

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

Wednesday, February 21, 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: David Gardner (DG), Assistant Town Manager; Annie Howard (AH), Building Commissioner; Jody O'Neil (JON), Recording Secretary.

TB called the meeting to order at 3:36pm.

1. Work Session: VOTES MAY BE TAKEN

- a) Update on potential violations reported to the Building Commissioner.**
Delayed awaiting AH's arrival, per DG.
- b) 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. 192 Bradford St. (continued from the meeting of February 7th) – To replace windows in kind.
MM recused herself as an abutter to Priscilla Jackett.
TB made a motion to accept as Administrative Review; LD seconded the motion and it passed, 5-0-0. TB, LD, MR, TJ, HS.
TB made a motion to approve as presented; LD seconded the motion and it passed, 5-0-0. TB, LD, MR, TJ, HS.
- ii. 136 Commercial St. – To remove and replace posts, railings and balusters on a rear deck.
MM asked per level of Azek involved – if it was trim, or running through.
MR noted that the application stated the balusters were wood.
TB asked if anyone was available to present; no response.
TB, made a motion to accept as Administrative Review; MM seconded, the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
TB made a motion to accept as presented with the condition that the trim be wood. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.
- iii. 16 Carver St. – To modify a previously approved Certificate of Appropriateness.

TB suggested a Full Review in that an awkward situation had been created with the squared-off re-vamp and that the designs are not clear. LD mentioned the abutters needed to be notified.

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

iv. 20 Winthrop St. – To re-side

Discussion followed on whether windows were being replaced or just re-sided.

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

TB made a motion to approve with the condition of siding only and no window replacements permitted. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.

v. 307 Bradford St. – Replace approved French doors with a single half-light door on the west elevation.

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

Tom Thompson (TT) took the mic to re-state the plan; said he would notify the owners to pursue the replacement under Full Review.

vi. 10 Court St. - To enlarge an existing first floor side deck.

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

vii. 4 Young's Court, U4A – To shorten a deck and replace a door with a window.

MM said she felt it was an incomplete application and that going forward, for consideration under Full Review, the applicant needed photos of all elevations and to be clear on how much Azek they would be using.

TB concurred, made a motion to accept for Full Review. LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

viii. 18 Priscilla Alden St.– To reconstruct a single-story structure by increasing the interior space and adding a second floor.

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

MM noted the applicant looked incomplete and suggested it should include proper photos and be a complete application before submitting as Full Review. TB agreed, said if it wasn't a complete application it would have to be continued which adds delays.

c) Review and approval of Minutes: June 1, July 20, August 3, September 21, October 5, 2016; February 1, February 15 and April 19, May 3, May 17, June 7, June 21, July 5, July 19, 2017; Jan. 3 and February 7, 2018.

TB made a motion to accept the minutes of July 19, 2017. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

TB made a motion to approve the minutes of February 7, 2018. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

JON said the meeting minutes of Jan. 3, 2018 had been completed and sent to MM on Jan. 15th. MM said she would check the e-mail and send to the Board.

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

i. Porch at 452 Commercial St.

Holly Tarleton (HT) spoke from Art of Construction, said she thought the property review was supposed to be on today's agenda. TB agreed, referenced the change in the design on the porch and said he had questions.

MM and TJ both recused themselves as abutters; TJ left the meeting.

TB said the discussion should be limited to the porch and that everything else had been approved and there were no other changes to the building; that among the issues of concern was that turn posts were approved as they were in kind but now the applicant is requesting a square post because the 4" diameter posts approved are known to not support the frame. However, TB said there are larger-sized round posts that would be in keeping with original turn-posts.

TB said the way to address a post coming up against a corner-board is to have a half column or no column at all and the railing dies into the side of the house; and if it does, it should sit back for an inch or two.

Secondly, TB said there was a cantilever that HDC had missed in the original plan but that is not appropriate and, finally, diagonal vinyl lattice appears in a diagonal pattern across the front of the house which HDC does not endorse, and moreover should be vertical given that there is nothing else diagonal in that aspect that is on the front of the house.

TB asked the board if it felt a Full Review was in order. HT said she would speak to the owners for their input, voiced concern over the now needed round posts looking out-sized. TB suggested a site visit.

TJ said he wanted to make a comment from the public as a direct abutter. DG said as this wasn't on the agenda the only point of current conversation should concern a vote to go to Full Review, or not.

TB made a motion to push the case to a Full Review concerning the porch only. LD seconded the motion and it passed, 4-0-0. TB, LD, MR, HS.

ii. Contesting the application at 101 Commercial St.

Michela Carew-Murphy (MCM), resident at 99 Commercial requested a violations update on 101 Commercial St. for the north-south-facing steps and the railings that she maintained were put in at the wharf without permission; requested the application on today's agenda to construct a fence and retaining wall at 101 Commercial St. be postponed until it can be correctly applied for; since, as the application states, it is a renewal of a previously-approved application but that, she said, contains falsified information and so the abutters notices are invalid.

