

**HISTORIC DISTRICT COMMISSION**  
**PUBLIC MEETING**  
Town Hall  
Provincetown, MA  
WEDNESDAY, SEPTEMBER 4, 2019

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

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

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

TB announced to the assembly and the public that, considering the composition of the Board sitting at today's Public Hearing, all three members present would be needed to secure an approval by vote for those applicants under Full Review and that if any of these applicants wished to postpone until the next meeting when a fuller compliment is expected they may elect to do so at this time.

**Work Session: VOTES MAY BE TAKEN**

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

AH said there were no updates for today.

**2. Determination as to whether the applications below involve any Exterior Architectural Features within the jurisdiction of the Commission; with Full Reviews to be placed on the Public Hearing agenda of September 18, 2019 and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

TB made a motion to consider the following as Administrative Review:

347 Commercial St.; 3 Winthrop St., U3; 183-185 Commercial St.; 571 Commercial St.; 69 Commercial St.; 162 Commercial St.; 20 Bradford St.; 17 Pearl St., #1; 6 Carver St.; 377 Commercial St., #5; 6 Masonic Place; 9 Conwell St., U1; 6 Center St.

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

i) 347 Commercial St. – To renew a Certificate of Appropriateness.

Tom Thompson presented; said he was seeking to renew on a COA that was granted September 5, 2018.

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

ii) 3 Winthrop St. – To replace 2 sliders in kind.

Charles Verde and Jason Ribero presented.

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

iv) 183-185 Commercial St. – To install a roof-mounted solar panel system.

Diane O'Dowd presented, representing owner John Yingling; said the request was for 103 solar panels with black rails on the existing roof space.

TB said that while the HDC generally approves solar panels, he questioned if the sheer number requested suggested the application be considered a Full Review. Ms. O'Dowd said the reason for the number of units is because the electrical usage is extremely high. HS said measurements would be needed and CM said he would defer to the others in this case. AH said the reason the application was before the Board today was not based on the number of panels but due to the directional positioning.

TB asked if a row of panels on the east side could be eliminated to which Ms. O'Dowd said would be fine and bring the whole array further up the roof. AH read the bylaw on solar panels as requiring units no higher than 3" above the roof surface.

TB made a motion to approve with the condition that top horizontal row on the east side be eliminated. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

- v) 571 Commercial St. – To replace roofing shingles and siding and to rebuild 2 chimneys. Derik Burgess and Robin Callaghan presented. Mr. Burgess said the transom would be removed due to an egress issue, to which TB said would bump the application to a Full Review. Mr. Burgess countered that the issue was on the water-side, but TB said the amount of change involved signaled further review.

HS asked for clarity on the re-build, which Mr. Burgess said would be done exactly the same.

TB made a motion to consider as Full Review. HS seconded the motion and it passed, 3-0-0; TB, CM, HS.

Mr. Burgess requested approval today on the other aspects of the application.

TB made a motion to approve the replacement of the chimney and the replacement of the window today and continue with the decision of the door in Full Review. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

- vi) 69 Commercial St. – To replace 5 windows in kind and clapboard with stained cedar shingles to match remainder of the building.

TB asked if anyone was present to address the application and AH said she did not see Mr. Perry.

TB noted replacements were on the portion of the building that was not visible from a public way. HS noted the request to add windows where none had been, in addition to the Anderson replacements.

TB made a motion to elevate the application to a Full Review. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

- vii) 162 Commercial St. – To replace a door in kind.

No one presented. AH noted fiberglass, which TB said is usually in kind.

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

- viii) 20 Bradford St. – To replace a door in kind.

No one presented. HS remarked on the poor quality of the picture and CM noted the specs as fiberglass with red trim. AH said it was a difficult subject to photograph.

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

- ix) 17 Pearl St. – To replace 2 entry doors in kind.

No one presented. TB noted wood in the application.

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

- xi) 6 Carver St. – To replace a window in kind.

No one presented. CM said that per the application there were three windows.

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

xii) 377 Commercial St., #5 – To replace roofing shingles.

Andrew Lindera presented; said no trim was to be replaced.

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

xiii) 6 Masonic Place – To replace 2 windows, trim and rotted clapboards on a dormer and replace front porch deck boards.

Andrew Lindera presented, said everything would be replaced in kind with wood trim. TB commended Mr. Lindera for replacing the deck in mahogany as that is not what everyone is willing to do.

