

Public Meeting April 7, 2021

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, April 7, 2021

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Historic District Commission will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>.

For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To listen and participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following conference ID number: 919 239 764#. Please do not speak until the chair or the meeting moderator asks for public comments or questions. Please mute your phone until you are called upon to speak.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

Members by remote: John Dowd (JD), Acting Chair, PGB Rep.; Hersh Schwartz (HS), Clerk, Chamber of Commerce Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate; Anthony Iannacci (AI), Alternate.

Excused absence: Laurie Delmolino, Chairman, Historical Commission Rep.

Staff present: Anne Howard (AH), Building Commissioner; Thaddeus Soulé (TS), Town Planner.

TS gave opening remarks at 3:34pm and called for JD to give quorum by roll call.

JD issued roll-call and called the meeting to order.

1. Commission Elections

JD made a motion to postpone Commission Elections in lieu of Chair Delmolino's absence. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

2. Work Session: VOTES MAY BE TAKEN

522R Commercial Street

AH related that she has not been able to connect with Dr. Livingstone which is why the fence issue at the property is not on today's agenda, but said the aim is to include the case at the meeting of April 21st. CM asked if the applicant needed be present for the HDC to deliberate, to which AH said it would be her recommendation in order that the applicant be given the opportunity to speak with the HDC on its objections to the work done and give input, but that this decision is up to the Board. HS said she agreed with CM for the need to move on with the decision if Dr. Livingstone continues to elude the proceedings, but would opt to give him one more chance to present. MCM and JD agreed. AH said she would notify the owners.

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

AH reported roofing or siding permits to: 208 Bradford St., 357 Commercial St., 343 Commercial St., 9 Ryder St. Ext. and 73 ½ Commercial St.; informed that a building permit has been issued for work to start up at 315A-219 Commercial St., the Surf Club.

4. 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 April 21, 2021 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

- i) 21 Center St., UC (continued from the meeting of 3/17) – To replace a fence in a slightly different style.

No one presented.

HS noted that the requested site plan was received. CM asked why a privacy fence as well as an enclosure is proposed, said he is for all fencing to be replaced. AH added that the trash area may have been intentionally less-screened as it's not a single-family home, and TS remarked on propane storage. JD said he thought a more minimal height would be appropriate and AH said she would relate the recommendation to the applicant.

JD made a motion to accept as presented with the proposal that the garage area height be cut down to the height of the objects intended for enclosure. CM seconded the motion and it passed, 5-0-0; CM, HS, MCM, AI, JD.

- ii) 123 Bradford St. (continued from the meeting of 3/17) – To replace 11 windows in kind.

Mark Kinnane presented; said owner, Scott, is not replacing all the windows.

JD noted historical relevancy of the 2/2s. CM asked per orientation of windows, to which Mr. Kinnane gave locations with 8 units not being replaced; said majority are being replaced with Anderson 400 series and a poplar product called Lifespan that does not rot, but is wood; might be a ¼ to 3/8th height differential due to manufacturing specs.

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

- iii) [494 Commercial St.](#) – To replace a set of double doors in kind.

HS said she didn't have a problem with it, as did MCM. CM asked if the transom was wood, to which Jonas Swain remarked that it was.

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

- iv) [18 Prince St.](#) – To add a window to a previously approved Certificate of Appropriateness.

AH summoned Chris Dio or Mark Kinnane. No one presented.

JD asked if the application was appropriate as Administrative Review to which HS, CM and MCM agreed that it was.

AH noted visibility from Court St., mild visibility from Holway and high visibility from Watson's Court; is expected to match what has been approved. CM said he drove by recently and found minimal visibility and no detractor from the existing property.

JD made a motion to accept as presented. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

- v) [633 Commercial St., U4](#) – To replace 2 skylights in kind.

No one presented.

HS said she is fine with it as in kind.

JD made a motion to accept as presented. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

- vi) [11 Johnson St.](#) -To add a screened-in porch and 2 skylights.

JD questioned if the application as written goes beyond the scope of an Administrative Review to which CM said he felt it did. HS said this application and the next are on the Public Hearing for April 21, 2021.

JD made a motion to hear the decision for Full Review at the meeting of April 21, 2021. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, HD.

- vii) [10-12 W. Vine St., U3](#) - To modify a previously approved Certificate of Appropriateness by raising the height of a structure by 14" and to relocate a casement window.

JD made a motion to hear the decision for Full Review at the meeting of April 21, 2021. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, HD.