MM said there were outstanding violations at 101 Commercial St.; that the front steps do not fit what was originally agreed upon from since possibly last

August and that some statement from the State was pending in addition to a violation at 99 Commercial St. concerning the gate or railing.

TB suggested delaying discussion of the violations until AH joined the meeting later on. MM said she supported that option and that the discussion should go forward to ascertain the extent and current state of the violations and HDC's position based on the facts presented.

iii. **FEMA & the Town**

Philip Cozzi of 508 Commercial St. took the mic to ask for clarification regarding FEMA's regulations as they apply to the state of historic buildings in Town. He was informed by LD that the topic would be addressed in the course of the day's meeting and he would be able to comment from the public at that time.

iv. **132 Bradford St., CVS and TMC, New England**

MM stated that while she was not at the Feb. 7th HDC meeting, she had an agreement with Town Counsel Jonathan Silverstein that this case would be a Special Item on the Agenda; that is was unclear and too big an issue to consider as Administrative Review; and yet, she said, it appeared on the Feb. 7th Agenda and was voted on. MM said that while the other commissioners were not aware of her arrangement with Silverstein, the vote represented a breach and a motion should be put in place to rescind that vote and a second motion made that a notice is posted for the public with each elevation stated clarifying that the court agreement has not altered HDC's determination.

TB responded that HDC was assured by AH that the drawings they approved stood and he didn't see what was to be gained by reopening the case. LD said she agreed with TB on this point.

MM said both she and TB had that agreement with Town Counsel and that otherwise it would have been a Full Review; that since it wasn't posted there were no letters or public response.

DG said he understood that this request was for an extension of time, not a modification, and that no public hearing should be required as such.

MM said HDC had received a lot of legal paperwork pertaining to what had happened in the courts and that it was the applicant's responsibility, not AH's, to confirm to HDC and the public that the court agreement had not altered HDC's decision in any way. DG countered that as they didn't apply for a modification that was the proof that there was no change to the plan.

MM repeated her request that the public be made aware of each step in this process, which HS agreed would be beneficial. MR said that he and the other commissioners, excluding MM or TB, were not aware of this agreement.

TB made a motion to move this item to the agenda at the next HDC meeting; MM seconded the motion and it passed 5-0-0. TB, MM, LD, MR, TJ.

3. Public Hearings, opened at 4:14pm: VOTES MAY BE TAKEN

- a) **HDC 18-056** *(continued from the meeting of February 7th)*
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 Street, Rear**.

Mark Hammer (MH), Don DiRocco (DD), Leif Hamnquist (LH) and J. Lester Murphy (JLM) presented.

DG stopped LH from continuing with his Power Point set-up, said it needs to be set-up at least an hour before the meeting. LH said he has e-mailed Lynn in advance and did exactly what he was supposed to do, but that they didn't want him coming in an hour before.

TB said everything had been approved except the tower.

DD said they tried different re-vamps of the tower and they came up with a tower that was somewhat shorter, utilizing more traditional materials of clapboard and glass and that an all-glass tower previously suggested didn't work well with the overall design.

No public letters or comments.

MM said she found the tower creative yet also integrative and well-done.

LD said her opinion has not changed; that she still feels it should be a single story; that taken into the whole property as a whole – 51 and 53 – something about the tower is not organic, sticks out; an anomaly.

LJM mentioned that the tower housed the staircase out of necessity.

MR complimented the modern style of the current tower design but asked if it might be reduced just a bit more, to below the edge of the roof.

DD spoke of the need for proper clearance.

TB said it was unfortunate that HDC does not and cannot take stairways into consideration as a lot more antique houses might be saved in town; that he never liked the idea of a tower and is not convinced of the need for a third structure and asked why a typical ridge could not be adopted.

DD replied that the wing or gabled end would be higher than what it is connected to for the two-stories.

HS said she is still on fence, noted this had been a long process.

LD said she forgot to invoke the mullein rule prior to hearing the case that day. LD then read aloud her statement regarding missing the meeting of Jan. 24, 2018 when the case was heard and reviewing all materials, including the video recording, on Feb. 6, 2018. The statement was signed February 7, 2018.

TB corroborated with DG that everyone present, with the exception of TJ, was sitting on the case presently.

DD encouraged HDC to review the 3-dimensional renderings, especially from Commercial St. where the mass scale appears not so huge.

MR asked if threshold had been met for height; DD said they could probably go a few inches lower, or more, but that it would shorten the windows at the top. LD suggested that wouldn't be enough, that scaling down to one, or one and half stories might be acceptable.

