

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA

**WEDNESDAY, FEBRUARY 20, 2019**

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

Excused Absence: John Dowd, PBG Rep.

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

TB called the meeting to order at 3:37pm.

**1. Work Session: VOTES MAY BE TAKEN**

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

AH said there was nothing to report this week but requested the HDC address the demolition delay at 30 Shank Painter.

**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 March 6, 2019, and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

i) 9 Bangs St., #1 (continued from the meeting of February 6 for a site visit) – To replace 7 windows in-kind.

AH said most the things done over the years were roofing; a door change in about 2013. HDC determined the material was wood and TB noted the visibility.

HS asked if a side is not visible does that make it less historical. LD remarked that the lack of visibility from a public way is the factor. CM said that due to the visibility they should adhere to the bylaw.

MCM said she was torn because they're not the original windows and are not highly visible. TB noted the aluminum track on the upper sash.

LD said it was her understanding that 15 years ago people had less options for window replacements but that now there are exterior wood windows for historical purposes, and that the more visible a structure is the greater the historical imperative, but less so in other site lines.

CM said he disagreed with LD in that having two different windows on the same property based on visibility brings down the overall historical value of the property and the Historic District. HS said she agreed. TB said that determination is a departure of what the HDC has allowed in the past based on visibility. AH suggested the HDC consult the Department of the Interior for its recommendations on windows.

TB made a motion to consider the case as Administrative Review. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

TB made motion to approve as presented. No one seconded the motion.

TB made a motion to continue the decision to the meeting of March 6, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MCM.

TB made a motion to consider xi) 193 Commercial Str., #A6 as Full Review. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

TB made a motion to consider cases ii) through x), and xii), as Administrative Review. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

- ii) 381 Commercial Court St. – To replace a slider in kind.  
Laurie Ferreri of Peter’s Property Management presented; said they would like to eliminate the grills, leave the windows, remove some mullions, and leave in place the second slider.  
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.  
AH asked how this change will affect planned deck-work, which Ms. Ferreri said would not interfere with these plans.
- iii) 248 Commercial St. – To replace a rubber roof in-kind.  
No one presented. AH said the front was replaced two or three years ago and this work affects the Gosnold side; reported that someone smashed a window at the property last night.  
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.
- iv) 15 Court St., U4 – To replace 4 windows in-kind.  
No one presented.  
TB noted 1-over-1s that match existing units.  
TB made a motion to approve as presented. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.
- v) 73 Commercial St., #5URI. – To replace roofing shingles and 6 windows in-kind.  
No one presented.  
AH said the replacements are the west side, toward the landing. HDC discussed the window configuration throughout the property. LD said she would specify the exterior be wood. HS noted great picture quality.  
TB made a motion to accept with the condition that the outside and trim be wood. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.
- vi) 496 Commercial St., #1 – To replace a bay window in kind.  
Meghan Tappe presented; sited a fake grill to be removed.

TB noted the bay window is on an addition to the house, not on the main house, which, he said, makes a difference, but that the HDC approves true divided-lite and that the bay window was not installed properly, which Ms. Tappe concurred, said it is rotting and that they are looking to do a double-pane window.

TB recommended Ms. Tappe observe the work done at the gallery at 352 Commercial St. Ms. Tappe said her builder is Jonah Swain and that she would return with a sketch of the new design.

TB made a motion to continue the decision to the meeting of March 6, 2019. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

vii) 385 Commercial St. – To re-side.

No one presented. AH noted the property in question is September Morn, down the alley.

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

viii) 11 Atlantic Ave., #UC – To replace roofing shingles.

No one presented.

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

ix) 353 Commercial St., #B. – To replace 2 decks in-kind.

Warren Tobias, property manager presented, said owner is out of town on a cruise and asked to say that everything is exactly the same

TB said his recommendation is for captured balusters. Mr. Tobias said he would pass the request along to the owner.

TB made a motion to approve with the condition that if possible the balusters presented be changed to captured balusters. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

x) 135 Bradford St. – To remove and replace decking and stairs.

