

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

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Hersh Schwartz (HS) Chamber of Commerce Rep.; John Dowd (JD), PGB Rep.; Martin Risteen (MR), Alternate.

Excused Absence: Laurie Delmolino, Historical Commission Rep.; Rep.; Michela Carew-Murphy, Alternate.

Unexcused Absence: Christopher Mathieson, PAAM

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

1. Work Session: VOTES MAY BE TAKEN

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

AH said there is a lot going on, but nothing concerning the HDC at this time.

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 April 17, 2019 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.

i) [496 Commercial St., #1](#) (continued from the meeting of March 6th) – To replace a bay window in kind;

Megan Tappy presented; said drawing was from Jonah Swain, explained changes included removal of bump-out. JD said the inclusion of panes would be a better look and suggested the depth and width should line-up with the horizontals. TB recognized the dimensions as 1x5.

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

ii) [321 Commercial St.](#) (continued from the meeting of March 6th) –To replace an existing window with a smaller one.

No one presented.

MR expressed his appreciation for the moldings and discussion followed.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

TB made a motion to approve with the condition that the casing be replicated. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

iii) [539 Commercial St., #1](#) – To replace 6 windows in kind.

No one presented. AH distributed new pictures.

TB made a motion to consider as Administrative Review. MR seconded the motion and it passed, 4-0-0; TB, MR, JD, HS.

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

- iv) [539 Commercial St., #8](#) –To replace 3 windows in kind.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

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

- v) [212 Bradford St.](#) –To replace a door in kind.

No one presented.

TB noted the replacement requested is fiber-glass. AH said this is the door for heavy access and that it was not of a single-family home. TB remarked that it was highly visible and in good shape and that a fiber-glass door should signal a Full Review. HS concurred.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

TB made a motion to approve if the replacement is wood, with same panel configuration in-kind, otherwise the applicant may choose to return for a Full Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

- vi) [25 Bangs St., #1](#) – To re-side.

No one presented.

TB made a motion to consider as Administrative Review. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

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

- vii) [93 Commercial St.](#) – To replace a window in kind.

Laurie Ferrari of Peters Property Management presented.

TB noted minimal visibility, made a motion to consider as Administrative Review. HS seconded the motion and it was approved by TB, HS and MR.

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

- viii) [147 Commercial St., #L12](#) – To replace 3 skylights in kind.
Laurie Ferrari presented.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

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

Ms. Ferrari referenced a chimney at 167 Commercial Street that was being re-surfaced and found to be rotting and needed to come down. AH said they were at the site today. Ms. Ferrari said the request was to keep the new chimney the same size but to replace the stucco with white-painted shingle; said the property dates to the 1980s. JD said the idea of a shingled chimney is perverse and doesn't exist, is not historic; suggested brick-veneer if cost is an issue. TB said stucco, while not usual in town, is still historic.

- ix) [350 Commercial St.](#) – To replace 6 windows in kind.

Paul Sandry of Renewal by Anderson presented with a model window unit he said was historically accurate; said the ratio would be replicated, true divided lite and wood-composite – not vinyl-clad, a Fibrex material. TB said the model presented was single divided lite. Mr. Sandry said time is of the essence and AH noted that this is the second time the applicant has been before the HDC with this request. TB said the preference is for a double-hung as it's more historically accurate. AH noted that the opening is not changing.

TB made a motion to consider as Administrative Review. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

TB made a motion to approve with the condition that the picture window on the second-floor, street-side, be replaced with three double-hung windows. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

TB made a motion to reconsider the approved motion in order to indicate 6-over-6 window configuration. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

TB made a motion to approve with the condition that the second-story picture window be replaced with three double-hung 6-over-6 windows. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

Mr. Sandry said they may have to put grilles in. TB said the second floor replacements must be true divided lite.

- x) [521 Commercial St., #3](#) – To replace 1 window in kind.

Paul Sandry presented; corrected the application description in that it's a door; said it's a gliding French gliding door visible only from the ocean.

TB made a motion to consider as Administrative Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

Conversation continued on what is expected with replacements for historical correctness. TB said there was a time when the HDC may have been a bit more lenient, but for a wood component to be replaced “in kind” it must be wood. HS added that she disapproves of the term “in kind” because it may be misleading to the applicant when what it means is ‘wood for wood.’

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

TB made a motion to consider the following four cases as Full Review to be heard at a later date. JD questioned if 114 Commercial Street warranted a Full Review. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

- xi) [244 Commercial St.](#) – To replace stairs and landing with bluestone treads and brown stone.
- xii) [114 Commercial St.](#) – To replace a failing foundation.
- xiii) [167 Commercial St.](#) –To replace a portion of fencing and enlarge gate posts.
- xiv) [11 Tremont St.](#) – To remove and replace fencing.