MH said an option might have been to construct two two-story buildings, but that in trying to keep within an historical framework, they opted for a two-story and a one-story building that better fit into the overall property, and that these structures needed to be reasonably connected.

MR requested to poll the board to learn if it would find the tower acceptable in its current form: LD: no; MM, yes; TB: no; MR, yes if between 8" and 12"; HS: yes, but lower – in agreement with MR.

DD and MH said they can accept that condition; will re-design with a lower tower between 8" and 12".

TB asked to assess the windows briefly, requested a more traditional look. MR added that applicant followed Secretary of the Interior guidelines for compliance.

DD presented model of an all-wood window, historic-looking sash.

TB made a motion to continue the case to the meeting of March 7th with stated conditions. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

At the request of JLM, TB made a motion to post-pone hearing the case of **HDC 18-107** until the end of the meeting as a lawyer from Boston had been detained due to a cancelled flight and would be arriving in time by car. MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, TJ.

c) HDC 18-119 (continued for the meeting of February 7th)

Application by **Peter Grosso**, on behalf of **Frederick Schulenburg**, requesting to re-shingle a structure located at the property at **349 Commercial St., UA**. Peter Grosso (PG) presented; said the request is to cover up the old boarding on the front and west side, in part only, with stained shingle that matches the structure across the street.

No public comments or letters.

TB referenced the recent site review and indications of the original materials used; asked if clapboards as present on the second floor, or shingles, should be utilized in the renovation.

MM said she passed as she was not present previously in hearing the case.

MR said his priority was for shingles.

HS said she was okay with shingles.

TB said he would go along with shingles, made a motion to accept as presented with shingles. LD seconded the motion and it passed 4-0-0. TB, LD, MR, HS.

LD said either material would be appropriate to the district.

TB made a motion to accept the time waivers for **53 Commercial St.** and **509 Commercial St.** LD seconded the motion, and it passed, 4-0-0. TB, LD, MR, HS.

d) HDC 18-139

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Fadi Hanna**, requesting to install a new fence and gates in various locations and to replace a front gate to match the existing on the property located at **76 Commercial St., U1**.

Mark Hammer (MH), Don DiRocco (DD) and Leif Hamnquist (LH) presented.

LD recused herself as an abutter and left the meeting.

DD said all the fencing on the gates was to be cedar.

No public comments or letters.

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

MR mentioned the pictures of the fence were quite good and TB said it was a good application.

e) HDC 18-152

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Gregory Connors**, requesting to renew a previously approved case, #FY17-42, to construct a painted picket fence and low brick retaining wall at the front and side of the property located at **101 Commercial St.**

Mark Hammer (MH), Don DiRocco (DD) and Leif Hamnquist (LH) presented.

TB stated that as the property had some afore-mentioned outstanding violations it might be best to delay the hearing until the arrival of AH. MM suggested the case be heard as there were many people present to attend the request and discussion of the case proceeded.

DD said there were no changes from what was previously approved.

Michela Carew-Murphy (MCM) took the mic and handed out supplemental materials; spoke as a direct abutter at 99 Commercial St. and year-round resident whose family owns Sal's Place. MCM said that her materials support her contention that the cable railings on the Harbor fence were approved but not the wall and fence and that the picket fence is a picket fence on top of a brick wall which was not mentioned in the presentation; that flags and poles have been added which were not approved and which block the view and that the signature on the application is by the architect and not the owner of record.

MCM said there had never been a fence or wall in place, which could be detrimental to neighbors during a storm, and the structure could be built into sand; that the dimensions were not provided for in the new application even as they were requested by the HDC. MCM added that the sign that was supposed to be preserved has not been and is now like a bad ad for a construction company.

William Ashmore, representative for Siobhan Carew, of 99 Commercial St. took the mic, referenced that previously approved case # FY 17-42 is approved for a redesigning railing of a harbor-facing deck and that none of those plans contain the wall drawn in; also, no dimensions or elevations are available which could bring up FEMA issues; that as the house is 44" in the field from the property line, the footing in the sand would have to be drawn back but with no plans on that design, a life safety review by the fire marshal might have to weigh in as well as the Coastal Conservation Committee; quoted FEMA 99 concerning additional structures to coastal properties and the need for compliance in design; concluded that the dates of the plans have been shuffled and may not have been properly vetted and so could require Zoning to address the applications.

Joe Centrello took the mic to mention briefly of an ongoing neighborhood dispute and his concern that this could become a spite-fence.

Public comments closed.

MM said she was confused, that four different cases have been involved concerning the property and noted that the application for FY 17-054 which included the addition of a painted picket fence with a gate on the southwest elevation, which LH said was an error on their part. MM said that the fencing was not approved and that the application for FY 17-042 approved at the Sept. 20, 2016 was for the railing only.