TB made a motion to approve as presented. HS seconded the motion and it passed, 5-0-0; TB, HS, CM.

xiv) 647 Commercial St. – To replace windows on rotting underpinnings under a deck.

Paul Colburn presented; said the replacements for the wood existing would be Anderson vinyl. TB said wood is typically required in the Historic District unless the work cannot be seen from a public way or if there are issues of moisture.

TB made a motion to consider for Full Review at the next meeting. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

xv) 9 Conwell St., U1 – To replace windows.

No one presented. TB noted the replacements are four old existing double-hung windows with classic vinyl Harvey windows, no grilles, said he hadn't a chance for a site visit.

TB made a motion to continue the decision to the meeting of September 14, 2019. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

xvii) 6 Center Street – To replace roofing shingles.

No one presented.

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

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

552 Commercial St.; 571 Commercial St.; 69 Commercial St.; 199 Bradford St.; 647 Commercial St.; 11 Brewster St.; 420 Commercial St.; 51 Commercial St., Front; 8 Bradford St.; 120 Commercial St.

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

371 Commercial Street, Unit 11; Pepe's Wharf

Joachim Sandblicher and Gary Lockwood of William N. Rogers, II, civil engineer land surveyors, presented.

Mr. Sandblicher explained the application as a need to build an extended deck to include area as indicated in a submitted photograph, stated a preference not to replicate awnings and requested materials that the HDC might advocate prior to making application.

CM said he felt they were moving in the right direction, as did HS. TB said he understood people appreciating the good view and commended Mr. Sandblicher for his continued efforts to improve the property through the years.

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

509 Commercial Street

TB expressed his outrage over a public notice that the owner/applicant of 509 Commercial St. had chosen to advertise in front of the property which was lengthy and expressed inflammatory opinions with false information, but which has since been taken down; said that complainants as such should come before the Board with their grievances and not insult the work of the staff and Board members.

**5. Public Hearing: VOTES MAY BE TAKEN**

TB announced to the applicants present that all three sitting Board members would need to be unanimous for applications to be approved a requested.

a) **HDC 19-270** (continued from the meeting of August 7<sup>th</sup>)

Application by **William N. Rogers, III** on behalf of **New Hop Holdings, LLC**, requesting to renovate a structure, including putting a one-story addition on the first floor to replace an existing outdoor stair entrance, extending a first floor deck on the east elevation and adding egress stairs, two dormers and a new second floor inset deck on the south elevation at the property located at **429 Commercial Street**.

Gary Locke of William N. Rogers presented; requested the decision be continued as lawyer Lester J. Murphy would not be in attendance – in addition to the lack of a full board.

TB made a motion to continue the decision to the meeting of September 18, 2019. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

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

h) **HDC 20-029**

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Enco Realty, Inc.**, requesting to renovate a structure, including replacing existing windows and doors on two elevations, adding two dormers, constructing an entry deck and stairs covered by a shed roof, replacing roofing and siding shingles and removing brick chimney at the property located at **32 Bradford Street, Building 1**.

TB made a motion to consider the decision out of agenda order. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

TB made a motion to continue the decision to the meeting of September 18, 2019. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

b) **HDC 20-010** (request to withdraw without prejudice)

Application by **Brad Mayeux**, on behalf of **Jay Abbiuso**, requesting to add a garage and relocate windows on the structure located at **286 Bradford Street**.

TB made a motion to accept the request to withdraw the application. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

c) **HDC 20-016**

Application by **Paul Kelly & Ed Dusek**, on behalf of **Ross Dube & Mitchell Lynch**, requesting to construct a dormer on the east elevation, a second level above an existing addition, and a new wood deck and to replace entrance stairs and a deck and existing windows and doors on the structure located at **7 Conway Street**.

Ed Dusek and Paul Kelly presented.

Mr. Dusek described the property as a three-quarter Cape on a small lot; described the additions put on through the years, including aluminum replacement windows in terrible shape, walls clad in cedar shingle, painted wood trim; interior radically altered by removal of a staircase which destroyed the layout of the house; seeking code compliant stairs to erect a dormer on the rear side to match, in detail, the dormer on the front side; said area is only marginally visible from a public way.

Second proposal is to add a second level to the 8x10 shed roof addition; match details to the existing house; pressure-treated deck on the front of the house to be replaced with a railing detail to match the detail of the new porch with a deck off the kitchen/dining room; canopy over the entrance door would be repaired and restored.

