

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown, MA
WEDNESDAY NOVEMBER 20, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Laurie Delmolino (LD), Historical Commission Rep.; Hersh Schwartz (HS), Chamber of Commerce Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate; Martin Risteen (MR), Alternate.

Excused Absence: John Dowd (JD), PGB Rep.

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

Site Visit: 72B Commercial Street: 3:00pm

Work Session: VOTES MAY BE TAKEN

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

3 Cudworth Street

AH said she hadn't had a chance to review the HDC'S information regarding the property and also that she understood there to be something in the building by an abutter with a request for enforcement; said the original approved site plan did include mention of a new fence, however without specifications.

Outstanding Violations

TB said he spoke with Town Consul and noted three outstanding violations: 99 Commercial Street, which he understood to be resolved by the applicant and neighbor, involving the lattice fence; 2. 242B Bradford Street, Ginny Binder, resolved; 204 or 206 Bradford Street, horizontal fence, which TB said is now the only active case, according to Town Consul.

507 Commercial Street

TB requested follow-up with the fence at Pat DeGroot's property, which AH noted.

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 December 4, 2019, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

i) 345 Commercial St., #AUD (continued from the meeting of November 6th)—To replace south elevation deck and stairs in kind.

AH requested a hold on the decision pending arrival of the presenting party.

TB made a motion to postpone the decision until Public Hearing. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

TB made a motion consider the following for Administrative Review:

ii) 182 Commercial St.; iii) 24 Bangs St; iv) 54 Commercial St.; v) 4 Conant St; vii) 25 Tremont St.; viii) 169 Commercial St.; ix) 262A Bradford St.; x) 212-214 Commercial St.

MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

- ii) 182 Commercial St.—To replace a rubber roof in kind.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- iii) 24 Bangs St.—To replace architectural roofing shingles in kind.
TB made a motion to approve a presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- iv) 54 Commercial St.—To replace a cedar roof in kind.
TB made a motion to approve a presented. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, CM, MCM.
- v) 4 Conant St. —To replace architectural roofing shingles in kind.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- vi) 164 Commercial St.—To replace front stairs, front entry overhead and doorway and other trim where needed in kind.
TB said it was unclear per the application what was proposed to be replaced, to which MCM noted specified maintaining decorative elements. AH stated it was a commercial space and that the front entry stairs are the main entry point; that per a conversation with the applicant they have to remove the handrails to effectively make repairs for safety. CM responded that this information should be relayed to the HDC.
TB read guidelines pertaining to the application as prepared by MR from Historic New England on in-kind replacements and remarked that in cases such as these the applicant needed to be very specific. AH asked if the document TB used as a reference was available to staff and applicants and if not, should be employed in another context.
CM opined that the property is a very significant, very prominent structure in Town and should be articulated while under review and not through a blanket statement, opting in favor of a Full Review. LD read aloud the aspects of the application and said she felt they were being quite articulate, to which MCM agreed; both weighing in favor of Administrative Review, as did TB.
TB made a motion to continue the decision as Administrative Review to the next meeting. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- vii) 25 Tremont St.—To replace rakes, clapboard, and shingling in kind.
Laurie Ferrari of Peters Property Management presented; stated everything was to be replaced in kind and asked if they could employ an Azec water-table in the back of Building A2, as noted on page 5 of the application as it is a high moisture area. TB went through the aspects of the application per building specifications, which Ms. Ferrari confirmed, in turn.
TB made a motion to approve as presented with the condition that Azec is only used in the water-table in A2, lower portion, in two shingles and all the rest of the trim be wood. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- viii) 169 Commercial St.—To replace a patio door in kind.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.
- ix) 262A Bradford St. —To replace roofing shingles.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

x) 212-214 Commercial St.—To replace wood shingles in kind.
Carlos Verde presented; said the addition would also be in kind and that the window replacements were from a previous application, and any trim would be on an as-needed basis.