Laurie Ferreri of Peter's Property Management presented; said they are reusing the railings and the framing would be pressure-treated Azek.

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

xii) 77 Commercial St. – To replace an existing entry and storm door.

No one presented.

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

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

30 Shank Painter Road.

Following a site visit, no one opposed and said the plans were good. TB made a motion to allow the demolition. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS. AH said a letter was required.

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

None.

### 3, Public Hearing: VOTES MAY BE TAKEN

TB opened the Public Hearing at 4:15pm.

a) **HDC 18-104** *(ON HOLD)*  
**26 Bradford Street.**

TB made a motion to hear the decision of HDC 19-175 third on the agenda and out of order, at the applicant's request. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

b) **HDC 19-145** *(continued from the meeting)*

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

**Lester J. Murphy**, Attorney and **Tom Tannariello**, principle of TGT Realty, presented from plans by architect, Ted Smith, dated January 23, 2019.

Mr. Murphy questioned why the application was before the HDC as the property is not in the Historic District; said the lot is part of the original Murchison Estate property; has been sub-divided through a detailed set of restrictions, including any builders be required to obtain approval of the HDC despite its non-contributing status.

Mr. Tannariello said they addressed the concern that the design not be made to look like two separate homes, now has more of a streamlined roof; removed second floor window on south elevation; removed one of the six on the west side; opted for a full solid door with transom to give front door more presence, mahogany as existing.

HS said she liked the changes to the railings.

LD said she watched the tape of the last meeting and would sign the Mullin Rule, as would MCM who left early at the last meeting prior to design deliberations.

TB read a letter in opposition based on the proposed massing from B.J. Pont at 7 Commercial St., Delft Haven

Mr. Tannariello responded that he felt the structure would blend in fine based on the topography of the land. MCM said the other structures in the vicinity are large.

CM said he felt it was a big improvement; that he had done a site visit with TB and that TB noted the railings entering the house should not have posts to be more historic; spoke for Commissioner Dowd who suggested the window trim be uniform in size and molding added on top, which Mr. Tannariello said was his intention, asked if the bump-out needed to be 2'. AH consulted the revised plans and said it wasn't required for a window.

LD said she was a bit confused per the covenant, requested the applicant clarify what was permissible at that location and questioned if the widow's walk was a roof deck and if that was allowed. TB read the bylaw on roof decks and HDC debated if the deck compromised the roof line. LD said she wanted to be certain if it was necessary to follow the guidelines with this application or if a rubber-stamp was warranted.

Mr. Lester read the covenant which indicated approval over designs on the lot in question by the HDC; said the set-back was 30'.

CM questioned how much would be visible from the street. Mr. Tannariello said he had compromised his bay view from the first floor by building into the dune and was building according to FEMA guidelines.

LD noted that the HDC has not allowed a roof deck, and HS agreed. TB said he felt that roof decks can be allowed. LD said her second objection pertains to the eyebrow window; that she preferred skylights; also that the mix of dormers is not historic.

TB made a motion to approve with the condition that the eyebrow window and widow walk roof deck be eliminated. LD seconded the motion and it passed, 3-2-0; TB, LD, HS in favor; CM, MCM opposed.

Discussion ensued on the possibility of an altered, smaller version of the widow's walk. Mr. Tannariello asked if he came in 3' on each side and didn't change the pitch, removed balusters by 3'. TB said he thought that might be worse.

TB made a motion to reopen discussion on the application. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

AH interjected, recommended the discussion be tabled in lieu of the vote being revisited. The vote stood.

LD and MCM read the Mullin Rule into the record.

Mr. Tanariello asked if the removal of the roof deck would affect his scale. AH replied it would not, without a roof over it.

e) **HDC 19-175**

Application by **Ambrose Homes, Inc.**, on behalf of **Joanne Cancro**, requesting to elevate a structure on a helical pile and grade beam foundation with an 8" perimeter wall, install vertical trim and construct stairs and landings on the property located at **8 Commercial Street, #DUA**.

