

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA

WEDNESDAY, JANUARY 16, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Christopher Mathieson (CM), PAAM Rep. Hersh Schwartz (HS), Alternate; Michela Carew-Murphy (MCM), Alternate.

Excused Absence: Laurie Delmolino, Historical Commission Rep; John Dowd, PGB Rep.

Others Present: Annie Howard, Building Commissioner.

TB made a motion to move the meeting from the Judge Welsh Room to the Auditorium. HS seconded the motion and it passed, 3-0-0; TB, HS, MCM. The meeting was opened at 3:34pm. CM arrived to the meeting at 3:47pm.

1. Work Session: VOTES MAY BE TAKEN

a) Update on potential violations reported to the Building Commissioner.

18 Cottage Street

AH said she had been in touch with the gentleman at 18 Cottage who said the fence would be corrected probably in February when he can have help with the work.

350 Bradford Street

AH said the certificate of compliance has not yet been signed off on by all parties.

b) Determination as to whether the applications below involve any Exterior Architectural Features within the jurisdiction of the Commission; with Full Reviews to be placed on the Public Hearing agenda of February 6, 2019, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

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

viii) 170 Commercial St., #8; xii) 8 Atlantic Ave., #10, UB; xiii) 6 Pleasant St.; xiv) 12 Atlantic Ave., #3; xv) 1 MacMillan Pier; xvi) 183-185 Commercial St.; xvii) 2 Winthrop St., #2D.

MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

TB suggested that iv) 39 Pearl St. might also require Full Review; made a motion to recommend the following for Administrative Review:

i) 21 Commercial St.; ii) 66 Commercial St.; iii) 290 Commercial St.; v) 307 Commercial St.; vi) 165 Commercial St., U1; vii) 7 Center St.; ix) 136 Commercial St.; x) 4 Miller Hill Road, U8; xi) 421 Commercial St., UF.

MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

- i) 21 Commercial St. – To replace doors and windows in-kind.
A.J. Santos presented with plans, said ground floor is being replaced with square, regular 8' doors; arch window above was to be removed.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
- ii) 66 Commercial St – To replace roofing shingles.
No one presented.
TB made a motion to approve as presented. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, MCM.
- iii) 290 Commercial St. – To replace roofing shingles.
No one presented.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
- iv) 39 Pearl St. – To replace an approved plan for a spiral stair to be a wooden stair and replace two windows in kind.
Bob Drake presented; said the owners wish to do a more conventional staircase which will be smaller than the spiral at about 42' wide.
TB made a motion to consider as Administrative Review. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
- v) 307 Commercial St. – To replace an east elevation deck in kind with Azek.
No one presented.
TB noted decking materials only to be replaced with Azek. MCM noted these requests have been allowed in Town.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
- vi) 165 Commercial St., U1 – To replace 2 bay windows on the south elevation in kind.
Paulo Andrade presented; said the replacements would be a combination of wood and vinyl.
TB asked if the applicant would consider a more traditional double-hung window. Mr. Andrade stated his preference per the submitted application.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.
- vii) 7 Center St. – To re-side and replace corner and rake boards.
No one presented.

AH clarified the requested materials on the application.

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

- ix) 136 Commercial St. – To replace a door in-kind.
Jeremy Selin, of Selin Building, presented; confirmed a 15-lite door.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS. .

- x) 4 Miller Hill Rd., U15 – To replace 7 windows in-kind.
Kiumars Amiri presented; confirmed existing windows are vinyl clad, asked if he needed to return for the roof component. HS suggested the applicant needed to return in the spring, but TB said the approval for this element request can be included in today's vote.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

- xi) 421 Commercial St., UF – To re-place a window in-kind.
Lee White presented; confirmed in-kind request and added window to make two double-hungs.
TB suggested it might be a Full Review. MCM suggested that as the applicant is present the vote should proceed. TB concurred.
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

c) Any other business that shall properly come before the Commission.

Board Nominations

MCM said she was hoping to nominate HS as Vice-Chair, but then realized this wasn't possible due to her Alternate, not full-time, status.