DD stated this has been through the State and has conservation approval. LH said the wall is not 4' and so does not require zoning intervention. MM restated that applicant was seeking approval of a recertification of what HDC had not previously approved and that they need to withdraw without prejudice.

LH asked if they can re-advertise; DG said the cleanest thing is to withdraw. TB said he was incensed about the replacement of the old sign that was a distinguishing feature of that house and if not returned a violation is possible.

DD said they would withdraw without prejudice. TJ clarified that the property at 101 Commercial St. is not condominium, but are represented by separate units.

MM made a motion that the application of HDC 18-152 pertaining to 101 Commercial St. be permitted to withdraw without prejudice. TB seconded the motion, and it passed, 5-0-0. MM, TB, MR, TJ, HS.

LD returned to the meeting.

TB announced that items **f) HDC 18-159** and **g) HDC 18-160** regarding the property at **7 Bradford St.** had been moved to the meeting of March 7, 2018.

h) HDC 18-161 *(continued from the meeting of February 7th)*

Application by **Ted Smith, Architect, LLC**, on behalf of **Karl Broussard**, requesting to demolish a structure subsequent to a determination by the Historic District Commission that said demolition will not be detrimental to the historic, architectural or cultural heritage of the Town as set forth under General Bylaws Chapter 11, Section 11-1-15, Demolition Delay Permit at the property located at **57A Pleasant Street**.

Ted Smith (TS) presented.

TS stated they did not feel the structure does have any significance that would make demolition detrimental to the Town.

No public comments or letters.

MM said she had not invoked the Mullin Rule and left the meeting.

MR, LD and HS said they did not find anything historically significant.

TB said he thought it was historically significant, asked if preservation could be applied in this case. TS responded no, that there was not a foundation to support the contention; replied to TB that he had not procured an engineering report. TB asked if the structure might be moved to another location. TS had no reply. MR supported re-purposing material, which TS agreed could be done.

TS said the building was from 1950, according to the owner.

LD made a motion to not continue demolition delay and to allow demolition of 57A Pleasant St. with the condition that it be advertised for salvaged materials. HS seconded the motion and it passed, 4-1-0. LD, HS, MR, TJ, in favor; TB, against

MM returned to the meeting. AH arrived at the meeting.

i) HDC 18-165

Application by **Don DiRocco**, of **Hammer Architects**, on behalf of **Steven Rayl & Scott Presley**, requesting to construct a dormer on the east elevation, to remove, relocate and install windows in various locations and to re-side and re-trim to match existing on the structure located at **9 Arch Street**.

Don DiRocco (DD) and Leif Hamnquist (LH) presented.

DD confirmed for MR that the dormer is visible from a public way.

No public comment or letters.

MR noted the large dormer, but said he had no problem with the plan as presented given its location. DD said they tried to keep it as minimal as possible.

HS had no problem with it; LD said it was all within the guidelines; MM had no objections and TB said the dormer would be over-reach under other circumstances but considering the minimal visibility he had no problem with it.

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

j) **HDC 18-166**

Application by **Capizzi Home Improvement, Inc.**, on behalf of **Lisa R. West**, requesting to install a new front entry door on the structure located at **5 Brewster Street**.

Jean Bowden (JB) presented; referenced submitted pictures, said new door would be more energy-efficient.

No public comments or letters.

TJ asked why an arts and crafts door, which JB said she just liked; presented four options owner selected, one a therma-tru door that would be painted white. Another choice involved blinds. JB replied to TJ that she thought the building was from the 1850s, but all agreed it had been altered quite a bit through the years.

TB said he wasn't sure any of the choices were entirely appropriate.

TJ said he was tending to agree with the arts and crafts-style door because it's at least pretty, a simple threshold.

LD said it was hard to determine the best choices as the house is such a mish-mash. TB agreed, said that what is often called the Provincetown Door – a single light with a single panel below – is what is most often employed.

TB made a motion to approve door option #S1405 with single light and one panel below. TJ seconded the motion, and it passed, 5-0-0. TB, TJ, MM, LD, MR.

k) **HDC 18-167**

Application by **Ted Smith**, on behalf of **Brad Fowler**, requesting to demolish a cottage subsequent to a determination by the Historic District Commission that said demolition will not be detrimental to the historic, architectural or cultural heritage of the Town as set forth under General Bylaws Chapter 11, Section 11-1-5, Demolition Delay Permit, at the property located at **26 Montello Street**.

TS presented; said the structure is not in the historic district; that the grandfather is looking to re-build the cottage with the same footprint, and a request to go 2' higher with a notch feature on the back right hand corner to be removed and a rectangle created.

No public comments or letters.

LD referenced previous demolition delays in asking if anyone famous was involved in the property. TS said he found nothing in his search. LD said that in that case, she had no problem with the request, but asked that salvageable materials be advertised and re-used where possible. HS agreed with LD.

