

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, JANUARY 24, 2018

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep.; Martin Risteen (MR); Hersh Schwartz, (HS), Alternate.

Others Present: Annie Howard (AH), Building Commissioner; Jody O'Neil (JON), Recording Secretary.

Absent: Laurie Delmolino, Historical Commission Rep.

1. Work Session: VOTES MAY BE TAKEN

a) Update on potential violations reported to the Building Commissioner

- i. 402 Commercial St. AH presented photos, cited the application granted to Josh Randell (sp) to re-side the western portion of the structure on the corner of Washington and Commercial Sts. Fence had to be removed for the work to be done and in doing so, the fence proved too unstable to be returned and so is being replaced basically in kind; same height and spacing.
- ii. 479 Commercial St. AH reached out to AJ Santos, regarding the fence; will address the meeting minutes of Oct. 4th which she will send to him and he will respond.
- iii. 42 Commercial St.: AH spoke with the owners on Friday who are back in Ohio; want to elevate the structure to make the repair from significant water intrusion above the first floor floorboards; price to do a typical lift is 150k-200k or more than what a tear-down and re-build would cost. AH said if they can't pursue a detailed replication, they're probably going to have to sell; that the property has been in the family for quite some time.
TB stated that the conundrum is the cost differential. AH said, yes, that everything above 2 ½' has to be cut away as damaged material; asked if the situation is to now force people to put good money before bad, referenced 34A Pearl St. where after picking away of the structure there was nothing to lift.
- iv. 17 Center St. AH said she was in touch but hasn't heard back, assumes applicant is going through with what's proposed to take down and replace.

AH presented FEMA 's Flood Damage Resistant Materials booklet which highlights acceptable and unacceptable materials to use when making repairs, said she would provide technical bulletin copies for HDC; suggested Town will be seeing a lot of spring repairs, and HDC will need to weigh in on the particulars.

- v. 212-214 Commercial St., New Arts Cinema update; AH has new updated designs with dimensions; will provide copies for HDC. MM clarified for the public that these drawings pertained to a case that had already been heard and decided.

b) Determinations 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 February 7, 2018 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i. 132 Bradford St. – To extend a previously-approved Certificate of Appropriateness.
AH presented; said the decision expires March 2, 2018. was filed March 2, 2017; said that the repeal through another board was just recently finalized and that neither the Planning nor Zoning Board had any effect on the architectural features that HDC had approved.
TB said he was concerned as it's been a year since this was reviewed and it had been quite a process; asked the case should go as Full Review.
AH said it is not in HDC's purview to notify abutters; that the expiration date is probably now at four or five months past original March 2nd date without any legal manifestations to HDC's decision.
MM said she felt there was too much legal paperwork involved to make a decision today; elected to continue hearing the case.
MR said that he felt HDC had already done everything it needed for review but had no issue with continuing at next meeting.
TB said it was HDC's job to ascertain that everything is as it should be and as it was left when they first issued their certificate, made a motion to continue the case at the meeting of Feb. 7th as Administrative Review. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
- ii. 555 Commercial St. – To replace 2 windows in kind.
No one presented. HDC reviewed designs.
TB made a motion to approve as Administrative Review; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
TB made a motion to accept as presented; MR seconded the motion, and it passed, 4-0-0. TB, MR, MM, HS.
- iii. 25 Tremont St. D1, F1 & A2 – To replace windows and doors.
No one presented.
HDC reviewed designs. MM said she had questions about the specs, that it looked more complicated than presumed and that someone might need to be present to discuss. TB asked if, as presented, the case qualified for Administrative Review.
HS asked how something can be similar and also in-kind; MR agreed, said that's what HDC is struggling with,
TB made a motion to consider the case as a Full Review, to be heard at the Feb. 21st meeting after time to make the application public. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