MCM made a motion to nominate TB as Chair for a new term. HS seconded the motion and it passed, 3-0-1; MCM, HS, CM in favor; TB, abstained.

Stamped Applications

HS noted some applications aren't stamped, which AH said she would address with Ellen Battaglini, Permit Coordinator.

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

None.

3. Public Hearing: VOTES MAY BE TAKEN

a) HDC 18-279 (continued to the meeting of February 6, 2019)
199 Bradford Street.

b) HDC 19-104 (continued from the meeting of January 2nd)
26 Bradford Street.

Ted Smith spoke from the audience regarding a tax issue and that he understood the case could not be heard at today's meeting.

TB made a motion to continue the case to the meeting of February 6, 2019. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

c) **HDC 19-125** (*request to withdraw*)
132 Bradford Street.

TB made a motion to approve the request to withdraw as presented; CM seconded the motion and it passed, 4-0-0; TB, CM, HS, MCM.

d) **HDC 19-131**

Application by **Ken Shapiro & Arthur Hayes** requesting to replace brick surfaces in-kind and exterior stair treads with bluestone on the property located at **244 Commercial Street.**

No one presented.

No public comments or letters.

HS noted that the application was not signed, dated or stamped. TB said he felt there was enough information to hear the case. AH said she's been in touch with Mr. Shapiro and learned he was potentially offering a new railing but doesn't have any new information, said she could reach out to Mr. Shapiro to obtain a time-waiver.

TB said bluestone is not appropriate regardless of the commercial space and noted the highly visible location.

TB made a motion to deny the application as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

e) **HDC 19-133**

Application by **Hal Winard**, on behalf of **James Smith & Robert Clifford**, requesting to install a new window and replace a window in-kind on the structure located at **54 Bradford Street, U3-2.**

Robert Clifford presented; said the windows are to be the same size and that the existing to be replaced would be vinyl for vinyl; that they've gotten casement windows in the past. TB objected, saying it's a highly visible location and even though it may be difficult to work with, the HDC is not in a position to consider interiors when making determinations.

No public comments or letters.

TB made a motion to approve as presented with the condition that windows be 6-over-6s, double-hung. HS seconded the motion and it passed 4-0-0; TB, HS, CM, MCM.

f) **HDC 19-134** (*request to postpone to the meeting of February 6th*)
10 Court Street.

TB made a motion to approve postponement of the decision to the meeting of February 6, 2019 as requested. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

g) **HDC 19-142**

Application by **Don DiRocco**, of **Hammer Architects, LLC**, on behalf of **43 Town, LLC** requesting to construct decks and access stairs on the

west, east and south elevations, reconstruct a dormer on the south elevation, construct a faux chimney to match an existing chimney and reconfigure and install new windows and doors in various locations on the structure located at **43 Bradford Street**.

Don DiRocco and **Leif Hamnquist** of **Hammer Architects** presented.

Mr. DiRocco said the building has three unit apartments in a typical two-story structure; is fairly intact but with some interior replacements installed; said re-shingling with cedar shingles on the roof to be done and detailed where means of egress were to be addressed, dormers to remain the same; new staircase on the west elevation would be code-compliant; picture window to be replaced with double-hungs.

No public comments or letters.

TB noted the main part of the old house was to be kept the same, which he approved; said he preferred a pivot door and a number of windows rather than a slider situated at the front of the house in such a prominent position. MCM said she agreed.

HS said she'd rather see it as one door and two windows.

Per the east elevation, HS asked if it was traditional to have two windows regarding the dormer. TB said there weren't strict dormer rules, but that it was more a matter of negative space.

CM said the problem he had was with the second means of egress as it breaks the symmetry and is very visible on the Bradford St. side and wished for a more traditional look. Mr. DiRocco responded with the need for the position of the stairs in question and also explained the removal of the corner board in the rear for practical purposes.

HS said she liked everything about the west elevation except the little window to the left of the door which Mr. DiRocco said relates to a bathroom at that location.

TB remarked that the two windows on the front part of the main house should not be ganged together. MCM asked if a window could be moved to the south elevation, to which Mr. DiRocco said it was the location of a bulkhead and the only access to the basement and mentioned the desire to bring some light to the building on the Bradford Street side.

