial demolition of later additions that are not architecturally or historically significant may be permissible and are subject to review on a case-by-case basis. Nothing in these guidelines shall be construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition or to prevent any construction or alteration under a permit duly issued prior to the effective date of the By-law.

**15. NEW CONSTRUCTION AND ADDITIONS.** Design guidelines for new construction or additions are intended to ensure that such work occurs in a manner that respects Provincetown's unique heritage. The Commission shall consider the appropriateness of the size, shape, materials and proportions both in relation to the land upon which it is situated and in relation to the vicinity.

**APPENDIX 2. PROVINCETOWN HISTORIC DISTRICT MAP.** The Provincetown Historic District shall be a District under this Bylaw. The location and boundaries of the Provincetown Historic District area defined and shown on the Local Historic District Map of the town of Provincetown which is part of this Bylaw.