

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, MARCH 7, 2018

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep; Laurie Delmolino (LD), Historical Commission Rep; Martin Risteen (MR), PBG Rep; Ted Jones (TJ), PAAM Rep; Hersh Schwartz, (HS), Alternate.

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

TB called the meeting to order at 3:35pm.

1. Work Session: VOTES MAY BE TAKEN

a) Update on potential violations reported to the Building Commissioner.

AH displayed on her iPad the picket fence that is proposed to replace the previously disavowed sold stockade fence at **17 Center St.** HDC discussed and, as the height could not be precisely determined, TB requested a site review, at a time, TBD.

b) Discussion regarding removal of windows at 199 Bradford St.

Ginny Binder (GB), and Angela McCarthy (AM), owner of 199 Bradford St., presented.

GB spoke about their concern for workers performing the renovation and the request for the removal of windows for that purpose which comes with a pledge to replace in-kind.

TB asked AH if he was an abutter; MM asked if she was, as well. AH said that as the item was Administrative Review, she didn't have an abutters list and so did not have the 75' radius, but that it might be close. TB said discussion could proceed.

AM said she wanted to start to stabilize the foundation and that in order to do that she had to shore it up and underpin it and has concern about glass falling out, cutting workers. TB said HDC's concern is the end-result, that safety is not really in their purview, but understood her concerns.

GB said AM is requesting to remove a secondary chimney which goes to a furnace she will no longer be using and weighs down the foundation while maintaining the original one. TB asked if it was cinderblock; GB said she thought it was a combination, added that the plans would be submitted on March 19th to be on the April 19th agenda. TJ asked how to discuss a chimney when plans haven't been reviewed. TB said HDC has allowed chimneys to come down for renovations with a rebuild in-kind.

AM presented the plans on her laptop. MM advised AM to save as much of the brick as possible and GB said their plan was to re-use materials where possible. TB thanked the applicant, said it was a great house.

c) 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 March 7, 2018 Public Agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

Administrative Review:

- i. 10 Commercial St., U10 – To replace 3 windows, siding, roofing and trim. TB made a motion to accept as Administrative Review. MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, TJ.
MM expressed concerns that the trim be wood.
TB made a motion to approve with the condition that the trim be wood. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- ii. 199 Commercial St., U9 – To replace 2 windows in kind. Hal Winard presented, said the replacements were 1-for-1 replacements; existing units are falling apart, one to be tempered glass, wood-clad with pine interior.
TB made a motion to treat as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.
TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- iii. 605 Commercial St. – To replace sliding glass door and 10 windows in kind. HW presented; said the property is the beachside of Barbara Rushmore's house; fixed, home-made windows, 30 or 40 years old that leak constantly
TB made a motion to treat as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, HS.
HW confirmed the trim would be wood, and TB made a motion to accept as presented. MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- iv. 1 Holway St. U1 – To replace roofing shingles.
TB made a motion to treat as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.
TB made a motion to accept as presented; MM seconded the motion and it passed, 4-0-0. TB, MM, LD, MR.
- v. 20 Winthrop St. – To install a fence.
TB made a motion to treat as Full Review. MM asked if the fence was a replacement or new feature. LD asked if it was simple picket.
TB verified it was to sit in front of a neighboring fence and made a motion to accept as a Full Review; LD seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- vi. 535 Commercial St., #5 – To replace a bank of windows in kind.
TB noted casement windows, made a motion to treat as Administrative Review. LD seconded the motion, and it passed, 5-0-0. TB, LD, MM, MR, HS.
TB made a motion to accept as presented with the condition of wood trim; MM seconded the motion and it passed 5-0-0. TB, MM, LD, MR, TJ.

