

Minutes

The Provincetown Historic District Commission Work Session of 3:30 PM and Public Hearing of 4:00 PM on Wednesday, April 21, 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: 330 075 238#. 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:.; Laurie Delmolino (LD), Acting Chair, Historical Commission Rep.; Hersh Schwartz (HS), Clerk, Chamber of Commerce Rep.; John Dowd (JD), PGB Rep Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy (MCM), Alternate; Anthony Iannacci (AI), Alternate.

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

TS gave opening remarks at 3:31pm and called for JD to give quorum by roll call.

JD issued roll-call and called the meeting to order, then gave the meeting over to TS who read the rules governing Public Meeting protocols under current State guidelines regarding the pandemic.

1. Stellwagen Bank Presentation and Feedback

Anne-Marie Runfola, Program Coordinator and Project Manager, and Conrad Ello, of Oudins

Ello Architecture, presented.

Ms. Runfola cited three project partners: Town of Provincetown, Provincetown Center for Coastal Studies and NOAA in saying it has been a long held dream for all parties to have a physical sense of place and gateway to the Sanctuary and the Town, and that with its dolphin fleet, whale watching, arts and culture is the location is the perfect destination for the two-story, 10,000 sq. ft. visitors center at the base of MacMillan Pier at Lopes Square.

Mr. Ello spoke from a slide presentation and previous design plans as favored by the Select Board; improvements include alterations to the current Transportation Center, entire Ryder Street location to be enhanced; park-like setting in increased green space at the center of Town, new electrical vehicle charging stations; noted need to raise the structure based on the FEMA V-flood zone with a base flood elevation of 13'; one option calls for a 6 ½' raise above the Boardwalk, and the second to feature a 9' lift at the same location, which will afford the opportunity for vendor stalls, trap sheds and other features; primary exhibits on the second floor; community room to hold up to 80 with partitioning; outdoor-covered deck.

Building to have cedar shingles and cedar board; roof shape is simple gable with an extended roof up to a light monitor or lantern; on-sight, renewable energy facilities a part of the goal; premises to be created in scale with Fisherman's Wharf as a wharf-like building; broader, more pedestrian-friendly walk paths; lower 9' cedar board, open-slatted to allow for water passage; windows to be predominantly wood.

Board Remarks

CM asked if the one line of parking at the visitor's center section in the diagram would be incorporated into the park area. Mr. Ello clarified that motorcycle parking would have to be reconfigured. CM said he appreciated the project dedicating to representation of smaller company spaces; suggested dedicated parking to these small businesses; appreciates the historical-look comparisons to other properties and extended Boardwalk which, he said, works to the scale of the project as currently proposed.

JD noted a good job on the design and presentation; asked if an elevator unit would be installed and therefore visible. Mr. Ello said there would be an elevator fully within the envelope of the building. JD voiced concerns about parking visibility in citing the prominent parking feature of the recent re-build of 509 Commercial Street, appreciated the long-wharf style of the structure as a good fit; not in favor of the wrap-around, corner window in the meeting room, to which Mr. Ello said the design, as of now, is intended to reflect back at Lopes Square for a view from the Community Room, but they are open to review on this element.

AI asked per roofing materials, to which Mr. Ello said cedar would be ideal, but acknowledged the need for a full membrane underneath - in this kind of environment; cited the need to look into other options based on the ravages of Cape weather. AI said it would be wonderful for the roof to be cedar as it is a very prominent part of the design. Mr. Ello noted that the entire south west portion of the roof would be decked with solar panels wherein cedar shingles under the solar panels would not be an effective addition.

MCM said she felt the design is fantastic and in keeping with Fisherman's Wharf as well as scale; Center would be a phenomenal addition to the Town; is in favor of seeing cedar but

also understands the practicality of a weather-resistant material; asked if might be possible to add a few additional trap sheds to rent out to small business rentals or seasonals.

HS said she agreed with the other commissioners and looked forward to seeing the final plans.

JD thanked the presenters.

2. Commission Elections

LD joined the meeting at 4:05pm.