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

6 Commercial Street

Ted Smith presented with new drawings which TB said represented a new design and should be heard in Public Meeting. After discussion of the widow’s walk re-vamp and addition of new elevations, it was determined the review could continue.

TB said he felt it the widow’s walk still looked like a roof deck and that generally roof decks in town are not used. JD said it reads as decorative molding not a deck. MR said that what the HDC had already approved was within the parameters of the Department of the Interior. HS noted the property is not in the Historic District, but TB said those guidelines needed to be followed.

JD drew a diagram of the deck or walk option.

12 ½ Mechanic Street, Unit 2

Ted Smith presented; said Building Commissioner had an issue with the door replacement which Mr. Smith said is pretty well hidden with composite and that the condition of wood was not in the meeting minutes of October 3rd; stated a preference for a better performing material over Azek, which AH said can grow mold. HS said she didn’t have a problem with it. TB said it’s visible but behind a fence.

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

TB opened up the Pubic Hearing at 4:31pm.

Public Hearing: VOTES MAY BE TAKEN

HDC 19-145: 6 Commercial Street

TB made a motion to reconsider the decision of 6 Commercial Street. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to approve the new drawings on the parapet without the panels and the additional feature of a solid band with a base and cap. JD seconded the motion and it passed, 3-0-0; TB, JD, HS.

AH said a letter of approval was needed per the requirements of the Covenant regarding 6 Commercial Street.

a) [HDC 19-104](#) (*postponed from the meeting of January 16th*)

Application by **Ted Smith Architect, LLC**, on behalf of **Mitchell Klein**, requesting to construct an addition and a half story on a cottage located at **26 Bradford Street**. **Ted Smith** presented with revised plans, dated January 2, 2019. TB pointed out that with only three sitting board members a unanimous vote was required for approval. Mr. Smith opted to proceed.

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

b) [HDC 19-164](#) (*continued from the meeting of March 6th*)

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

Guillermo Yingling and **Tom Thompson** presented.

Discussion ensued over the lack of a quorum for today's decision as MR had missed the first two meetings on the case and Commissioners Delmolino, Carew-Murphy and Mathieson are all absent today and unavailable. TB remarked that Mr. Mathieson's absence was unexcused.

TB made a motion to hear the decision at a meeting to be scheduled for April 3, 2019 at 3:30pm. HS seconded the motion and it passed, 3-0-0; TB, HS, JD.

TB made a motion to accept a time-waiver to April 3, 2019. JD seconded the motion and it passed, 3-0-0; TB, JD, HS.

AH read into the record the Rule of Necessity regarding the termination by death or other means of sitting board members regarding voting matters.

c) [HDC 19-192](#)

Application by **Gary Northrup** requesting to add an 11' dormer with 3 awning-style windows on the structure located at **233 Bradford Street, U9**.

Bruce Pollard presented, expressed a desire to bring in more natural daylight. AH stated she lives diagonally across the street.

JD asked if there are windows behind the shutters. Mr. Pollard said there are not as they are fakes. JD remarked that even though they are not the windows in question were they to open up and be six-lites similar to the others, it could be an advantage.

Andrew Ewas, owner of Unit 2 and a Trustee, spoke in favor of the design.

TB read letters in opposition from Denise DeMirjian and Susan Graham at Unit #8. TB read a letter from Valerie Suriano of 233 Bradford St., #7, concerned for structural integrity and citing a lack of communication with the condo association.

MR asked AH if points raised in the letter trigger engineering concerns. AH said

she would have to check the file further for input from engineers. JD asked if MR's inquiry would serve to engage engineers in future HDC deliberations and approvals.

Mr. Ewas referenced past flooding that resulted in reinforcements which served to make the building stronger possibly than it's ever been. AH said reinforcement was made to the west side and that the liability of an owner to build a dormer on a foundation that cannot handle it is not on the HDC.

TB read letter from Board of Trustees, Marlboro Condominiums, concerned with the building's structural integrity.

JD proposed making the new windows the same size as the units in the older part of the building and the trim molding at roof line be set up higher than drawn and better relate to three sashes.

TB suggested there was not enough information to go on and HS requested better drawings. JD added there is a lot of ambiguity in the plans

TB made a motion to continue the decision to the hearing of April 3, 2019. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

Mr. Pollard spoke of another issue involving the replacement of an entry door by another party. TB informed Mr. Pollard another application was needed to proceed.

d) [HDC 19-194](#)

Application by **Ted Smith, Architect, LLC**, on behalf of **Angela McCarthy**, requesting to replace siding and roofing shingles, remove, re-locate and replace windows on the east, west and north elevations and construct a new deck and rebuild a wood porch with stairs on the south elevation of the structure located at **199 Bradford Street**.