- vii. 592A Commercial St. – To replace asphalt roof in kind.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 4-0-0. TB, LD, MM, MR.
TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.
- viii. 352 Commercial St. – To replace 2 windows in kind.
TB noted HDC had already looked into this and decided the windows should remain; asked AH why they were coming back. AH replied that the windows at hand are the two large front ones which were not to be replaced in-kind.
MM said that this case pertains to HDC 18-133 from Jan. 11, 2018 in which the decision denied the one full window, advised a Full Review; AH said that was correct and that they were coming back with a new design.
LD said that if the new plan was truly in-kind then it should be Administrative Review. AH said she didn't think the material was wood.
TB made a motion to accept as Full Review; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.
- ix. 45 Commercial St., #2 – To replace trim with azek.
AH referenced acceptable materials in the FEMA flood plane. LD remarked that HDC has accepted Azek and as this is acceptable per FEMA and is a rear elevation and considering the dampness, she was alright with it.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, HS.
TB made a motion to accept as presented; MM seconded the motion, reluctantly as she said, and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- x. 4 Atlantic Ave. – To replace roofing shingles.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.
TB made a motion to accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- xi. 75 Commercial St. – To replace door and window in kind.
Mark Kinane (MK) presented; said they were replacing five windows with the Anderson window model he brought in the other week to demo and that the door would be wood; the little one was a 6-over-6 and he was open to suggestions per the sliding unit.
TB asked per the style of the door; MK said it would be 9-light with two panels below it. TB asked for assurance that door replacement be in-kind.
LD asked if big window on front facade is rotted; MK said the glaze was gone and that they didn't want the storm window above it. LD asked if it could be re-glazed in the spirit of preservation. MK said he would look closer at it and see if it could be salvageable; LD and TB said HDC would do a site visit. MK said to be careful if anyone went inside as the floor is gone from flooding.
TB made a motion to treat as Administrative Review; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.
TB made a motion to approve side doors and windows but not the front window; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.

MK said if he could repair the front window, he would do so and not return for another decision; confirmed that the windows at 352 Commercial St. were wood and re-glazed two years ago; the frame as well.

xii. 15 Center St. – To replace 3 windows.

Rupert Bankert (RB) presented; said the windows would be shorter, bringing the bottom up based on the cabinet space.

TB made a motion to consider as Full Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

RB said he had submitted as a Full Review a few weeks ago and paid the fee because he was told he had to, expressed his displeasure in getting bumped out today. MM said the way it worked was that HDC votes on Administrative or Full Review (FR) in session. AH said he was allowed to submit for FR. LD said it usually takes a month out for FR after application.

TB suggested RB speak with permitting and apologized. AH said she would contact permit coordinator, Ellen Battaglini .RB said they were withdrawing because they were out of time. MM said it could probably be heard as FR at the next meeting in two weeks and suggested it should be quick. RB left the meeting without responding.

xiii. 212-214 Commercial St. – To renovate a structure including expanding a second floor, shed-roofed space by installing a gable roof, adding a second floor over an existing portion of the structure on the north elevation, eliminating a saltbox roof in lieu of a gable roof and rebuilding a shallow gable on the north elevation.

TB made a motion to accept as Full Review; LD seconded the motion, and it passed, 5-0-0. TB, LD, MR, HS, TJ.

d) Review and approval of Minutes: June 1, July 20, August 3, September 21, October 5, 2016; February 1, February 15 and April 19, April 26, May 3, May 17, June 7, June 21, July 5, and January 3 and February 21, 2018.

TB made a motion to postpone the approval of minutes until the end of the meeting. LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

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

None presented.

3. Public Hearings: VOTES MAY BE TAKEN

a) HDC 18-056 (continued from the meeting of February 21st)

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Jay Anderson**, requesting to demolish an existing three-story structure and construct a new two-story structure on the south elevation of the property located at **53 Commercial St., Rear**.

Leif Hamnquist (LH) presented via Power Point; said Don DiRocco and Mark Hammer were absent based on impending storm and getting back to Boston.

LH noted reduction of tower in new design by 8 inches; worked hard with structural engineer to get the header on phantom windows as thin as possible

and pitch of roof to find any allowances to get any height in there; said reduction in tower made windows at top look awkward.

TB asked for height of ridge structure and tip of tower. LH said about 2 feet.

No public comments or letters.

MM referenced consensus among HDC to reduce tower, felt reduction worked.

LD said she'd been grappling with this design and wanted to abide by code, did a lot of reading to ascertain sentiments regarding additions as reported; said applicant had done a brilliant job making accessory buildings blend; felt harmony had been achieved with the exception of the tower; said tower is very visible and discordant in association with the simplicity of the primary structure and not compatible; that based on its visibility, she felt it was out of place.