**Lester J. Murphy**, Attorney, and **Ezra Ambrose** presented. Mr. Murphy said the property was subjected to significant flooding last year, as indicated in submitted photographs; that the increase request was for 3.7' in height and that the footprint of the building, which he said is not contributing, will remain.

Derik Burgess, acting as the abutters agent, said they understand the need for the re-vamp but asked why the raise was above the regulation height which is 1'6" higher than is required by code; said he is working on a nearby property and they are going 6" higher than required but that this property is lower than that of 8 Commercial Street. Mr. Murphy said the height arrived at was based on the water mark for flooding.

MCM said she has no problem with a raise of this kind considering the flooding. Mr. Murphy said most of the height would be hidden by the septic system. TB said he didn't have a problem with it based on the flood issue, but requested captured balusters on the stair railings.

LD said her concern is less as it is not a contributing structure. CM asked if there are any other guidelines, besides FEMA, for elevation increases.

AH suggested it might behoove the Town to look at the entire streetscape to determine elevations in blocks; that homes can bypass the 35' rule in height when the FEMA guidelines are in play due to flood zones.

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

c) **HDC 19-160** (*request to continue to the meeting of March 6<sup>th</sup>*)  
**6 Pleasant Street.**

TB made a motion to approve the request to continue the decision to the meeting of March 6, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

d) **HDC 19-164** (*continued from the meeting of February 6<sup>th</sup>*)

Application by **John Yingling** requesting to construct as covered patio on the property located at **183-185 Commercial Street.**

**Oriana Conklin** and **Guillermo Yingling** presented from new plans dated February 9, 2019. Mr. Yingling said the changes involved adjusting the rooflines of the covering and addressed the asymmetry, centered the bi-fold doors.

LD said the window change makes a better impact but suggested the look could be even more symmetrical; said her only concern is the sheer volume of it and recommended a reduction by about 25% so it's less of a mass and is in keeping with the neighborhood. Mr. Yingling said they don't want to sell to make condos and that he didn't think it would be worth it if the Board rejected these plans as they had put a lot of work into them.

MCM said she approved the first draft of the awning design and commended the applicant for taking the revision recommendation; said she felt 25% in reduction was a lot of forfeited table space. LD said that discussions of business decisions are beyond the HDC's purview.

CM asked of the roofing materials, which Mr. Yingling said was metal with corrugated fiberglass and the beams are metal; which can be colored to preference. CM asked about the wrought iron around the poles, which Mr. Yingling said could be removed as they are the newest element on the property, and that he agreed with LD on a 25% reduction.

HS said she wasn't in favor of a lot of black metal. Mr. Yingling said they were using blue for the areas that would mostly be seen and which has worked well with Local 182 across the street in deterring insect populations.

LD questioned the look of the top of the posts, which Mr. Yingling said would not be visible, cited the Bubulas neon sign as the property's most noteworthy characteristic.

TB said he liked the two windows above and relocating the doors to the right side, but that he is against the material and preferred a look that would resemble a fishing village. Mr. Yingling said their goal was to make it not look big and clunky as with a looming wooden structure, and that he was willing to research other options; said Tom Thompson had gone up and down the Cape and made notes of variations of roofing. TB said he felt the posts should be something other than corrugated metal. CM suggested cedar shakes and TB mentioned stretched awning material.

LD requested a color photo of what is proposed and Mr. Yingling said they would bring in options, added that the area covered over a thousand square feet.

TB advised continuing the decision, said he was okay with metal posts but that the seating structure should be lighter and more historic. Mr. Yingling presented on his phone an option Tom Thompson had found in Mexico.

TB made a motion to continue the decision to the meeting of March 6, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

f) **HDC 19-176**

Application by **Josh Piper**, of **Cape Associates, Inc.** requesting to add four windows on the structure located at **613 Commercial Street**.

**Josh Piper** presented; said they were looking to make changes for a more historical look, eliminating the picture window on the beach side, replacing it with two double-hungs, 2-over-2 Marvin with wood trim, and that the roll-down shutter would move as a result.

HS and LD said they didn't have a problem with it; MCM and CM said it was an improvement.