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

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

xi) 286 Bradford St. —To install cedar privacy and split rail fencing; xiii) 7 Railroad Ave. —To replace windows and doors, to remove an existing deck and construct a porch beneath it, to replace shingles with clapboard, add a dormer, and to remove a cement pad and a front stairway and replace it with new stairs and a covered entryway; xiv) 286½ Bradford St. —To construct (5) new buildings; xv) 419 Commercial St. —To construct a bump-out addition, extend a front porch, replace windows and doors and demolish a shed.

CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MCM.

xii) 22 Pearl St., U1—To replace windows and doors.

LD noted the application indicated replacing existing with French doors.

TB made a motion to consider the application For Full Review. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

i) 345 Commercial St., #AUD (continued from the meeting of November 6th)—To replace south elevation deck and stairs in kind.

. Robert Nee of 345A Commercial St., and a Trustee, presented; said they are seeking to replace all of the decking as well as the under-girding. AH said the railings would have to be brought up to code if they are being replaced. Mr. Nee said the railing would be repaired and repainted, and said some of the owners were asking to use Azec, which MCM said is allowed.

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

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

TB announced that other business would be presented following the Public Hearing.

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

None.

5. Public Hearing: VOTES MAY BE TAKEN

- a) HDC 19-030 (continued to the meeting of December 4th)
Application by **Fred Ramos & Bob Starmer**, requesting to add a fence on the property located at **552 Commercial Street.**
- b) HDC 20-077 (continued to the meeting of December 4th)
Application by **Don DiRocco, of Hammer Architects, LLC**, on behalf of **Delft Haven II Condominium Association**, requesting to raise all structures, construct new entry stoops at existing entrances, replace windows and doors, add a door, reconstruct/repair breezeway areas and repair/replace siding and roofing shingles as needed on the property located at **7 Commercial Street, U1-5, U2, U3-4, U6, U7-8 & U17.**

c) **HDC 20-083** (continued from the meeting of November 6th)

Application by **Kevin Bazarian**, on behalf of **Steven Ballarini**, requesting to remove an additional section of the rear wing of a structure that was the subject of a previously-approved Certificate of Appropriateness on the property located at **72B Commercial Street**.

Kevin Bazarian presented. AH confirmed that all sitting Board members conducted a site visit. MCM said she was fine with the plan. HS stated her concern in that a lot of old wood is present and asked what would become of it. Mr. Bazarian said they would work to re-purpose the wood and not throw away any not taken; MCM said she would take some of the wood.

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

Discussion continued on the decision with MCM stating that she had remained fine with the design following the site visit. LD asked if the plan qualified as new construction and said that determining the structure to be not up to code could not be used as a basis for making a determination. AH said someone would have to go by the site and ascertain what could be salvaged prior to demolition if the HDC sought to make a condition as such.

d) **HDC 20-086**

Application by **Patricia Ackad, Deborah Rossi & Jonathan Stevens**, requesting to add a wraparound deck, remove a concrete ramp, replace a front door and add trim to windows on the structure located at **19 Brewster Street**.

Deborah Rossi presented; described the application as being mostly for aesthetic purposes and to make the structure more user-friendly; said windowsill and trim would be made to match other buildings on the premises and that the door replacement would be a similar model with an added storm-door.

No public comments or letters.

TB asked per the door placement and the style of the deck and railing, to which AH said a railing would not be required as it is not 30" above grade. CM asked for the dimensions on the trim, to which Ms. Rossi said would be standard 4" but was not sure if wood was planned.

CM asked if the picket fence would be replaced by landscaping only and not a fence, to which Ms. Rossi said was correct.

TB made a motion to approve as presented with the condition that the trim be wood and an option for a historic sill. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

Ms. Rossi asked how she should proceed from here, to which AH provided detailed instructions.

e) **HDC 20-087**

Application by **Richard Silva** requesting to add a skylight to the structure located at **22 Alden Street, U3**.

Rich Silva, owner, presented; said he's owned the unit for nine years and planned to retire there; is seeking to bring in more light and ventilation to the kitchen area with accompanying installation – as was the case with the previous skylight employed.

No public comments or letters.