LD read excerpts from Standards of Secretary of the Interior pertaining to rehabilitation of historic sites wherein it states any additions should take their cues for the historic building; that new additions should be harmonious so as to not stand out and be simple and unobtrusive in design; new addition should be smaller in size and subordinate and have same roof shape as existing building; and that the linking element between buildings should be smaller and have same roof shape as exiting building.

LD summed up her issues based on this guide regarding roof pitch, trapezoidal shape of structure, divergent window style and negative space.

MR said he also consulted the same guide, i.e., Secretary of the Interior Guide, #14 and decided in the final review that the tower was too big as is.

MM recommended TJ recuse himself from the decision as he had not been appointed to the board when the review process began. AH said TJ was permitted to join the discussion but not vote, but that it was up to HDC. TB said that as the case dated back to June, it was perhaps best TJ not weigh in.

HS said she felt the tower didn't fit it.

TB said he agreed with the decision against the tower in its present design and noted that it would not pass if put to a vote based on consensus.

LH asked of the state of the application since everything is approved except the tower; related that a lot of design work would need to be put into the plan but sought clarity on what to bring back to the office; remarked that a great deal of the details concerning the design had been mapped out, to which TB said was a mistake: that an applicant bringing in options is the way to go.

MM said she was a little upset in that from the last decision all that was required going forward is to reduce the tower. But now that this has been done, it's not acceptable.

MR went back to the Secretary's Guide and pointed out that the tower as a connecting structure is still inadequate and needs to be made subordinate.

MH asked for guidance in how to proceed with the application. LD said the next drawings should show assimilation to smaller buildings.

TB said he understood LH's frustration, suggested that HDC had been too lenient when the tower was not going to be approved without a more rigorous re-design. LH said he would like to continue the application; that the original design took 8 months and each re-vamp has taken 10-20 hours and more, so he will go back to the client and plan to have something for the next meeting that is more preliminary.

TB made a motion to accept a request to continue the decision; LD seconded the motion and LH signed a time-waiver to March 21, 2018.

TB made a motion to continue the decision to the meeting of March 21, 2018; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

b) HDC 18-107: 509 Commercial St. (continued to the meeting of April 4th)

MM asked AH why **HDC 18-160** was being presented as a Demolition Delay as it should be posted legally as a demolition in the historic district and needed to be re-posted for abutters. Steven H. Cook (SJC) agreed to withdraw without prejudice.

MM and LD recused themselves from hearing the following case:

c) HDC 18-159 (continued from the meeting of February 7th)

Application by **Steven H. Cook**, on behalf of **Matthew Metvier and Ricardo Gessa Abreus**, requesting 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 on the property located at **7 Bradford St.**

Kevin Bazarian (KB), SHC and Matthew Metvier (MM), owner, presented. KB said they had proceeded with the design as directed by HDC.

No public comments or letters.

TJ said he couldn't understand the blueprints pertaining to the entryway, porch or outdoor shower. SHC said those elements were on the new addition and without egress into the house at that section. TJ said he was concerned with the trim packages around the house which were inconsistent.

SHC said the trim would be all new and the same. TJ said he didn't care about the south elevation; had a issue on the Bradford or front façade with west window on second floor in that the windows are not symmetrical; said his impression is that they're asking for too much in terms of increased mass.

SHC said they had to raise the roof height to install double-hung windows; explained the thinking in terms of the geometry required.

TJ said he felt the shed dormer was too big. KB said the dormer doesn't go to the ridge in the drawing but said he did 11 Bradford St. and thinks they can achieve the same effect with 7 Bradford; that it could be dropped down 4" or 5".

TB questioned the alignment; SHC said they were matched up.

HS said he didn't have anything to add.

MR said he preferred the door on the east elevation without the side lights, thought everything else looked great but suggested another drawing was needed. AH concurred, but asked for specific guidance for the applicant per what to bring back for signage,

SHC clarified that HDC wants to keep the windows off-center. MR suggested another concept other than shutters which, he said, were not required to be addressed in the HDC purview but which might not work with the re-design.

TJ asked about the entry door over-hangs; SHC said the front would be left as is. TJ mentioned that other homes in that area had done brackets.