LD made a motion to move the commission elections and Update on Potential Violations to the end of the meeting. JD seconded the motion and it passed, 5-0-0; JD, HS, CM, AI, LD.

3. 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 May 5, 2021 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

LD made a motion to consider the following determinations as Administrative Review: i) through ix) and xiii). JD seconded the motion and it passed, 5-0-0; JD, HS, MCM, AI, LD.

i) [577 Commercial St., U3W](#) – To replace a slider and a rubber roof.

Laurie Ferrari presented; said it is a late 1980s Anderson door unit which, she said, can't really be seen from the beach as it's at the very top, but the replacement would be in kind.

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

ii) [616 Commercial St., U5](#) – To replace a hinged patio door in kind.

Tom Fitzgerald presented; said the existing Anderson patio door is from the 1980s and would be replaced as it is deteriorating, replacement exactly the same, same profiles.

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

iii) [261 Bradford St.](#) - To replace deck rails in kind.

Peter Page presented; said original is pressure treated; captured balusters; said design might change a bit.

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

iv) [142 Commercial St., U1](#) – To replace trim and molding in kind.

Tim Silva did not present when called on.

LD advised that the rotten trim and molding be replaced as is. JD sought more relation to the fence posts below for a less elaborate look.

LD made a motion to approve as is with the recommendation of a reduced size to the posts and to eliminate the recess panel so the posts will be more in tune with the fence posts below. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

AH said she will mention the recommendation to Tim Silva.

- v) [4 Montello St., U2](#) - To replace deck stairs and balusters in kind.

Tim Silva did not present when called on.

CM asked if pressure treated wood is permitted by the HDC, to which MCM said yes.

LD considered approving with the condition that the exact form is replicated per the hand rails. JD asked if the re-build was just the stairs and rail system, to which AH said it was. JD related that the big, boxy square posts are not historically accurate and preferred smallest, lighter, thinner aspects of the posts as are in alignment with other Town building features; asked of one width rather than two on the stairs is possible.

LD mentioned that to change the footprint is probably signaling Zoning and other issues.

LD made a motion to approve as stated with the recommendation that the posts be reduced and of simpler construct, then canvassed the Board for its opinion on continuation.

AH noted the building backs up to [142 Commercial](#) and, as such, is perhaps marking the applicant's wish to match in terms of the posts. MCM, JD and HS suggested allowing the design plan.

JD made a motion to approve as presented. LD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

- vi) [7 Anthony St.](#) – To replace 20 windows.

Charles, Project Consultant from Renewal by Anderson, presented; said everything is like for like, color to be changed to black and look will resemble house directly across the street; grille patterns the same with simulated true-divided light; current wood windows, no interruption to interior trim or going back to the stud.

CM remarked on the Fibrex composite material and asked if a sample had been dropped off, which TS said had not yet been submitted. AH confirmed to JD that these units have been approved throughout Town and do simulate wood from not a far distance.

LD made a motion to approve as presented. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

- vii) [361B Commercial St., U3](#) – To replace 7 windows in kind.

Yuriy Litvinod presented; said four 2/1 windows to be replaced on lower level; 3 windows on the side and a hidden window around the side on a walkway, which is smaller and 2/1.

JD said it would be good if the windows on the side could return to their former dimensions as the whole wall of little windows is kind of odd. Mr. Litvinod said the smaller windows are in the bathroom which would make this request difficult, but would relay.

CM echoed JD in finding the fenestration odd and JD suggested adding a window on the east façade. Mr. Litvinod said the replacements are required due to leaking.

LD made a motion to approve as presented. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

- viii) [5 Dyer St.](#) – To approve an existing fence.

Pasha Fiodarah presented; apologized for not coming before the HDC before the fence was built, but said they were trying to make something safe as an enclosure around the pool; said a picket design was declined in favor of a stockade for the purposes of all-around pool area safety.