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

3 Soper Street

Ted Smith, Architect, was not available to present. AH said the plan is to build up the north about 22" between the two dormers to not lose effect of two dormers and to install a skylight to get legal landing head height. JD cited minimal visibility, no problem with it. JD made a motion to accept the addition of the skylight at which point Ted Smith called in. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

AH said she would pass along the proposed north elevation as provided by Mr. Smith.

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

Thomas Biggert of [473 Commercial St.](#) and recent Chair of the HDC read from his letter sent in to the Select Board wherein he noted his 9-year service and surprise at learning he had served 21 months past his term limits, expressed disappointment at being ejected from the Board.

The Board thanked Mr. Biggert for his service and looked forward to having him re-join the HDC in the future. AH and Recording Secretary, Jody O'Neil, requested a copy of the letter for the meeting minutes, which is posted as follows:

As you may or may know I have been a member of the Provincetown Historic District Commission for nine years, most of them as chair. Apparently I had served 21 months past term limits as stated in the Town Charter and was so informed. I was quite shocked as I was under the impression that my three terms ended in June of 2022. I respect rules and regulations and while I don't dispute the facts I very much have a problem with how this was handled. To review, on March 17th, in the middle of a 4 hour meeting, I received an email from the Town Clerk informing me of my immediate dismissal. I was shocked. The email that went out to my colleagues and town staff was sent with the subject line "Removal Effective Immediately" inferring that I had done something wrong. Nothing could be further from the truth. I have been a dedicated volunteer taking much pride in participating in the mission of an important highly visible town regulatory board and I will miss the work immensely. While I don't dispute the facts I very much have a problem with how this was handled. These actions show a huge lack of due diligence by town staff and a huge lack of respect toward Town Board members. Town Boards do vital work in this town and the Town couldn't function without them. But it seems we are seen as disposal cogs in a complicated machine. When I joined the board I met with the then Town Manager and was told in no uncertain terms that "boards were a pain in their ass". While this was presented in joking terms I have found this, with certain exceptions, to be a pretty accurate description of my experience. And what are the legal repercussions to the Town? Over 21 months we've had 42 meetings and reviewed dozens of applications. Is the town in legal jeopardy if those decisions are contested? I can think of more than one high profile denial that might end up in court as a result. Finally, to add insult to injury when I didn't submit my letter of resignation (a term I reject) immediately I did not get a reminder from town staff but a call from Town Counsel John Giorgio, who informed me of the repercussions to the town in time, effort and expense if I didn't comply immediately. Really? Is that how we expend town resources? An apology has not been offered and I don't at this point expect one. But I do ask two things that I think will improve the situation and prevent other Board Member from having a similar experience. First of all the Town needs a policy on the treatment of its volunteers. There is no doubt Town policy on treatment of employees but no such policy for volunteers. Secondly I propose that a Town Staff member be appointed as a Human Resource point person for Board Members to address their concerns and provide some positive reinforcement from time to time. In conclusion, I'd like to state that the current HDC is an eclectic group of individuals each of whom brings a unique background and experience to this important board. It is in fact, the best group of individuals to comprise the board since I've been on it. I wish them well.

*Respectfully submitted,
Thomas Biggert
473 Commercial Street*

7. Public Hearings: VOTES MAY BE TAKEN

a) [HDC 20-2261](#) (request to continue to the meeting of May 5th)

Application by **Brian Alexander**, on behalf of **James E. Green et al.**, requesting to re-side, add, replace, and reconfigure existing windows, replace a front entry door, and replace front corner boards and trim on the structure located at **592 Commercial Street**.

AH and TS said they would look into the time-waiver continuance.

JD made a motion to accept the time waiver continuance. HS seconded the motion and

it passed, 5-0-0; HS, CM, MCM, AI, JD.

b) [HDC 21-6](#) (*request to withdraw without prejudice*)

Application by **Mark Kinnane**, of **Cape Associates**, on behalf of **Thomas Shirk**, requesting to add a dormer, with skylights and double-hung windows, and two windows on the north elevation of the structure located at **7 Johnson Street**.

JD made a motion to accept the time waiver continuance. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

c) [HDC 21-14](#)

Application by **Nancy Lockwood** requesting to enclose a porch and add a second story with a roof deck on the structure located at **1 Holway Avenue, U1A**.

AH called for Nancy Lockwood, Alan Cabral, or any representative for the application, but no one engaged representing the property. Abutters of Unit 1 present; no statement.

JD considered to continue the decision to later in the meeting.

AH called out for the applicant at 5:15pm. No reply.

AH called out for the applicant at 5:35pm. No reply.