TB made a motion to accept with the condition that the same door trim be consistent as drawn on the front exposure, openings on north elevation remain as is and that the dormer pitch on the east elevation is dropped to be under the ridge. HS seconded the motion and it passed, 4-0-0. TB, HS, MR, TJ.

d) HDC 18-160 (continued from the meeting of February 7th)

TB made a motion to allow applicant to withdraw without prejudice; TJ seconded the motion and it passed, 4-0-0. TB, TJ, MR, HS.

AH said she sought clarification on how to proceed with withdrawals.

e) **HDC 18-169** (continued for the meeting of February 21st)

Application by **Ted Smith**, on behalf of **Mitchell Klein**, requesting to rebuild and reconfigure portions of a roof and a roof deck, to reconfigure windows, doors and a rear section of the main structure on the property located at **26 Bradford St.** Ted Smith (TS) presented; AH read fine print on Carnes Way as a public way which TB stated meant visibility but in a very minimal way.

TJ said he cannot understand what applicant is doing in the area behind the tree. TS said they were raising the structure, asked what is HDC's position in terms of public visibility. MR said it could basically not be seen, but TJ said it would definitely be seen if raised four and a half feet. TS countered that it won't be raised any higher than another structure.

Arthur Mahoney (AM) of 24A Bradford St. said he thought the new structure could be seen from Carnes Ave. including the rear deck and railings, which he understood was what affords the water view; said the hedges which were 20' feet tall had been cut down by the former owner which housed seasonal workers; and that his environment was being negatively impacted.

HDC reviewed plans together; AM pointed out a deck-upon-a-deck in the drawings that indicate the new floor line, confirming his concerns of increased mass.

LD noted the horizontal balusters which TS said were existing; said she sympathized with AM but that the decking at the rear had minimal visibility and exceeded HDC's guidelines.

MM said she would pass on commentary and TJ said he wanted to think more on this because it was a lot of stuff.

MR asked if he'd see the ridge line, the decking on the back above the ridge line. TS said, no; AH suggested one might see heads or toes, knees, shoulders.

TB asked if was possible to achieve what they wanted with a dormer rather than the raised deck. TS said no because they needed the wall height.

MR asked about visibility; LD said she noted very minimally on the east side.

TJ said it looked like it had been pushed to the furthest extent it could go and asked how it could affect the Town. TS said the scale was going to the Zoning Board. TB said HDC can consider bulk, but based on the minimal visibility HDC's hands were tied.

TS said it would be difficult to site any particular guideline the plans would be violating. TJ said it was nothing he'd like to live next to.

TB made a motion to accept with the condition that the balusters at the front be captured and add a window on the second floor right front of the south elevation. LD seconded the motion and it passed, 4-0-0. TB, LD, MM, MR.

Following the vote, a request was made to add a double-hung, 6-over-6 element on the second floor, rear building, and right side front.

TB made a motion to accept with defined baluster conditions; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

f) **HDC 18-175: 3 Atkins Lane** (continued to the meeting of March 21st)

g) **HDC 18-187**

Application by **Sandra L. Anderson**, requesting to enlarge an existing first floor deck on the west elevation of the structure on the property at **10 Court St.** SA presented; said she's owned the home for 20 years and it would always be a single-family home as long as she is alive; is looking to create a slight bump-out

of about 1.8 to have a sitting area, will be tucked in behind the building and not really visible; materials would match existing.

MM asked if the top rail would be Azek; SA said no, that it would be composite decking, Trex (sp).

TB made a motion as accept as presented; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.

h) HDC 18-189

Application by **Swain Construction**, on behalf of **Mark Stenek**, requesting to shorten an existing deck and replace an existing door with a window on the structure located at **4 Young's Court, Unit 4A**.

Jonas Swain (JS) presented.

MR asked if it was a private or public way. AH replied it was a private way.

TB made a motion that as the property is not visible it is not under the purview of HDC. LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

i) HDC 18-190: 18 Priscilla Alden Road (continued to the meeting of March 21st)

TB made a motion to continue the decision at the meeting of March 21st; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

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

a) Allocation of Decisions

HDC divided up today's cases for written decisions as follows:

MM: **HDC 18-189: 4 Young's Court, U4A**.