HS referenced the previous application for (3) skylights on October 6, 2017 whereby (2) skylights had been approved; said she had not expressed a problem with a third skylight then and has none at this time, as well.

LD pointed out that the application lists the left side of the house when it is the right side that is in question, and noted the past reduction in size of the skylights, which Mr. Silva said had been helpful; said she would be in favor of a third at the same smaller size and based on the large size of the roof. MCM and CM said they concurred. MR said he would not approve, based on the bylaw, to which TB agreed, but recognized where exceptions have been granted.

AH read the bylaw on skylights into the record. CM asked if a third skylight would then dominate the roofline and said he would change his vote to side with MR's recommendation based on the building's contributing status in the Historic District.

TB said he could agree that in this case, the size of roof made the third skylight tenable.

TB made a motion to approve as presented. LD seconded the motion and it passed, 3-1-1: TB, LD, HS, in favor; MR, opposed; CM, abstained.

f) **HDC 20-088**

Application by **Barbara Reynolds** requesting to remove an existing dormer in the rear and continue the existing roof approximately 10' 6" and to add a new double door and skylight on the structure located at **462 Commercial Street, U4**.

Two men presented, addressed drawings and indicated the requested additions of a sliding door and skylight.

No public comments or letters.

MCM said she was fine with the plan, and remarked that it is unusual for an applicant to seek to eliminate a dormer. AH said the south side of the house had undergone a renovation that had changed the roofline about (4) years ago.

LD announced she had a financial relationship with the owner a few years ago.

TB made a motion to approve with the condition that any trim which is replaced be wood. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

g) **HDC 20-089**

Application by **A.J. Santos**, on behalf of the **West End Racing Club**, requesting to remove a door and (2) windows on the south second floor gable end and replace them with an 8' slider on the structure located at **83 Commercial Street**.

A.J. Santos presented; said they have about 160 children who come through the program each year through their non-profit and expressed the need to replace the windows both from a safety concern and also to provide a better look and view; said window models have been previously approved by the HDC.

No public comments.

MCM said she has spent a significant amount of her childhood at the location and recognized the need to make necessary changes for safety and space concerns. MR clarified his remark that the style as presented might be modified. LD said the HDC guidelines are clear about what is permissible on the bay-side and that this design is appropriate to that end.

TB made a motion to approve as presented with the condition that any trim be replaced in wood. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, HS, CM.

Mr. Santos asked if the HDC is concerned with trees obstructing one's views. AH said Conservation could be consulted and also that the Director of the Department of Public Works, Richard Waldo, is also the Tree Warden.

3. Any other business that shall properly come before the Commission (continued):

53 Commercial Street

Peter, designer, and J, Lester Murphy Jr., Attorney, presented. Mr. Murphy reminded the HDC that a Certificate of Appropriateness had been previously issued for the property as a renovation, but that a later determination articulated the designation as a demolition and that, as such, a demolition was now being requested at this time; cited the building as being non-contributing, made a case for the impracticality of renovation, welcomed a site visit by the Board and sought the guidance of the HDC for moving in the direction of demolition.

MR said he would be in favor of demolition based on the condition of the building and flood plane perspective. MCM concurred. AH said the first question is if the new building would bring it back to the A Zone, to which the applicant said it would. LD agreed, and noted storm damage.

AH advised the HDC to address the building that was 51 Commercial St. and is now onto 53 in terms of protection over the winter. Shrink-wrap was discussed, but not deemed impractical. Peter said it is currently being preserved, but is perhaps a bit rickety and he would explore options.

TB said the Board would like to see an engineer's report and that he would like the tear-down to be considered in terms of a green community and the re-allocation of materials from such a large building and proposed a site visit with new plans.

Peter said the new design is almost completely finished and that an application had not been submitted. TB recommended a site visit and review of new plans prior to the meeting of Dec. 18th.

TB made a motion to conduct a site visit of the property at 53 Commercial Street at 3:00pm, prior to the meeting of December 18, 2019. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, CM, MR.

MCM left meeting at 4:41pm.

TB called for a short break at 4:48pm.