Ted Smith and **Angela McCarthy** presented with a new application. Mr. Smith addressed two sets of elevations, advised the HDC to use plans A2.1 dated Jan. 23, 2019; said per the Bradford St. side that all existing windows and existing front door are to be retained with one added window at the top of the building for ventilation; siding on the Bay side to be changed from shingles to clapboard – clapboards to be painted and shingles to be kept in their natural state; three awning windows to be replaced by double-hungs, deck added on top roof and sliders on the second floor.

TB read a letter of approval from abutters Ann & Zyg Plater and one from Brad Walker, neighbor to the south and direct abutter, who noted improvements in the new application but listed details of three aspects of concern including window casing and other details; a southeast addition and a south facing deck.

JD said he felt it was an improvement over what's been seen by the last generation, agreed with the complaint about the rear addition but noted minimal visibility. HS said she was okay with it under the circumstances. MR said he thought it looked great.

TB said he had issues with the added trench and grade change; said the visibility from Commercial Street was not minimal and he would request changes to be made to the south elevation.

Mr. Smith addressed the trench parameters which AH said is more akin to a box which required nine square feet. Ms. McCarthy said she was going to step it back and Mr. Smith said it is to be a 3'x3' square in front of the window.

AH noted the original plans for the basement and foundation were different and the proposed use now would have different requirements.

MR said he thought the window on Bradford Street would not be visible and Mr.

Smith said there would be shrubbery or other elements on the side to obscure the view of a car. TB said the front basement window should go, but MR and HS said they would have it stay. TB asked if the rear el should be pulled in a bit.

TB made a motion to approve with the condition that the profile head casing remain the same. HS seconded the motion and it passed, 3-1-0: HS, JD, MR, in favor; TB opposed.

Mr. Smith asked if a review of composite materials such as Boral have been approved. AH replied that the HDC has approved Boral.

TB made a motion to reconsider the approval of 199 Bradford Street. JD seconded the motion and it passed, 4-0-0; TB, JD, HS, MR.

TB made a motion to approve 199 Bradford Street with the condition that the profile head casing remain and Boral be allowed in construction. JD seconded the motion and it passed: 3-1-0.; HS, JD, MR, in favor; TB opposed.

JD suggested Mr. Smith consider modifications to make the look more historic.

e) [HDC 19-200](#)

Application by **Don DiRocco, of Hammer Architects**, on behalf of **Steven Tait & David Cook**, requesting to renovate an existing three-story structure, including replacing and relocating windows and doors, constructing a new front porch and a new deck on the south elevation and to demolish a portion of the existing building that is encroaching on the east elevation lot line and reconstruct it on a new foundation on the property located at **425 Commercial Street**.

No one presented.

TB said he believes the applicant is seeking demolition of the building and that Zoning's demolition definition is different than the HDC's definition; said the main structure is 49 years old and that the cottage, or historic section, is over the property line and there is no where to move it to and that it is his opinion that removing and reassembling three wall is not a rehabilitation.

HS said she was against demolition of the structure. MR said he needed to hear from the applicant. TB said he would be in favor of demolition in this case. JD said that if plans for a three-story structure have already been approved, then the HDC should allow the demolition to proceed and move on.

AH said she is tasked with comparing this building permit application with the others they've applied for and the change in the previous application before the HDC which did not indicate demolition. MR said the public has a right to weigh in on the demolition request and TB agreed, citing the current case before them as a new application.

TB read a letter of opposition into the record, submitted separately by three abutters at 422 Commercial Street: Ted Smith, Lee Ash and Brendan Sheehan.

TB read a letter of opposition into the record from Peter van den Noort and Bernardo Fruciano at 426 Commercial Street, Unit #2.

JD spoke on behalf of reviewing the application in more detail based on the historic

nature of the cottage in question and the potential for deception in the application.

AH read a letter from Hammer Architects claiming the applicant was compliant with the Zoning Board of Appeals definition for demolition.

TB made a motion to continue the decision to allow for proper notification as a demolition. HS seconded the motion and it passed, 4-0-0; TB, HS, JD, MR.

The HDC signed plans of approved decisions.

Decisions to be written were allocated as follows:

TB for **HDC 19-104**, 26 Bradford Street.

JD for **HDC 19-145**, 6 Commercial Street.

MR for **HDC 19-199**, 194 Bradford Street.

HS announced that the Board was required to submit written decisions two weeks from the date assigned and that the list of outstanding decisions should stand at seven and not 26.

3. Review and approval of Minutes:

HS made a motion to approve the meeting minutes of March 6, 2019. TB seconded the motion and it passed, 4-0-0; HS, TB, JD, MR.

HS made a case for the HDC to retain a stamped copy of the plans for approved decisions.

JD left the meeting at 6:30pm.

HS copied demolition letters to be filed for 57A Pleasant, 30 Shank Painter and 26 Montello.

TB made a motion to adjourn the meeting at 6:36pm. HS seconded the motion and it passed, 3-0-0; TB, HS, MR.

Respectfully Submitted,
Jody O'Neil