TB said he was concerned with what he perceived as non-historic additions to a notable house and reviewed the HDC's conditions with the applicant, who said the HDC's requests were clear. TB said they had done a good job with their plans.

TB made a motion to continue the decision to the meeting of February 6, 2019. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

h) HDC 19-143

Application by **Don DiRocco, of Hammer Architects, LLC**, on behalf of **Patrick Wilson**, requesting to replace windows, doors and siding, install new doors, construct new decks and modify various details on the structure located at **41 Bradford Street, Building D**.

Don DiRocco and **Leif Hamnquist** of **Hammer Architects** presented.

Mr. DiRocco said the decks had been removed from the application; identified building as the motel which is kind of hidden behind 41 and 43 Bradford, possibly built in the 1950s; said windows are falling apart;

looking to give the whole structure a more traditional look, with double-hungs, awnings at rear of the building.

No public comments or letters.

MCM said she had spent a lot of time at the motel and that the windows as exits are a defining feature and that the structure should be preserved as mid-century modern. HS concurred.

CM asked of shingles and if the roof would have cedar shakes; said he agreed with MCM, but that some of the changes requested are beneficial as an upgrade even as he also understood the historical imperative. Mr. DiRocco said the cupolas would remain and that they were doing 2-over-2 double-hungs as window replacements and that the new owner wanted to keep the motel open year-round.

TB asked what was to become of the posts. Mr. DiRocco said they were keeping them and wrapping them at the base to preserve them better. TB said they looked to be wrapped as existing and that he agreed with MCM in that the historical look of the motel is right and distinguishable for its time period.

AH noted that generally with sleep units they usually have a picture window and as such she would have to double-check the current codes on fenestration as applicable.

MCM said the HDC was fine with the materials to be used as long as the exterior remains the same. Mr. DiRocco said they were proposing two wood doors to let in more light and confirmed with the HDC that the awning windows and trim were the items of concern; said trim would be wood; added that parking was to be reconfigured to reduce the asphalt.

TB made a motion to continue the decision to the meeting of February 6, 2019. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

i) **HDC 19-144**

Application by **Don DiRocco**, of **Hammer Architects, LLC**, on behalf of **Patrick Wilson**, requesting to replace windows, doors and siding, install new doors, construct new decks and modify various details on the structure located at **41 Bradford Street, Building C**.

Don DiRocco & Leif Hamnquist presented.

TB made a motion to continue the decision to the meeting of February 6, 2019. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, HS.

Mr. DiRocco asked if the Anderson awning window replacements could be ordered under approval as the new owner wished to get work underway in the spring. The HDC agreed as long as replacements were in-kind.

j) **HDC 19-145**

Application by **TGT Realty Trust** requesting to build a new single-family residence on the property located at **6 Commercial Street**.

Lester J. Murphy, Jr., attorney, **Tom Tannariello**, **Ted Smith**, designer, and **Cliff Schorer**, owner of overall property, presented.

Mr. Murphy gave background on the property which, he said, is not in the Historic District, and history of the Murchison property which, at the

time, involved various boards and commissions in seeking a resolution to the conflicts over development and that resulted in a restrictive covenant.

Mr. Murphy noted the topography of the land on which the property rests as sitting quite high and features changes of grade within the lot.

Mr. Tannariello said he felt the footprint was extremely mindful in the way he has chosen to mitigate the slope, and that he has received a unanimous approval from the Conservation Commission for the new plans, which took into consideration the views afforded from the Murchison and abutting properties.

MCM said she felt the designs were mindful.

MCM left the meeting at 4:54pm.

TB gave the applicant the choice to continue with the knowledge they needed the full support of the three sitting board members and confirmed to Mr. Murphy that this board could be polled before a vote was taken.

Mr. Smith said they did not have the 20-page covenant document in hand and so were not aware of the historical requirement, to which Mr. Tannariello said they were told by the previous Town Planner that their presence before the HDC was a courtesy.

Public Comments

TB read into the record a letter in support from the abutter at 35 Bradford St. Extension, Unit 16, saying they had reviewed the plans and felt it a nice addition to the Town.