TB read a letter in support from Joseph T. Realmuto, Jr. and Paul E. Korenberg of 579 Commercial St. HS read a letter in support from Guy Busa and Scott Gasparello of 2 Conway St. and 4 Conway St., Unit 2. CM read a letter in support from Darla White and Ben Steinberg of 282 Bradford St. TB read a letter in support from Lynn Hartness of 1 Conway St. HS read a letter in support from Douglas Hughes of 599 Commercial St. TB read a letter in support from Terrence M. Keane of 599 Commercial St.

HS said she was concerned with the differing sizes of the windows, which were then discussed and explained relative to size by the applicants. CM said he appreciated the windows on the west elevation, making the units 2-over-2s; asked about the row of shingles between the two windows which he noted during a site visit and said are rendered differently than what appears in the current plans; said he felt the fenestration seems wrong on the north elevation and asked if the east elevation windows might match the west elevation, citing public views, but his main concern is the north elevation as it faces Bradford St.

TB raised the issue of shingles between the windows on the double hung on the 2<sup>nd</sup> floor. Mr. Kelly said those windows weren't being changed at all, but TB made a case for matching the elements; applauded the window on the first floor; said he was alright without the awing, but asked per the doors if there can be a few more emollients to divide up the units; said that 4-lite is not the usual way. Mr. Kelly said he could employ a six, TB said he preferred an eight.

TB opted to make a motion with conditions, but CM spoke against a change that would go against his preference for 2-over-2s on the west elevation if no change on the north elevation. AH suggested an offer for the applicant to continue the decision, but Mr. Kelly said he'd rather stay now and sort it out.

HS said she felt the 2-over-2s look out of place; that 6s would blend in easier, and that there was more uniformity in having the north and south elevations work together. TB recommended eliminating a door on the first floor and to maintain the two double-hungs. CM agreed in keeping the 2-over-2s on the west elevation.

TB made a motion to approve with the following conditions: that the windows on the first floor north elevation be separated by columns of shingles; double-hungs on the east elevation move up into the dormer. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

d) **HDC 20-018**

Application by **Lester J. Murphy, Esq.**, on behalf of **Robert Silva**, requesting to demolish an existing single family structure and construct a new two-family structure on the property located at **5 Conwell Street**.

Robert Silva and his son, Shawn Silva, presented.

Mr. Silva noted that his lawyer, Lester J. Murphy could not be available due to a family situation, said the request is to demolish and raise up the new structure.

No public comments or letters.

AH said that demolition delay does not apply as the property is in the Historic District; referenced Mr. Silva's prior application of November 28, 2018 at which he received feedback from HDC that demolition would be okay. Mr. Silva said that since then, they've gotten new a

septic. Shawn Silva said the building is a pre-fab construction which Mr. Silva said was from the 70s and that he did the work himself. HS said the building is from the 1960s.

AH noted the vote of December 5, 2018 whereby five sitting Board members approved demolition and Vice Chair, Marcene Marcoux did not. TB advised continuing the decision; said the Town is losing all its small cottages.

Alan Roth of 7 Conwell St. spoke in favor of the plan; said Mr. Silva has been a great neighbor for the past 19 years and that they view the structure in question from their own property and felt the new building would be a vast improvement.

HS said she'd prefer to have all the commissioners present to deliberate the decision.

TB read Ms. Marcoux's written statement in favor of small cottage preservation and said he felt that too many accessory buildings are being lost to two-story buildings on the same footprint. Mr. Silva said he would need raise the building as is for the sake of the structure.

TB made a motion to continue the decision to the meeting of September 18, 2019. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

e) **HDC 20-020**

Application by **Robert Henrique**, on behalf of **Michael Fullen**, requesting to replace 3 windows with a French door, to replace a front door, and to install a picket fence in the front of the structure located at **9 Point Street**.

Robert Henrique presented; said the plank door proposed is the same style door approved previously at 606 Commercial St.; that the sill on the existing is rotting and the trim would remain the same as well as the sky lights.

AH said she wasn't sure if the house is a floater.

No public comments or letters.

TB said the plank door as the main door would not be appropriate and HS concurred. Mr. Henrique said he'd be amendable to a six-panel door, or similar. TB said the French doors cannot be seen from a public way. Mr. Henrique described a simple picket, not sandwich, fence. CM asked if the picket fence can continue to the privacy fence and make the turn.