- vii. 8A Commercial St., U4 – To replace an octagonal with a rectangular window. AH distributed designs.
 TB said he felt it was a Full Review as it was not scaled-in. MM said she could go either way, that there was a level of ambiguity.
 TB made a motion to consider the case as Full Review; MR seconded the motion, and it passed, 4-0-1. TB, MR, AS, in favor; MM, abstained.
- v. 8D Commercial St., UA – To expand a deck and replace and add a window and install 2 skylights.
 TB made a motion to consider the case as Full Review; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
- vi. 166 Commercial St. – To remove and reconstruct existing roof decks and egress stairs, construct a small side stoop and replace existing side stoop railings.
 TB made a motion to consider the case as Full Review; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
- vii. 84 Commercial St. – To install 20 solar panels.
 AH distributed materials for review.
 MM said she felt the photos were not very good.
 TB said MM was correct in indicating a south elevation, but that the slope was slight.
 MR said it wasn't seen from the street; MM said she thought it was seen from everywhere, asked how many panels were going in on the south elevation. TB replied 10 on each side for a total of 20.
 TB noted HDC has made decisions on solar panels. MM said, yes, but not on southern elevations and has negated or reduced these cases.
 TB made a motion to consider the case as Administrative Review. HS seconded the motion, and it passed, 3-1-0. TB, HS, MR, in favor; MM, opposed.
 MR said he couldn't accurately determine the visibility.
 TB made a motion to consider the case as Administrative Review for the meeting of Feb. 7th following HDC site visit. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
- viii. 7 Bradford St. – To remove and rebuild a section of a structure on the south elevation, to construct a new addition on the east elevation, to remove hip dormers and add shed dormers on the east and west elevations, to remove and replace a deck on the east elevation, and to add new windows, doors and siding.
 TB made a motion to consider the case as a Full Review; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.
- ix. 133 Bradford St. – To replace a window in kind
 TB noted it was a large wood window to be replaced with fiberglass, similar but not in kind. MM said it was highly visible.
 Andrew Czyoski (AC) presented; explained that the dishwasher sprays the window continuously and it's very damaged, so fiberglass was thought to be the best way to go; added that there is a wood-version he had left out of the packet.

MR reminded the applicant that HDC cannot consider the interiors.
AC said he would replace wood in-kind, three-up and eight-across; everything would match, painted black, one-for-one.

TB made a motion to consider the case as Administrative Review; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

TB made a motion to accept as presented on the condition that in-kind is wood with wood-trim. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

- x. 434 Commercial St. – To replace a window in kind.

TB said it looked pretty straightforward, Anderson 400, one window, same style. MM said she couldn't tell if the original was wood and asked if they were looking for Azek trim and asked how many windows.

AC presented; said window replacement matches every other window, which are snap-ins. MM said HDC doesn't approve snap-ins even if they are in-kind. AC said the one window was not on the street-side. TB added true or divided light is what is acceptable. AC said he could make it work.

TB made a motion to approve as presented with the condition of simulated, divided light with wood trim. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

- xi. 152 Commercial St. – To replace a rear entry door in kind and re-shingle front of rear structure.

MM said the shingles were fine, but the photos poor, couldn't tell if the door was wood, but that it was low-visibility.

TB made a motion to consider as Administrative Review; MR seconded the motion, and it passed, 4-0-0. TB, MR, MM, HS.

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

c) Review and approval of Minutes

TB made a motion to review and approve meeting minutes until the end of today's meeting. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

2. Public Comments: On any matter not on the agenda.

None.

3. Public Hearing (at 4:20pm)

a) HDC 18-056

Lester J, Murphy (LJM), attorney, presented; reported that since the last meeting, the property was flooded by the storm, heating system knocked out and upstairs pipes burst, resulting in a delay of the plans for the tower; requested a time-waiver for two meetings hence. TB said HDC's heart goes out to them. LJM signed a time-waiver continuation for one month.

TB made motion to grant a time-waiver continuation and continue the meeting at the meeting of Feb. 21st; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

LJM requested to be put on the agenda for the Feb. 7th meeting. TB made a motion to hear the case at the meeting of Feb. 7th; MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

b) HDC 18-107

Application by **KA Bazzarian**, on behalf of **509 Commercial St., LLC**, requesting to raise a structure 9' to meet FEMA regulations, to remove and replace a deck and enclose the area beneath it on the south elevation and to construct a stairway for egress on the west elevation on the property located at **509 Commercial Street**.

Lyn Plummer (LP) and LJM presented.

MM questioned if this case was to be continued today or at the Feb. 7th meeting. LP said she noticed the case was on the Feb. 7th agenda, called Ellen Battaglini and was told that was an error; said that she had submitted new plans on Jan. 11th. AH said the plans were placed in HDC's boxes for pick-up on Friday. TB & MM said they didn't get the new plans; AH said the plans were in the box for pick-up on Friday.

MM said she didn't feel comfortable considering the decisions without being more fully prepared, but that HDC needed to continue in spite of confusion.