TB read into the record a letter in support from Clifford Schorer, the owner at 2 Commercial St., who has spent the last two years restoring the Murchison Estate.

HDC Deliberations

HS said she supported most of the design but had concerns over the decking with steel railings, which Mr. Smith could be rendered wood.

TB said he felt the structure resembled two different buildings and looked to be a bit boxy; that he would have trouble approving with the mixture of the hip roof, cross gable and roof top deck; found a lot of negative space on the west side and said it appears to be designed from the inside-out; questioned if the eyebrow window was a dormer.

CM said he found the overall design very good, but found it a bit busy with all the windows on the front; agreed with TB per the west elevation that there was a lot of negative space, thinks that with a few tweaks it will be fantastic and presents an amazing opportunity.

Mr. Tannariello asked if CM was referring to the glazing in what he found busy. CM replied he was referring to the number of windows; visualizes four instead of six units on the second floor and larger in size, thinks the spacing is a bit off as well, needs symmetry.

Mr. Tannariello said he was considering two shutters to the side of the entry door on the south elevation.

HS recommended that the widows walk have open space vertical balusters and TB weighed in favor of some simplification.

Mr. Tannariello asked if AH would consider the eyebrow window a dormer. AH said it functions as an arch dormer but the size of it would be the determination.

Mr. Smith asked that if the gable end was removed on the east end but not on the south end would it have an appeal. TB suggested perhaps a gable to a gable and not the hip, but that it was a design choice.

CM pondered the horizontal balusters verses the vertical option. TB said he felt that eliminating the east gable might help.

TB made a motion to continue the decision to the meeting of February 6, 2019. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

j) HDC 19-146

Application by **Doug Dolezal** requesting to demolish and rebuild a structure on the property located at **30 Shank Painter Road** subsequent to a determination by the Historic District Commission that said demolition will not be detrimental to the historic, architectural or cultural heritage of the Town as set forth under General Bylaws Chapter 11, Section 11-1-5, Demolition Delay Permit.

Doug Dolezal presented; said the problem he faces is that this and the surrounding properties are in the FEMA flood plane; gave overview of Dr. Brian O'Mally's former building; said three affordable housing units will be a part of the new structure and feature inclusionary zoning; all parking will be contained; gave rationale for the design reaching beyond density requirements and highlighted changes in landscaping as improvements.

TB clarified that the demolition delay is in place to afford the HDC time to evaluate the structure to determine its historical and cultural significance; said the HDC is in favor of affordable housing but that he is not in favor of parking underneath structures, even as the green initiatives in the design are admirable, as he fears setting a parking precedent.

TB issued his concern regarding applicants approaching staff to prompt demolition delay for the purpose of building new housing options and increasing density without the HDC's input in the application process.

CM said he liked the design, noted the addition of green space and address of flooding and safety concerns as well as providing affordable housing. HS added her approval.

TB read into the record the demolition delay bylaw. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

k) HDC 19-147

Application by **Deborah Paine**, on behalf of **Terrence Mack**, requesting to add a window on the first floor southeast façade of a structure located at **77 Commercial Street, U1**.

Deborah Paine presented with new plans, noted that behind the wall in question is a shower; referenced a former application, clarified by AH.

TB read into the record a letter in support from the upstairs neighbor at 77 Commercial St., Unit 2.

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

4. Review and approval of Minutes:

TB made a motion to approve the minutes of December 5, 2018 and Dec. 28, 2018. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

5. Deliberations on Pending Decisions: VOTES MAY BE TAKEN

None.

AH mentioned that on Friday, March 15, 2019 there is a Municipal Vulnerability Workshop, pertaining to the Town seeking a grant, as well as Town Forums upcoming.

AH said the Architectural Access Board has not approved codes regarding the funicular on Bradford Street and so a building permit has not as yet been issued.

AH spoke of the discrepancy regarding the HDC using the old-style decision sheet.

AH said that if MCM wanted to sit on 6 Commercial St, she would need to invoke the Mullin Rule and watch the PTV video.

TB made a motion to adjourn the meeting at 5:51pm. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

Respectfully Submitted,
Jody O'Neil