JD said it is unfortunate that there are three different fence styles when the HDC likes to see one. LD asked if 48" is the required dimension for a pool enclosure. AH said a barrier height will not necessarily come into play for a residential pool or spa where there is a lock and cover. CM asked if a hedge might make up the height differential, even as it is not in the HDC purview, to which Mr. Fiodarah said would complicate the gate. MCM said she felt it should be a Full Review. JD recommended the HDC fence policy be clearly stated and the applicant to make reparations accordingly, as needed. HS voted for a Full Review.

Mr. Fiodarah offered to return to the 4' picket as previously existing. CM forwarded the previous property fence from Google Search to the applicant and HDC.

LD made a motion to consider the application for Full Review at a future hearing, TBD. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

- ix) [24 Bradford St.](#) – To replace a leaking chimney in kind.

John Swain was not present when called on.

AH said there is an active leak in the chimney and she has issued a permit to address the flashing; assuming the corbelling and detailing on top row will be mimicked.

JD said it sounded perfect, and HS said she was fine with it. CM said he didn't have a problem with it but it would nice to see more pictures.

LD made a motion to approve as presented with the condition of identical corbelling; brick style, color and detail, and same size mortar joints. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

- xi) [405-407 Commercial St., U2](#) – To replace a front door.

Carlos Verde did not present when called on.

HS said the application is scheduled for the May 5th agenda. AH noted the change as to a Provincetown-style door and LD a change from metal to wood. CM asked if single glazed or frosted is acceptable with the Provincetown door, as presented in this case. It was determined the door was not frosted.

LD determined the case as a Full Review. *[NOTE: No formal vote taken.]*

- xii) [607 Commercial St., UI3](#) – To replace a second and third floor deck.

No one presented.

AH said she believed the change-out was from traditional to cable rail. CM asked per white PVC material. MCM and LD advised a Full Review.

- xiii) [5 Brewster St., U1](#) – To replace clapboard with cedar shingles.

No one presented.

AH referenced two prior applications at the property both regarding the façade of the house; new request calls for cedar shingles with typical 5" exposure. JD said he was happy that the owners have taken previous suggestions, as did CM and HS.

LD made a motion to approve as presented. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

AH noted that items xiv) through xix) are all not seeking to replace in kind, but are proposing new openings.

LD made a motion that the following cases be advertised as Full Hearings for May 5, 2021, with the exception of vii) 5 Dyer St.: x) 15 Conant St., xiv) 147 Commercial St., UL12, xv) 198 Commercial St., xvi) 3 Kendall Ln., UB-3, xviii) 12 Atlantic Ave., U1, xix) 535-537 Commercial St.. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

ii) 415-417 Commercial St., U1 – To replace windows and doors.

No one presented.

LD said she found something odd in the description which indicated the door was not to be replaced in kind.

LD made a motion to consider for Full Review. JD seconded the motion and it passed, 4-0-0; JD, HS, CM, LD.

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

Discussion of 522-B Commercial Street

Dr. Joanne Gaffney-Livingstone presented.

CM spoke of the constructed fence as not what was approved nor found in the applications. Dr. Gaffney-Livingstone said they hadn't made an application but did receive CM's pdf; said the tallest part of the fence was pre-existing, removed some trees for necessary landscaping and got rid of unattractive vinyl fence, matched fence to the rest of the property.

CM referenced the application from Crosby Fence Co. to which Ms. Gaffney-Livingstone said she wasn't aware of. AH read the application specifics of April 2020 into the record, to which CM remarked does not reflect what has been installed. Ms. Gaffney-Livingstone asked if plantings could mitigate the fence as existing, to which CM replied is not in the HDC's purview.

Ms. Gaffney-Livingstone said she would look further into the application and apologized if, during the past communications with other agencies, something was missed - that they had no intention of replacing the white vinyl portion. HS said she understood the confusion but that it is unfortunately the case that the fence is rather obtrusive and not what was approved. Ms. Gaffney-Livingstone said they would review the original application and return to the HDC to discuss the case if they find a discrepancy. CM recommended the owners consult the HDC guidelines on fence policy.