LP confirmed to TB that captured balusters not wire was to be used on the second floor.

LJM said they agreed with TB that they were all dealing with something they didn't want in terms of the requirement to raise the building by 9'; added that in the new designs they put the garage door in the front, added vertical siding on the area below the first floor, opened up the stairway to try and make the area as attractive as they can.

No comments or letters.

MM gave a bit of history on the case, referenced an earlier situation when they thought the building might not have had to be raised based on the structural engineer's evaluation, but that now with the need to raise the building 9', she felt the build ought to return to the original, simpler design.

HS said she felt the plans were confusing.

MR asked what had happened in the case of raising 101 Commercial St. LJM said that building was simpler and TB added that it wasn't raised 9'.

TB made a noted comparison to what would be a two-story building and a one-story building with dormers.

LJM said he was confused because he thought at the last meeting the determination to raise the building was an absolute requirement. TB responded that it is the mass that needed to be addressed.

LP said she could put a double-hung window rather than a blank window on the first floor.

MM said the design needed to maintain the simplicity and that the front elevation needed to be maintained as much as possible.

TB apologized to the applicant as HDC has never had to address a case like this where an elevation of 9' is involved; felt the cupola needed to go; gave a revamped consideration where the dormers go away, two double-hung windows are employed to replace the door; Bay window goes back.

LJM mentioned that the property needed to be considered as a two-family house, which LP pointed out has been the designation.

TB explained his reconfiguration plan for the dormers and roof-line.

MM asked about all the stairways, asked if some might be more internal.

TB made a suggestion going forward that future raises have no aprons.

LJM said the bottom line is that the proposed changes will not fly from the property-owner's perspective. TB said HDC is open to suggestions from the applicant that would address the issues as posited and help reduce the mass.

LP said they cannot re-design the house in two weeks.

TB motion to accept a time-extension to Feb. 21st; MM seconded the motion and it passed, 4-0-0. TB, MM, MR, HS.

TB made a motion to continue the case, at the request of LJM, to the meeting of Feb. 7th. MM seconded the motion, and it passed, 4-0-0. TB, MM, MR, HS.

LJM signed a time-waiver continuation to Feb 21st.

LP requested a site visit to 16 Carver St., as they have a problem with the north elevation. TB agreed confirmed a site visit to 16 Carver St. at 10am on Jan. 25th with whichever HDC members are available. LP explained that where the gables come together they don't match the drawings and she doesn't like the look, requests input on other options. AH sought clarification about the rule for quorums on a site visit; MM said two is okay as long as there was no talking.

Mark Kinnane (MK) demonstrated a full-size Anderson 400 series vinyl clad window; said on A-series, the material is Fibrex and on a Martin unit, it is aluminum; pointed out that the all-wood design would not meet code.

c) HDC 18-135

Application by **Mark Kinnane**, of **Cape Associates**, on behalf of **David Franco**, requesting to add French doors on the south elevation, re-locate an existing door on the east elevation and replace and add a window on the west elevation of the structure located on the property at **45 Commercial Street, U1**.

MK presented; expressed plans to move two windows, add one, move existing door over and change the 6' slider to a 10', 4-panel slider.

No public comments or letters.

MR said he didn't have a problem with it as presented, noted that it all looked like it was well-within the design of the building.

MM said she was okay with it.

TB's only problem was moving the door and the resulting ridge change. MK responded that this change was to make the living room more workable.

TB made a motion to accept as presented; MR seconded the motion, and it passed, 4-0-0. TB, MR, MM, HS. AH noted there were no dates on the plans.

d) HDC 18-137

Application by **Hal Winard**, on behalf of **Brian Cabral**, requesting to re-locate and install a new door and replace a window in kind on the structure located at **56 Bradford St**.

Hal Winard (HW) presented; said door on the west side would move closer to Bradford St. by four or five feet; that replacement door would be in-kind; that he made a typo on the application regarding a four light panel over three.

No public comments or letters.

TB asked how much space would be on the right of the door to the back of the house; HW said he thought about 10'.

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

e) **HDC 18-140**

Application by **Jeff Perry**, on behalf of **Seashore Point**, requesting to install a set of stairs to access a deck on the structure located at **100 Alden Street, U105**.

Jeffrey O. Perry (JOP) and Susan Davis presented. JOP said that the owners are requesting a set of stairs at #105 to match those at #107.