HDC purview regarding roofing and siding replacement in kind.

LD said she wanted to have a conversation around peeling off requests for replacement of roof and siding materials in kind to the HDC liaison. MR concurred and said it would enable the Board to concentrate its time and efforts on more pending concerns. TB and other members suggested leaving the decision to the liaison, Building Commissioner Howard.

AH suggested that trim replacement remain under the purview of the HDC.

TB made a motion to allow Building Commissioner Howard to review all Administrative Reviews that pertain to roofing materials and siding materials only. LD seconded the motion and it passed, 5-0-0; TB, LD, HS, CM, MR.

Visibility from a public way.

LD brokered a discussion on the viability of an applicant being required to indicate where an area of a building, structure or property is not visible from a public way. TB said it is up to the HDC to make that determination. AH gave examples of where visibility is and is not clear from a geographical stand point.

Reading approvals into the record.

LD recommended not reading decisions into the record until the final plans have been submitted, reviewed and accepted. The Board agreed.

'Any Other Business' as an Agenda standard.

LD expressed her desire to have 'Any Other Business' become a staple of each meeting, in as much as topics that may come up during a meeting might not be discussed if they have not been indicated on the Agenda of the day.

AH said there is not a problem with the HDC revisiting a decision or determination made earlier in a given meeting if the aspects of that decisions warrant a revisit.

32 Bradford Street

TB noted the property is deteriorating and should be tightened up, going into winter.

Salvaged Material

TB said that the acceptance of salvaged materials by a Board member should not be conducted at meeting, but privately. AH added that a Board member may not accept a gift over \$49.99.

Mass Historical Council

AH said a grant application had gone out to the MHC last Friday for \$25,000, to match the \$25,000 awarded from the Provincetown Community Preservation Act to conduct a new land survey. AH and the Board thanked MR for his work on the grant applications.

6. Review and approval of Minutes:

TB made a motion to approve the meeting minutes of October 2, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.

TB made a motion to approve the meeting minutes of October 7, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.

7. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

1. TB made a motion to approve the November 6, 2019 decision of **HDC 20-046; 11 Brewster Street**, written and read into the record by TB. HS seconded the motion and it passed, 5-0-0; TB, HS, LD, CM, MR.

AH mentioned that the contractor discussed with the client and it was decided that something lighter would be replicated for the roof.

2. TB made a motion to approve the October 16, 2019 decision of **HDC 20-044; 647 Commercial Street**, written and read into the record by TB. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.

LD spoke of 199 Bradford Street as an example of four things that were eliminated from what had been approved. Discussion continued on the topic of discrepancies within approvals.

3. LD made a motion to approve the October 16, 2019 decision of **HDC 20-041; 199 Bradford Street**, written and read into the record by LD. TB seconded the motion and it passed, 5-0-0; LD, TB, HS, CM, MR.
4. TB made a motion to approve the November 20, 2019 decision of **HDC 20-086; 19 Brewster Street. UA**, written by MCM and read into the record by CM. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.
5. TB made a motion to approve the November 20, 2019 decision of **HDC 20-087; 22 Alden Street, U3**, written and read into the record by CM. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.
6. TB made a motion to approve the November 20, 2019 decision of **HDC 20-088; 462 Commercial Street, U4**, written and read into the record by TB. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.
7. HS made a motion to approve the November 20, 2019 decision of **HDC 20-089, 83 Commercial Street**, written and read into the record by HS. CM seconded the motion and it passed, 5-0-0; HS, CM, TB, LD, MR.

TB presented his letters pertaining to 21 Off Cemetery Road.

HS reported that the following decisions had been filed on October 3, 2019:

HDC 19-270; HDC 20-003; HDC 20-020; HDC 20-033; HDC 20-040; HC 20-051.

HS reported that the following decisions had been filed on October 18, 2019:

HDC 20-002; HDC 20-052; HDC 20-056; HDC 20-057.

TB made a motion to adjourn the meeting at 6:18pm. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MR.

Respectfully Submitted,
Jody O'Neil