MR was okay with letting it be demolished with repurposing as stated as long as abutters had been notified.

TJ said it looked good. TB and MM said they were okay with it.

TB made motion to allow the demolition to proceed as presented; LD seconded the motion, and it passed, 5-0-0. TB, LD, MM, MR, TJ.

LD asked if there was a condition; TB said they had already voted and the recycling was in the agreement.

l) **HDC 18-168**

Application by **Ted Smith**, on behalf of **Mitchell Klein**, requesting to demolish a one-story structure subsequent to a determination by the Historic District Commission that said demolition will not be detrimental to the historic, architectural or cultural heritage of the Town as set forth under General Bylaws Chapter 11, Section 11-1-5, Demolition Delay Permit at the property located at **26 Bradford St**

TS presented.

TB said the wording was incorrect as the property was in the historic district; read aloud bylaws on demolition.

MM pointed out the distinction between demolition and design as separate cases; that it is HDC policy that demolition and design be separate applications.

TB said two weeks was needed to post notice which meant the case would not be heard before four weeks. MM confirmed for TS that extraordinary circumstances would be required for approval of demolition in the historic district.

TS said he would opt to withdraw to repost as adding a second story.

TB made a motion to allow the applicant to withdraw without prejudice. MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, TJ.

m) HDC 18-169

Application by **Ted Smith**, on behalf of **Mitchell Klein**, requesting to rebuild and reconfigure portions of a roof and roof deck, to reconfigure windows, doors and a rear section of the main structure on the property located at **26 Bradford St.**

TS presented; cited property as old Archer Inn that is now more of an Airbnb, mixed-use, commercial structure; looking to reconfigure some of the bedrooms on the 2nd floor; raise the roof; referenced A2.2 for east and rear elevations; specified existing roof deck which they want to reconfigure to make accessible.

Arthur Mahoney, owner at 24A Bradford St. that is beside 26 Bradford; spoke against project as monstrous, cited inn as a rooming house for seasonal workers.

LD noted rear elevation as not visible; front elevation had minimal amount of change; a lot of negative space that would look more organic with a window.

TB asked if a window was possible; TJ said yes, but cited the height of the addition for visibility sake. TB suggested that all agreed that the rear elevation has no visibility factor. Discussion ensued as to whether Carnes was a public way; AH left the meeting to ascertain the status. LD noted private way, per map. TJ said it was a private way according to his paperwork; identified a cricket as the horizontal connection between the two roofs, bridging triangular gable-ends.

MR asked how high would mass increase, adding that he agreed with the abutter that it was quite large in scope; TJ said he's unsure of height increase.

MM agreed with LD on the addition of a window.

AH returned to report that both Carnes Way and Carnes Ave are both public ways per 2015 street listing, prompting the HDC to recommend a site visit.

TB made a motion to continue the decision to the meeting of March 7th. LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

n) HDC 18-172

Application by **Deborah Paine, Inc.** on behalf of **Stephen and Gael Poltrack**, requesting to repair and replace siding, trim, windows and doors as needed and install a new foundation on the back of the structure located at **466 Commercial Street.**

TB announced himself an abutter and left the meeting.

Deborah Paine (DP) presented; cited need for rehabilitation of house in dire need; will rehab or replace all windows with wood, single-pane; wooden screens and old fashioned storm windows made of glass and wood will be made, going back to the beginning; HDC confirmed to DP a site visit had been conducted.

DP noted rear elevation, collapsed foundation; rehab will include brick face, everything left as is to the best of their ability; siding replaced in kind, deck replaced; fireplaces and chimney will be re-built with historic brick; roof to stay

the same as it represents one of the finest features of the house; may have to replace as many as 22 windows, rehab others.

Philip Cozzi spoke out in favor of the owner and builder's desire to restore in-kind a beautiful building with so much history in Provincetown and that we should see more of these efforts.

Chris Pula, abutter, spoke in favor of the restoration and the wonderful efforts of all involved.

LD noted the minimal changes at hand and said she couldn't think of one guideline this revamp was not following.

MR referenced the little window on the gable end; DP said the plan was to make another nice window out of it, was open to grill suggestions.

TJ said it was a beautiful project, asked if all the window mutton configurations would be maintained. DP replied yes, said it was hard to know why the window configuration was determined originally; confirmed for TJ that the new owner is Ken Falk; said a company in Maine will re-construct the 22 windows and that she hoped the project to be completed by the end of the summer.

HS said she liked everything, especially the size of the drawings.