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

Jane Dyson asked if they were supposed to be notified of the fence at 522 Commercial Street as they are direct abutters at 235, #5. LD said they will be notified when the owners make application. Ms. Dyson said the ground was also elevated at the time for the current fence installation, referenced an e-mail letter sent to AH on April 15th followed by AH's e-mail reply; related that a fence bisects the property where a tree lives and fencing now closer to their line. AH said the application came in as Administrative Review whereby abutters are not notified. Ms. Dyson said the high grade on the eastern side is not acceptable and disrupted the former look.

HS commended the owners at 116 Bradford Street, abutting the funicular at the Bas Relief, who changed the white to brown and said it looks really great; noted many issues with Crosby Fence Company lately and suggested reaching out to the business to better acquaint them with the HDC fence policy. AH said it was not only Crosby but others fence companies, as well.

CM reported a happy change of windows at 3 Mechanic St. at Tremont, as recommended by JD.

6. Public Hearings: VOTES MAY BE TAKEN

LD opened the Public Hearing at 5:37pm.

a) **HDC 20-2261** (continued 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**.

b) **HDC 21-14** (continued from the meeting of April 7th)

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**.

Nancy Lockwood presented; said she's been before the ZBA with the application and received approval to increase the footprint angle up as proposed with plans for the roof deck; materials to replicate what is there currently including clapboard and cedar shingles all around.

AH read a letter in support of the project from the applicant; a letter in opposition from immediate abutters at 27 Watson's Court. Leah Reis-Dennis, with Maria O'Byrne, owners of 1 Holway, U1, read their letter in opposition.

JD said he completely agreed with the abutters in opposition at 1 Holway, adding that the scale of the expansion doesn't fit into any neighborhood or any of the HDC guidelines. MCM concurred, as did HS and CM, who referenced the cottage accessory building bylaw. AI also agreed, said the proposal seeks to transport the essence of the building into a radically different thing.

Ms. Lockwood referenced the cottages behind her home at both 18 Prince Street and 25 Watson's Court which, she said, have been blown up to 23' or 28' high. LD said all cottages would have to go by the HDC cottage policy to increase to a maximum of 1 ½ stories high; expressed that cottages are very precious to the Town. Ms. Lockwood said she is working with Alan Cabral who is drafting new drawings and noted she is a principle, not an accessory, building. JD clarified that going from a one to a three story building could not be permitted.

LD made a motion to continue the decision to the meeting of May 5, 2021 or May 19, 2021 pending the submission date of revised plans. JD seconded the motion and it passed, 5-0-0; JD, HS, CM, MCM, LD.

c) **HDC 21-78**

Application by **William N. Rogers, II**, on behalf of **Kelly R. Bocuzzo et ux.**, requesting to add a screened-in porch and 2 skylights on the structure located at **11 Johnson Street**.

Kelly Bocuzzo and Gary Lockwood, of William Rogers, presented. Mr. Lockwood said the plan is for a wood frame screened porch with sealed cedar shingled roof to match existing roof; two skylights, 21x45, centered on the door location; addition to be on a concrete pier foundation close to grade; three panels will be 3x7; door is a Roscoe full screen; gable ends to have gray clapboards to match.

JD said this is unfortunately an example of an addition that will only seek to benefit the owner without considering the impact on others; no historic relation to the building; rear façade is complicated enough without an added stairway and shallow-pitched roof.

Mr. Lockwood replied to JD's suggestion of a kind of shed roof alternative as presenting a problem with the cricket system in back of the tower. JD proposed reorienting the stairway so it doesn't cut into the historic Bay. Mr. Lockwood asked to poll the Board if they concur with JD on his objections in that it is not the screened porch itself as the issue, but how it is presented. Ms. Bocuzzo said she understood they are going over as close to Arch Street as they can at the square footage planned.

HS and MCM said they agreed with JD, as did LD who said the square footage would need to be reduced to preserve the historic Bay window. Mr. Lockwood said that would indicate a 9x16 design, to which Ms. Bocuzzo responded in noting set-backs toward Arch Street at 16'. Mr. Lockwood said he believed that could be worked out. LD made clear that the revised plans as a whole would have to be taken into consideration – that approval is not guaranteed. TS asked for revised plans by April 27th, to which Mr. Lockwood said he would try as heck.