TB asked if five windows could be used across to be more historically accurate. Mr. Piper approached the board with the front-facing photo to further explain the lay-out of the windows. TB said the windows should match and that maybe four smaller windows would work. CM agreed. HS concurred, but preferred five windows. LD spoke in favor of this plan and said there would be symmetry.

TB asked if the HDC should be more lenient as this is the water-side.

TB made a motion to approve a presented with the statement that the HDC would prefer the smaller historic-sized windows as indicated on the first floor. MCM seconded the motion and it passed, 4-1-0: TB, MCM, LD, HS in favor; CM, opposed.

The board discussed how the HDC interprets application requests with variations on historical mandates. MCM said that windows are easier to manage due to the guidelines whereas cable railing on the water side and other issues are more unclear. TB said he felt that pushing things to be a little bit better, historically, on a case-by-case basis, is a good way to go. CM said he felt it was important for the board to adhere to the guidelines in those cases when the applicant is getting what they want; noted that in the case of 613 Commercial Street the HDC did not take the opportunity to be more historically correct.

**4. Review and approval of Minutes.**

None.

**5. Deliberations of Pending Decisions: VOTES MAY BE TAKEN**

Decisions by TB, read by TB:

a) **HDC 19-144**; 41 Bradford St., Building C. TB made a motion to approve the decision of February 6, 2018. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

b) **HDC 19-143**; 41 Bradford St., Building D. TB made a motion to approve the decision of February 6, 2018. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

- c) **HDC 19-142**; 43 Bradford St. TB made a motion to approve the decision of February 6, 2018. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

Decisions by HS, read by LD:

- d) **HDC 18- 273**; 34A Pearl St. LD made a motion to approve the decision of June 6, 2018. TB seconded the motion and it passed, 5-0-0; LD, TB, CM, HS, MCM.
- e) **HDC 19-134**; 10 Court St. TB made a motion to approve the decision of February 6, 2019. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.
- f) **HDC 19-095**; 286 ½ Bradford St. TB made a motion to approve the decision of December 5, 2018. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

Decisions by HS, read by MCM:

- g) **HDC 18-203**; 379 Commercial St., #14. MCM made a motion to approve the decision of June 6, 2018. TB seconded the motion and it passed, 5-0-0; MCM, TB, LD, CM, HS.

Decisions by HS, read by TB:

- h) **HDC 18-162**; 1 MacMillan Pier. TB made a motion to approve the decision of February 6, 2018. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.
- i) **HDC 18-237**; 17 Alden St. TB made a motion to approve the decision of June 6, 2018. LD seconded the motion and it passed, 5-0-0; TB, LD, CM, HS, MCM.

Decisions by HS, read by CM:

- j) **HDC 19-164**; 2 Winthrop Place, #2D. TB made a motion to approve the decision of February 6, 2019. CM seconded the motion and it passed, 5-0-0; TB, CM, LD, HS, MCM.

Decision by Martin Risteen, read by LD:

- k) **HDC 19-110**; 157 Commercial St. TB made a motion to approve the decision of December 19, 2018. MCM seconded the motion and it passed, 5-0-0; TB, MCM, LD, CM, HS.

LD left the meeting at 6:40pm.

Decisions by Martin Risteen, read by TB:



- l) **HDC 19-047**; 122 Commercial St. TB made a motion to approve the decision of November 28, 2018. MCM seconded the motion and it passed, 3-0-0; TB, MCM, CM.
- m) **HDC 19-034**; 8 West Vine St. TB made a motion to approve the decision of October 3, 2018. HS seconded the motion and it passed, 3-0-0; TB, HS, CM.

MCM left the meeting at 6:47pm.

CM agreed to write the following decisions from today's hearing:

**HDC 19-175**; 8 Commercial St., #DUA

**HDC 19-176**; 613 Commercial St.

**HDC 19-145**; 6 Commercial St.

TB made a motion to adjourn the meeting at 6:58pm. CM seconded the motion and it passed, 3-0-0; TB, CM, HS.

Respectfully Submitted,  
Jody O'Neil