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

TB returned to the meeting and raised questions regarding **101 Commercial St.**, asked of AH if there were outstanding violations. AH said, yes, remarked that HDC were not in favor of granite steps, but noted that they had approved granite steps at 466 Commercial. TB asked AH to bring file into next meeting and noted an egregious sign violation. MR said bylaw does not permit HDC to weigh in on signs. TB asked for other opinions. AH said the sign was not advertising and that it was not a commercial space. TB requested to revisit the application. MM said the HDC was awaiting resolution and the property was left open for future review.

o) HDC 18-173

Application by **Peter Page**, on behalf of **Tim Utt**, requesting to replace 4 awning windows with 4 double-hung windows on the structure located at **535 Commercial Ct., #7, U9**.

Peter Page (PP) presented; referenced that the house in question is the one of the three that is closest to Fanizzi's, currently working on third floor attic; seeking to replace awing windows with Anderson 400 2-over-1 double-hung windows to match oldest window trim on the building.

No public comments or letters.

LD said the re-design was within guidelines and in fact doubled back to historic aspect.

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

p) HDC 18-173

Application b **Peter MacDonald**, on behalf of **Robert Davis**, requesting to construct a one-room detached accessory building on the property located at **348 Commercial St.**

Ruben Valenzuela (RV) and Robert Davis (RD) presented. RV cited structure as 15' x 14'6 " , will not be visible from Commercial St. but can be seen at a distance on Center St.; building is using traditional materials: cedar roof, painted rakes,

traditional Anderson windows with historic 2" sills, woven-cedar corners; proposing a little wood landing deck, and a brick patio.

TB read letter from Adrian Aguado, abutter and owner at 342B Commercial St., who wrote against the construction, citing the property as land originally not permitted for development and to where now is proposed the construction of a music studio; stated that she was never informed of the zoning change and expressed concerns about the noise intrusion and potential fire hazards.

MM read a letter from Dennis Rocha and Mary Welles (Evans), property owners at 340A an B Commercial St. who wrote in opposition to the plan, complaining that what they called a shed would be 5 ' from their property line whose close proximity will bring down their property value.

TB read a letter signed by Angelo Monaco from the Trustees of the 348A Commercial St. Condominium Trust that is comprised of six units adjacent to the applicant and against what they considered the potential noise impact and fire risk on the densely populated area, as well as the impact on daylight and fire prevention access.

TB mentioned that the zoning concerns stand outside the HDC purview. MM added that the structure proposal was within the HDC accessory building and cottage policy, which LD seconded. TB noted it was minimally visible and made a motion to accept as presented. LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, TJ.

r) **HDC 18-175**

Application by **Tom Thompson**, on behalf of **George Rogers & Patrick Gavin Watson**, requesting to reconfigure a screened porch into an all season sun room and add dormers on the east and west elevations of the structure on the property located at **3 Atkins Lane**.

Tom Thompson (TT), George Rogers (GR), and Patrick Watson (PW) presented.

TT highlighted plans and proposed changes to the property that is a private way, said materials are in keeping with those existing; south and north elevation to include view of dormers with limited visibility form Bradford St.; noted other area structures feature a variety of dormers; read policies of comprehensive plan pertaining to development of buildings that are compatible and in keeping with harmony of surrounding area by way of designated Cape Cod architecture.

PW said they've owned the house for 10 years and bought it specifically for its historic integrity; spent a good deal of time and effort refurbishing the interior and now, as of yesterday, have moved into the house year-round.

TB read letter in support from neighbor, Anne Cowie and Amy Graves of 233 Bradford St., #9, abutters, said the improvements will enhance the neighborhood.

AH announced her self as an abutter and asked the height of the hand-rail which TT said would be 36."

LD said her only concern on the whole project, which she noted is quite large, is the front dormer because it serves to obliterate the distinctive architectural feature that is the front façade; recommended a doghouse dormer.

MM said she slightly agreed with LD, sought some slight reduction on in that elevation.

MR said he commended the plan except the west elevation in regards to a dormer as it would take away from the contributing aspect of the house as it currently stands. PW asked if this was the case even as it is in a private way; MR replied that it is the visibility to the public eye that makes the case against.

TT noted that there are headroom problems upstairs to which MR responded that the HDC cannot take interior concerns into consideration.

TJ said he'd never seen this house before in his 12 years as a resident, noted the 1790 plaque which PW thinks is actually 1840s as it is Greek revival inside.

PW said the issue is that you can't stand up at the top of the stairs so their parents cannot come for a visit. TJ said he likes everything in this design – just not on this house, as it is a jewel box and works in its simplicity.

HS wondered if in the area where the sunroom is proposed stairs be added.

TB said the front dormer is not appropriate, back left is fine, but said the Bay window can be seen from Commercial St., which PW said is not correct. TB suggested a single doghouse dormer.

AH added that even from Bradford St., you cannot see past the sun porch, but TB insisted it was and also suggested more humble roof deck posts. TT said the guidelines accept roof walks.