LD: **HDC 18-187: 10 Court Street**.

TB: **HDC 18-169: 26 Bradford Street**.

b) Discussion of Demolition Delay

MM requested HDC sign the denial for **HDC 18-160**: which, she said, was down as a Demolition Delay, but should be considered as a Demolition. AH spoke out for clarity, questioning the purview of HDC as the applicant withdrew without prejudice. MM stated that still made it a denial.

AH read general bylaw on demolition delay policy, which MM said pertained to buildings outside the historic district, and which AH said she felt was not what the bylaw stated. MM then read General Guideline, 15-11-14, which she said gave HDC guidelines for making motions when a building is in the historic district, or not, but with significant features.

c) 15 Center Street

TJ said he felt badly for Rupert Bankert coming in and expecting a Full Review, and asked how he was expected to proceed. MM said he took back his withdrawal and would return in two weeks; that the abutters' notice would be placed in effect. All said they felt badly for the confusion and the time RB had to spend today in vain.

AH sought clarification on the HDC mandate for an Administrative or Full Review. MM said that HDC had been making those determinations for a while;

TB added since Elena Quirk. MR said anyone can walk to the window and request a Full Review. TB concurred and said there are cases placed directly on the Agenda for Full Review and agreed with LD that HDC's directive is to vote on whether a case is an Administrative Review, or not.

5. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

Decisions by TB, read by TB:

- a) **HDC 18-165: 9 Arch St.**; decision from Jan. 10, 2018.
TB made a motion to approve the decision; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- b) **HDC 18-139: 76 Commercial St., U1**; decision from February 21, 2018.
TB made a motion to approve the decision; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.
- c) **HDC 18-119: 349 Commercial St.**; decision from Feb. 21, 2018.
TB made a motion to approve the decision; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- d) **HDC 180-166: 5 Brewster St.**; decision from Feb, 21, 2018.
TB made motion to approve the decision; MM seconded the decision and it passed, 5-0-0. TB, MM, LD, MR, TJ.

Decision by MM, read by LD:

HDC 18-173: 535 Commercial St.; decision from Feb. 21, 2018.
TB made a motion to accept the decision; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

Decisions by MM, read by MM:

- a) **HDC 18-174: 348 Commercial St.**; decision from Feb. 21, 2018.
MM made a motion to accept the decision; TB seconded the motion and it passed, 5-0-0. MM, TB, LD, MR, TJ.
- b) **HDC 180-176: 225 Commercial St.**; decision from Feb. 21, 2018.
MM made a motion to approve the decision; TB seconded the motion, and it passed, 5-0-0. MM, TB, MR, TJ, HS.

4, Any other business: CONTINUED

d) Fence at 17 Center Street

AH asked HDC if a site visit was considered as there is a time concern and the photo on her iPad will not forward properly for review. MM said her sense is that it's on the corner and is highly visible and that a 4' picket fence was what was approved. HS agreed that it should be a picket fence. LD said it was a non-traditional picket and asked if the removal of the top rail would suffice. TB said it wasn't ideal. TJ said it had a kind of modern feel, pickets too thin to be

considered traditional, doesn't have the same impact. HDC questioned if it was a money issue.

LD suggested a site review. A poll was taken: LD: in favor; MM: against; TB: undecided; MR: undecided; TJ: undecided.

MR said it wasn't in the spirit of the policy. AH read fence bylaw; MM read further definitions and LD read specific definition of the picket model. MR said he'd seen a diversion of the picket in place on a property in Town. MM urged a proper vote.

AH clarified that the applicant was asking if HDC would consider the fence as is beyond its decision. TB announced that the consensus was that it was not acceptable and no site visit was confirmed.

e) TJ Items

TJ said he would miss the next meeting of March 21st; HS agreed to fill in on decisions. TJ asked to write a letter to Atkins Place. HDC said that was fine and they would review it. TJ said he has a letter from an abutter that did not get read at the last meeting, which AH accepted to be entered into the file.

f) Minutes

It was determined that JDC had not had reviewed the submitted minutes of Jan. 3rd and so would vote on those at the next meeting.

TB made a motion to adjourn the meeting at 6:28p; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

Respectfully Submitted,
Jody O'Neil