LD made a motion to continue the decision to the meeting of May 5, 2021. JD seconded the motion and it passed, JD, HS, CM, MCM, LD.

d) [HDC 21-79](#)

Application by **Adam Rogers** requesting to modify a previously approved Certificate of Appropriateness to increase the height of a structure by 14" and to relocate a casement window on the structure located at **10-12 West Vine Street, U3**.

Jay Abbiuso, builder of record, presented; noted aspects of the build as previously approved including door and window locations and styles, wall heights, roof pitch and height; floor joists relocated and platform removed at front door; total height remaining below the 33' restriction.

JD said the new plans don't align and that the building feels kind of low and very vertical compared with the added 14" compared to the low, cottage-y look to the drawing. Mr. Abbiuso suggested a way to remedy that observation would be to lower the casements. CM agreed with JD; asked why the applicant had not come before the HDC prior. Mr. Abbiuso apologized in saying they weren't aware that the door style had altered to such an extent.

MCM said she agreed with JD and CM. HS said she had nothing to add. AI noted a radical difference between the design plans and the drawing. LD said she'd like all three windows dropped down, or the door raised; wanted to see a look that matched the plans as approved without exception.

Mr. Abbiuso said moving the windows and doors around is a reasonable request. JD said this move will have the right impact and cautioned against a bigger door favored than what is presented in the drawings. CM remarked that the gables in the drawings are far more prominent than are in the photos and if so, wondered if this is why the structure looms so large. Mr. Abbiuso said the vantage point of the photo might be giving a cartoonish effect.

LD made a motion to have all windows and doors returned to their proper and appropriate placement after which the application will be reviewed to consider an acceptable height. JD seconded the motion and it passed, JD, HS, CM, MCM, LD.

HS asked if the application would then be continued; questioned a pre-approval.

LD made a motion to continue the decision to the meeting of May 19, 2021. JD seconded the motion and it passed, JD, HS, CM, MCM, LD.

7. Review and approval of Minutes:

LD made a motion to approve the HDC meeting minutes of February 17, 2021 and March 22, 2021. HS seconded the motion and it passed, 6-0-0; HS, JD, CM, MCM, AI, LD.

Jody O'Neil said he would add AI to the members present at the March 22nd meeting, per AH.

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

AH reported she has had a conversation with Don Murphy, owner of 54 Commercial, per the solid picket fence which appears as if is on Atwood, but hasn't yet spoken to Mr. Murphy on the HDC guidelines. AH noted there has been talk for a while on reaching out to fence companies, and reminded the HDC that fences 7' or less do not require a building permit; cited a roofing permit for 536 Commercial Street.

2. Commission Elections *CONTINUED*

CM nominated LD for Chair of the HDC. MCM seconded the motion and it passed, 5-0-0; CM, MCM, HS, JD, AI.

MCM nominated JD as Vice Chair. LD seconded the motion and it passed, 5-0-0; MCM, HS, CM, AI, LD.

LD asked if there could be a meeting next week to discuss items that often get pushed off an otherwise long agenda. AI said he would welcome that opportunity as a new Board member but asked if it could be held in-person. TS said an outdoor meeting can be held following State protocols and that other Boards have been having outdoor meetings, but PTV would not record the meeting.

Work Session meeting to be held on Tuesday, May 11, 2021 at 3:00pm at a public location TBD. Mr. O'Neil to record by phone.

AH sought acknowledgement that HS was to remain the Clerk, which was agreed on by all.

9. Deliberations on Pending Decision: VOTES MAY BE TAKEN

HS requested that Decisions not be read today.

LD made a motion to adjourn the meeting at 7:00pm. JD seconded the motion and it passed, 6-0-0; JD, HS, CM, MCM, AI, LD.

Respectfully Submitted,
Jody O'Neil