MM said she felt the west elevation was the issue.

TT said the dormers were a natural way to gain more space; referenced 307 Bradford St., where the architecture was nearly identical and got approval; cited a very small upstairs space that is dangerous.

TB surmised that everything had been approved minus the front dormer. PW said they'd have to go back to new re-vamp without that element; that they've spent 10 years trying to figure out how to make the house habitable year round.

TT asked if a reduction in the size of the dormer might pass; MM suggested it could and asked for dormer options.

TB asked if HDC would consider a dormer on the left side of the west elevation. PW said they thought the middle part of the house was the oldest.

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

r) **HDC 18-176**

Application by **Loic Rossignon** requesting to decrease the size of a second story deck on the south elevation and move an exterior stairway from the west to the south elevation of the structure located at **225 Commercial Street**.

Robin Reid (RR), attorney representing Loic Rossignon, presented; cited building known as Canteen restaurant; addressed rear yard of the restaurant where in the summer there is seating; deck would be replaced with cedar and cut back to align with the building plane and allow for the implementation of a ramp for handi-cap access; most of the old material is hoped to be re-used.

No public comments or letters.

MM said she felt the application was straightforward, saw no problem with the request; RR added that they felt it made things tidier getting the staircase off the side of the building.

MR said it looked better as presented, and safer; HS agreed.

TB asked per balusters. RR said she thought they were 2-by-2. TB thought the posts might be a bit higher than the rail; RR agreed.

TB made a motion to accept with the condition that the posts be higher than the rails; MM seconded the motion, and it passed, 5-0-0. TB, MM, LD, MR, TJ.

MM requested RR convey to her client that the old fence had to be removed and the new fence installed by April 15, 2018.

TT returned to ask HDC if **HDC 18-175** could return with a new option. TT instructed TT that if they chose to, they could until the last case is heard.

- b) **HDC 18-107** (continued from the meeting of February 7th January 24th)
Application by **KA Bazarian** , on behalf of **509 Commercial Street, 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**.

Attorney Statements

Lester J. Murphy (LJM) and Joanna W. Schneider (JS) of Rackman, Sawyer & Brewster, attorneys, presented, along with Kevin Bazarian.

JS referenced the letter she sent to HDC on Feb, 14th outlining her client's position; said her clients had made tremendous effort to not have to raise the property 9'; had multiple appraisals done and spent a lot of money on interior upgrades that were in vain; that the issue was headroom and a required building height to access the second floor and meet code for a two-story building.

JS made it clear that she was hired to evaluate if there was a legal basis for the HDC's determinations to deny her client's plans; acknowledged that the increased height is in nobody's best interest but that there are higher surrounding structures, including St. Mary's Church next door, the Ice House Condos and the school house nearby on Commercial St.

JS noted that the new proposed height of 23,227 cubic feet was only slightly above the average scale of 20,762 cubic feet in the immediate area and far less than the 306,000 cubic feet at 519 Commercial St.; addressed issues of FEMA compliance in that this is ground-breaking and there is a possibility that the HDC's decision on this case could trigger FEMA, kill voluntary compliance and raise insurance rates for the Town overall.

JS sought to underscore the tremendous financial hardship and waste the owner faces if denied; that relying on prior approval from 2016, the owner has already installed two approved dormers and purchased numerous windows at a cost of about \$46,000; said she couldn't imagine a court that would determine this work invalid; noted that if her client is required to remove the dormers then the structure would no longer be able to function as a two-family building and rob the owners of their economic engine.

JS outlined proposed changes: removing a previously-approved cupola, replacing cupboard exterior stair with an open-air stairway to mitigate concerns of mass, added break-away garage door and added vertical siding.

LJM said that reallocating the first floor Bay window 12 feet up in the air was silly; that their proposals for the front of the building were previously approved and that the changes are the best option for FEMA compliance.

Public Comments

Michela Carew-Murphy (MCM) said as a year-round resident that she wished to go on record as stating that a dangerous precedent was being set; believed the home was not to be for personal use but for renovation and re-sale, noted underground parking as a cue for other homeowners to raise their property and add 100-200k value to their property through parking; said she lives next to a raised structure and that flooding and negative environmental impacts have been the effect; mentioned new FEMA legislature that allows homeowners to go ahead

without raising the structure when in the historic district; break-a-way structures as potential projectiles and the obstruction of others' harbor's views.

Philip Cozzi (PC) took the mic, thanked MCM for her thoughtful comments; said that as a neighbor across the street at 508 Commercial St., he'd been coming to town since 1964; found the contention that the home cannot be used in its current condition false; had a former interest in buying the house and schematics that describe how it could be re-used without touching it; said the scope of large surrounding buildings should be taken into proper context, cited what he felt was the displaced and incongruous over-sized scale of the Ice House Condos.