JD made a motion to continue the decision to the meeting of April 21, 2021. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

d) [HDC 21-39](#)

Application by **Greg Mazares**, on behalf of the **Sandra B. Chaet Revocable Trust**, requesting to replace 4 double-hung windows on the structure located at **441 Commercial Street, U2**.

Kevin Desmarais, window salesman, presented; said he sold the windows to the owner and that the windows would keep the same grille pattern to mimic historic wood window; Renewal by Anderson, Fibrex, able to be painted and a higher level than the Anderson 400.

HS asked if any other windows in the building have been replaced or if it is expected in the future. Mr. Desmaris said the patio doors have been previously changed out. HS said the building is from about 1850 and that while the windows are wood, Fibrex has been allowed. CM said approved Fibrex on a historic façade would set the wrong precedent and that he would need to see the material. Mr. Desmarais said the composite has been used at locations throughout Provincetown and that there are no strips around the units, product has more accuracy than the 400-series and a 100-year life expectancy.

AH suggested the product has been employed at homes around Town for about the past two years, requested a sample piece at Town Hall so the HDC can get a better handle on the product. JD asked per a storm window, to which Mr. Desmaris said it would not necessitate a storm window as the unit is double-paned, full-divided light, and can withstand winds up to 140 mph; agreed to follow up with AH on properties that have had the units installed which, he said, were from as long ago as five years.

JD made a motion to accept as presented. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

e) [HDC 21-60](#)

Application by **Lee Kugler** requesting approval for a 9' high pergola where an 8' high pergola had been previously approved on the property located at **116 Bradford Street, U2**.

Lee Kugler presented; reported that a large portion of their deck had to be removed in

May 2020 to make way for construction of the Funicular at the base of the Bas Relief whereby the deck was supported by a large tree trunk that was required to be displaced; Kevin Bazarian was hired to complete the deck re-build and received approval based on his drawings; 9' walls having been previously discussed between them, but when Mr. Bazarian was unable to complete the work, Winter Hill of Woburn, MA was hired; received approval for the 9' by the ZBA and began work on Dec. 8th began 2020, completed work, Feb. 8, 2021.

Mr. Kugler said his error was not realizing the HDC approval was for the 8' height; has since reviewed the tape and minutes from the HDC meeting of July 15th and found discrepancy in the condition for approval as pertaining to the pergola height. And not from the base as was presented by Mr. Bazarian; asked for the HDC's approval for the higher height so that passengers riding up and down on the elevator to the Provincetown Museum will be unable to see into the applicant's property.

JD remarked on what he noted was an understandable request. CM asked if it is the base that is too high as built and inconsistent with the drawings where six steps were indicated but 13 built. Mr. Kugler said this is based on the re-location of the stairs to the left side, which was a former 12-13 foot step unit before being reconstructed. MCM said that while it appears larger or grander than what was proposed, she is okay with it and agrees with CM that the HDC can benefit from clearer drawings in the future. HS said she is okay with it. AI said he is fine with it, asked if it might be painted darker, to which Mr. Kugler agreed in toning down the structure to blend this spring. JD concurred and offered that the current tint will be not an issue in another six months.

AH read a letter of approval from Kaolin Davis at 284A Commercial St.

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

f) [HDC 21-64](#)

Application by **Mike Czyoski** requesting to replace a door with a window on the structure located at **452 Commercial Street, U3.**

Lester J. Murphy Jr., Attorney, Mike Czyoski and Mike Mercer, the owner presented. Mr. Murphy oriented the proposed change-out, noting the same configuration had been approved in [HDC 17-215](#); said the purpose is to provide balcony access and that the lower extension will not be visible from the sidewalk of Commercial St.; unit to be trimmed out and set-up as the window appears today.

MCM noted a lot of back-and-forth with the building in previous applications but felt this request was not asking too much. JD clarified that the second door onto the deck, as requested, would gain access from the living room, in addition to the one leading from the hallway; asked the Board to consider if the balance or integrity of the structure would be upset. HS deferred to CM in noting his commentary at the December meeting. CM spoke of the large degree of visibility and such a significant change to a structure that is in relatively pristine condition and, as such, he is hesitant to approve.

Mr. Murphy referenced the 2017 decision wherein the HDC approved a significant amount of proposals, excepting the window in question. CM responded that he has no pictorial reference to the changes Mr. Murphy speaks of and questioned how much execution of that approved work had been previously completed. HS remarked that work has been done on the Bangs-St. side and the columns to the front façade.