No public comment or letters.

MM asked if the materials to be used on the stairs are Azek. JOP said pressure-treated would work on the frame, which, he believed, are the materials used in general on the buildings.

MM said she'd prefer to see wood; noted that HDC handled the initial plans for Seashore Point but they did not come before the HDC for the newer additions.

TB made a motion to accept as presented; HS seconded the motion, and it passed, 3-0-1; TB, HS, MR, in favor; MM abstained.

f) **HDC 18-141**

Application by **Peter Grosso**, on behalf of **Joseph Haley**, requesting to install a second egress door and replace a window on the structure located at **214A Commercial St.**

AH said she had a request by Mr. Grasso to postpone the case to the meeting of Feb. 7th and noted there were no time-constraints.

TB made a motion to continue the case to the meeting of Feb. 7th; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

g) **HDC 18-142**

Application by **Cape Tip Construction**, on behalf of **394 Comm LLC**, requesting to alter door and window locations on previously-approved plans to accommodate egress stairs and doors on the structure located at **394 Commercial Street**.

Roxanne Pratten (RP), Kaye McFadden (KM) presented. KM said the building is well underway, but some modification needs had come up regarding the elevation A4 on the 3rd level where there is a request for two additional windows based on the need for more light, as it's a vast expanse.

MF added on a good note, that once the vinyl cladding was removed, they stumbled on the old brackets in the basement, sanded them down, and bonded them and they were used in the replacement.

Other changes reported: Elevation A5, middle building, does no longer need the extra door; wanted to leave it as the window unit. Elevation A6, egress would not fit as planned based on a staircase that goes to the third level, and so dormer window needed to change, requested to switch a door for a window.

TB asked for clarification on window placement. RP said the original architect's specs were incorrect, resulted in changes. TB noted single-light doors, which RP and KM said were not drawn correctly, but were in compliance.

RP noted on Elevation A7, per the motel section, there were formerly rooms which had little square windows that needed to be removed as the re-vamp cannot have any fenestration.

AH announced that the code pertaining to this position was recently upheld.

MR thanked the applicant for coming back after being in the field and reporting their findings; that it made it a nice process for everybody.

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

1.

c) Review and approval of Minutes:

TB made a motion to approve the meeting minutes of Wednesday, January 10, 2018; HS seconded the motion and it passed, 4-0-0. TB, HS, MM, MR.

MM made a motion to approve the meeting minutes of Wednesday, August 9, 2017; TB seconded the motion, and it passed, 4-0-0. MM, TB, MR, HS.

4. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

Decision by MM, read by TB:

a) HDC 18-121: 212-214 Commercial St. Decision from Dec. 6, 2017.

TB made motion to accept the drawings and approve the decision; MM seconded the motion, and it passed 4-0-0. TB, MM, MR, HS.

Decision by MM, read by MM:

b) HDC 18-014: 20 Alden St., #1. Decision from Sept. 6, 2017.

TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

MM thanked Tommy Thompson for the comprehensive history that was found in this decision.

Decision by MM, read by MM:

c) HDC 18-001: 487 Commercial St. Decision from August 2, 2017.

TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

JON left the meeting at 5:05pm.

Decision by MR, read by MR:

d) HDC 18-137: 56 Bradford St. Decision from Jan. 24, 2018.

TB made a motion to approve the decision; HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

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

TB elected to write decisions for **HDC 18-142, 394 Commercial St.; HDC 18-040 100 Alden St.;** and **HDC 18-135, 45 Commercial St., #1.** It was decided HS would assist TB in the writing of one or more of these decisions.

TB reminded HDC of a joint public forum with the Monument from the Development of Community Interest on the funicular project, 10am, Sat., Jan. 27th at Fisherman's Hall. MR said it was on HDC's agenda. MM said she was unable to attend.

AH distributed packets for 132 Bradford St. and fielded a request from Mr. Kessler at 42 Commercial St., corner of Pointe St., to review storm damage; mentioned HDC would be unable to gain inside access. AH asked HDC if there would ever be a condition where it would consider a tear-down based on a full assessment. MM and TB said HDC needed to spend time with the issue.

MM presented a letter that was returned as undeliverable from 18 West Vine St.

TB made a motion to adjourn the meeting at 5:46 pm. HS seconded the motion, and it passed, 4-0-0. TB, HS, MM, MR.

Respectfully Submitted,
Jody O'Neil