PC referenced the raising of the property at 99 Commercial had the effect of flooding houses that had never seen flood waters in a hundred years; that the hardship is on the contractor and owner not on the Town; said anyone can see his existing drawings for an alternative process that is done inside-out and does not warrant taking a structure apart and blowing it up; advised reading the engineer's report for multiple ways to improve the building in its current condition.

Kristin Hine (KH), of 508 Commercial St., spoke about the approved dormers triggering FEMA which the builders should have known would be in excess of 220k and that put triggers in place; suggested someone was pulling the wool.

HDC Deliberations

TB spoke out strongly against what he perceived as the owner's intentions with deep pockets to blow up a building that was originally a two story shop with an apartment upstairs, denying LJM's request to answer claims that were presented which he suggested were false; that the Ice House is a terrible comparison – to which JS said a judge would find persuasive; said he preferred a case made for a solution that would not raise the foundation.

LD thanked the applicant's reps for being as cool, calm and professional as they had been during the process. TB interjected with an apology for his reaction, cited the special nature of the case. LD read from FEMA requirements in the Flood Plane Management Bulletin that stated a structure that qualifies as historic does not fall into FEMA's over 50% substantial improvement rule as long as changes and improvements do not result in a loss to the structure's historic nature designation; exclusion serves as an incentive for property owners to maintain the historic integrity of the property.

MR said a formula is used for historic designation and that this building falls within its guidelines. LD read from the FEMA guide the qualifiers for contributing and that the imperative is for the owner to follow the renovation guidelines as set by HDC; concluded by suggesting that the building need not be raised as proposed; that 2' or 3' would be more appropriate.

LJM said he wished the discussion had started this way and asked what is AH's viewpoint.

Building Commissioner

AH said HDC can determine if the renovations proposed would remove it as a contributing structure; suggested possibly getting CPC grant money in the fall to get a second survey; said the fair-market value for the building came in low, that there was no way they would come in under the 50% in re-build costs; that if it wasn't raised, it would have an impact on the Town's Community Rating Service

based on habitation below the base flood plane elevation; said there is a meeting forthcoming in Hyannis at the end of March to address variances and updates .

AH said she'd been in touch with Eric Carlson, FEMA liaison, who said it's very difficult for a renovation to take place that would trigger the 50% improvement which would not result in a loss as contributing status; also spoke to someone at that National Park Service in D.C. and the Mass Historical Council but cannot get someone through these various sources to commit an answer and until she does, cannot put property owners in a precarious situation knowingly.

JS said it sounded like more homework needed to be done; LD countered that a lot of work had already been done; LJM said if they don't have to raise the building, they'd rather not and should address some sort of minimal raise.

AH said it would be nice to get guidance form the State Historical Preservation Office but after some conversations hasn't gotten very far. MR said he could speak with the president of the Historical Alliance in Virginia; remarked it was a slippery slope. JS thanked the HDC for its tremendous efforts toward a resolve.

TB made a motion to approve a time-waver extension to April 4, 2018; MM seconded the motion and it passed, 5-0-0. TB, MM, LD, MR, HS.

TB made a motion to hear the decision at the April 4th meeting; LD seconded the motion and it passed, 5-0-0. TB, LD, MM, MR, HS.

LD left the meeting at 8:08pm

4. Deliberations on Pending Decisions: NO VOTES WERE TAKEN

Decisions by MR, read by MR:

- a) **HDC 17-156: 166 Commercial St.** Decision from Feb. 7, 2018.
- b) **HDC 17-157: 84 Commercial St.** Decision from Feb. 7, 2018.
- c) **HDC 18-135: 45 Commercial St., U1** Decision from Jan. 24, 2018.

Decisions by TB, read by TB:

- a) **HDC 18-142: 394 Commercial St.** Decision from Jan. 24, 2018.
- b) **HDC 18-140: 100 Alden St.** Decision from Jan. 24, 2018.

Decisions by MR, read by MM:

- a) **HDC 18-153: 25 Tremont St.** Decision from Feb. 7, 2018.
- b) **HDC 18-154: 8A Commercial St.** Decision from Feb. 7, 2018.

Decision by TB, read by MM:

HDC 18-155: 8D Commercial St. Decision from Feb. 7, 2018.

Today's Decisions were divided up as follows: TB: **HDC 18-165; HDC 18-139.** HS w/TB: **HDC 18-119; HDC 18-166.** MM: **HDC 18-173; HDC 18-175; HDC 18-176.**

AH referenced the photo she sent of 479 Commercial; reported that the fence had been taken down which HDC remarked on as a favorable result.

TB made a motion to adjourn the meeting at 8:39 pm; HS seconded the motion and it passed, 5-0-0. TB, HS, MM, MR, TJ.

Respectfully Submitted,
Jody O'Neil