AH said per the south façade, the re-build in its entirety of the first and second floor decks had been approved in the [17-215](#) application and noted that the columns had been an

issue; egress doors off the northeast elevation were rebuilt in their entirety; aspects of the 2017 application that were not carried forward involve some of the dormers proposed on the front side; applicant has recently requested a chimney removal. CM said he was reacting only to what information he found in his research in signaling that the building had not been greatly altered. JD asked if a compromise might be met with a door-to-window swap out.

AI preferred continuity on the balcony doors, to which JD agreed, suggested a swap out of the door for a window and the window for the door and to move over the window that exists to provide for the historic door to replace it at the location under the doghouse dormer. The Board concurred,

JD made a motion to accept with the condition that the existing window with trim be moved to the location of the door and that the door be moved to the location of the window under the dormer, using antique element where possible.

Michael, the applicant, agreed, said his only consideration is that the existing door is a bit more rustic than the window, which is in good condition.

HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

g) [HDC 21-65](#)

Application by **Matthew Metivier** requesting to install a white picket fence around the property located at **7 Bradford Street**.

HS noted no picture of the actual picket fence as proposed.

Matt Metivier, presented; said he and his partner, Carlos, are owners, proposal is a 3' cedar Cape Cod-style fence to be stained white along the perimeter of Cottage with entrance gate, and to run along the perimeter of the parking area; referenced [8 Cottage St.](#) as an example, of which he has a photo; Crosby Fence Co. is to do the work.

JD made a motion to accept as presented. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

h) [HDC 21-74](#)

Application by **Mark Stanek** requesting to replace a door with a double door on the structure located at **4 Young's Court, U4A**.

Mark Stanek and Kaye McFadden, presented. Mr. Stanek said he is a principal of a pre-k to 8th grade school in Cambridge, bought his home in 2010 and has been renovating for a number of years, including kitchen, bathroom, floors, exterior paint and roofing.

Ms. McFadden said the door is an Anderson, which can be a 2/2 or 8-light, simulated divided light, current windows 2/2; wood on inside, Fibrex on exterior; said door can be a slider or hinge-door; location is the southwest side and is visible walking up Young's Court.

AH noted the head-casing to match. HS cited minimal visibility from Commercial St., Young's Court as a private way. JD concurred on the minimal visibility in suggesting the plan is about as good as the HDC can expect; noted sliders or French doors as permitted usually in the rear of properties.

AI concurred on the degree of visibility, but said the building is a beautiful house with a rigorous foundation of a poetic nature and that it would be a mistake to install sliders as it would ruin the structure. JD expressed where the balance or symmetry will be thrown off.

AH read a letter in support from abutter and Young's Court Condo owner, Wendy Jolles.

JD made a motion to approve as presented. HS seconded the motion and it passed, 4-1-0: HS, CM, MCM, JD, in favor; AI, opposed.

8. Review and approval of Minutes:

JD made a motion to approve the HDC meeting minutes of February 3, 2021. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

9. Deliberations on Pending Decision: VOTES MAY BE TAKEN

JD made a motion to approve the April 7, 2021 decision of **HDC 21-39, 441 Commercial Street, U2**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

JD made a motion to approve the April 7, 2021 decision of **HDC 21-60, 116 Bradford Street, U2**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

JD made a motion to approve the April 7, 2021 decision of **HDC 21-64, 452 Commercial Street, U3**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

JD made a motion to approve the April 7, 2021 decision of **HDC 21-65, 7 Bradford Street**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

JD made a motion to approve the April 7, 2021 decision of **HDC 21-74, 4 Young's Court, U4A**, written and read into the record by HS. HS seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

JD concluded the meeting in noting that applicants are always considered on a case-by-case basis. HS thanked JD for running today's meeting and appreciated the brevity. JD said he would be trying to keep the meetings moving along if he is called upon again to Chair. HS agreed but also cautioned not to push too quickly at the risk of producing errors. CM said the more a standardized package is submitted by more people, the smoother things can go. HS said she felt the applications have gotten much better.

Beth Healy of 21 Center Street spoke, questioning her application. AH reiterated the HDC's consideration of the proposal. Laurie, also speaking on behalf of the application at of 21 Center St., said the height of the waste area had to do with the neighbor's visibility at the backside only. JD sought clarification on the height of the lattice-like structure for the proposed; suggested a straight line across all the way around instead of a sloped look. Laurie will speak with Crosby Fence Co. per adjustment.

Fitzroy Steele called in, assuming that his application was to be on the Agenda today, to which AH said it was not, but related that they were all set.

HS made a motion to adjourn the meeting at 6:07pm. JD seconded the motion and it passed, 5-0-0; HS, CM, MCM, AI, JD.

Respectfully Submitted,
Jody O'Neil