TB made a motion to approve with the condition that the front door be a six-panel wooden door or replace in kind as a nine-light and sidelights to be replicated if necessary as is. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

f) **HDC 20-026**

Application by **Ted Smith, Architect, LLC**, on behalf of **Adam Rogers**, requesting to convert a garage to a studio on the property located at **10-12 West Vine Street**.

Ted Smith and Shawn Martin, co-owner, presented. Mr. Smith asked if the applicant opts to continue the decision would a fuller Board be able to deliberate in two weeks, to which TB said yes, as long as they have reviewed the tape of the missed meeting and signed a Mullin Rule.

Mr. Smith said the plan was to add a half-story to the cottage. Mr. Martin said his partner, Adam Rogers, does glass fusion work and would utilize the new space addition to that end.

CM asked if the west side was a private way, which Mr. Smith said it was. AH said that facing Tremont Street was the north side and that the stretch of road up from Commercial St. was a mix of private and public ways.

Mr. Smith addressed the windows on the north side and egress on the east side; gave a rationale for barn doors and said a dormer would be added on the north and south sides at not more than 50% of the building's footprint according to the bylaw. AH said that if there had been windows and glazing previous then these elements might be moved and not taken away.

TB asked if a window on the second floor of the west elevation could be added, which Mr. Smith said it could not as it's less than three feet at the property line. HS said she would be okay with the window size based on the need for light. CM said he felt what was requested would be inconsistent with what was approved at 7 Bradford St. as a re-vamped artist shed. TB said this property was a more primitive cottage, but questioned the number of windows. Mr. Smith said his goal was to move away from a garage-look and toward a studio.

TB asked Mr. Smith what could be an option to reduce the number of windows. Mr. Smith said he could reduce the 4'8" and bring it in, to which Mr. Martin agreed. TB suggested keeping all the windows on the north elevation but to replace the casements with double-hungs.

TB made a motion to approve with the condition that the windows on the first floor, east elevation, be (2) 30x60 6-over-6 double-hungs and the first floor, north elevation, retain the small window. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

AH reminded TB that public comments or letters were never announced. TB made the call for public comments; there were none; read a letter in support from Mark B. and Peter G. of 15 Atwood.

b) **HDC 20-028**

Application by **Rob Anderson**, on behalf of **Gallery Catering, LLC, dba The Canteen**, requesting to place a canvas awning with a metal frame on the south elevation of the structure located at **225 Commercial Street**.

Loic Rossignon presented; made the case for the awning, which has been in place as a temporary structure to be made permanent as it has proven an asset to the business in bad weather.

HS asked if the pole of the awning has been a hindrance to the public way, which Mr. Rossignon said it has not. TB said wood is usually the request per poling in such structures, but felt metal posts could be alright in this case.

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

TB called for a brief recess at 5:41pm.

**6. Review and approval of Minutes:**

TB made a motion to approve the meeting minutes of June 5, 2019. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

**7. Deliberations on Pending Decision: VOTES MAY BE TAKEN**

HS assigned the writing of today's decisions as follows:

HS: **HDC 20-016**; **7 Conway Street**; **HDC 20-028**; **225 Commercial Street**.

TB: **HDC 20-026**; **10-12 West Vine Street**.

CM: **HDC 20-020**; **9 Point Street**.

TB made a motion to approve the July 17, 2019 decision of **HDC 19-249**, **7 Bradfrod St.**, written and read into the record by CM. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the August 7, 2019 decision of **HDC 19-272**, **452 Commercial St.**, written and read into the record by CM. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

TB made a motion to approve the July 17, 2019 decision of **HDC 19-277**, **11 Brewster St.**, written and read into the record by TB. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

TB made a motion to approve the July 17, 2019 decision of **HDC 19-279**, **6 Cottage St.**, written by MR and read into the record by HS. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

TB made a motion to approve the August 7, 2019 decision of **HDC 20-004, 522 Commercial St.**, written and read into the record by HS. CM seconded the motion and it passed, 3-0-0; TB, CM, HS. AH sought clarification on visible elevations.

HS announced that she had received new plans for 19 Winthrop Street and was awaiting new plans for 18 Bangs Street; decisions to be written by LD and JD.

HS asked if the demolition delay at 22 Off Cemetery Road will be continued to a future date. AH said it should not be put off for six months, but heard in a timely fashion and that the HDC would approve the new proposal or design plans.

TB made a motion to adjourn the meeting at 6:26pm. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Respectfully Submitted,  
Jody O'Neil