

**HISTORIC DISTRICT COMMISSION**  
PUBLIC MEETING  
Town Hall  
Provincetown MA  
WEDNESDAY, MAY 1, 2019

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep.; Christopher Mathieson (CM), PAAM Rep.; Michela Carew-Murphy, Alternate; Martin Risteen (MR), Alternate.

Excused Absence: Laurie Delmolino, Historical Commission Rep.; John Dowd, PGB Rep. Hersh Schwartz, Chamber of Commerce Rep.

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

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

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

261 Bradford Street

AH reported that the owner would comply with the violation and is making applications for an alternate fence.

18 Cottage Street

AH said the modifications requested were being executed and the work should be done in about a week or so.

**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 May 15, 2019 Public Hearing agenda and Administrative Reviews to be acted on by a subcommittee appointed by the Commission.**

TB made a motion to consider for Full Review:

- vii) [252 Bradford St.](#) – To add and replace windows, siding, a front entry door, pilasters and a deck, including reducing its size and replacing the existing decking with Azek and natural cedar, on the south elevation, and to replace an existing door with a sliding patio door and decking material with Azek and natural cedar on the north elevation of the property.

MCM seconded the motion and it passed, 3-0-0; TB, MCM, MR.

TB made a motion to consider i) through vi) for Administrative Review. MCM seconded the motion and it passed, 3-0-0; TB, MCM, MR.

- i) [24 Pearl St.](#) – To replace two sets of six windows.  
Bob Bailey presented; said tower built in 1989 that is part of Studio #1 houses the deficient windows; said they cannot be seen from the southeast part of Pearl St., although there is one angle they can be seen from in the winter; sizes will stay the same, smaller ones slightly wider, with wood trim, Anderson series. mentioned this project is not under the auspices of Mass Historical.

TB made a motion to approve as presented. MCM seconded the motion

and it passed, 3-0-0; TB, MCM, MR.

- ii) [18 Commercial St.](#) – To replace roofing shingles and ridge cap boards. Paul Muldoon, SV Design, presented; said just the ridge caps would be replaced, with wood.  
TB made a motion to approve as presented. MCM seconded the motion and it passed, 3-0-0; TB, MCM, MR.
- iii) [7 Carver](#) – To remove and replace an entry and screen door. Paul Muldoon presented; sketched door to be employed as replacement, said it was a Mission-style, 6-lite, 2-panel door.  
TB referred Mr. Muldoon to the so-called Provincetown Door, which Mr. Muldoon said would fine, adding that the door was from around 1840. MR suggested Mr. Muldoon review doors from that period as there are options.  
TB made a motion to continue the determination to the meeting of May 15, 2019. CM seconded the motion and it passed, 4-0-0; TB, CM, HS, MR.
- iv) [286 Commercial St.](#) – To replace railings on south elevation deck with captured mahogany balusters and railings.  
No one presented.  
AH said the posts had to be increased in size.  
TB made a motion to approve as presented. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.
- v) [342 Commercial St.](#) –To replace a back entry deck and stairs and privacy lattice.  
No one presented.  
TB noted no change in materials, minimal visibility. MCM said she was fine with it as there appeared to be no visibility. CM concurred. TB said his issue was with the baluster appropriation. AH made a comparison with other captured balusters around Town.  
TB made a motion to approve with the condition that the balusters be true captured balusters. CM seconded the motion and it passed, 4-0-0; TB, CM, MCM, MR.
- vi) [15 Atwood Ave.](#) – To remove and replace an existing shed roof.  
No one presented.  
TB noted cedar roofing with stainless steel nails.  
TB made a motion to approve as presented. MCM seconded the motion it passed, 4-0-0; TB, MCM, CM, MR.

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

Department of Emergency Management

Jeffrey Robeiro, Town Planner, introduced Eric Sussman as the newly appointed, Transportation Coordinator and Emergency Manager, and said he would be working with the Parking Department in one of his first projects. Mr. Sussman said the plan was to replace the parking access and revenue control systems including the entrance and exit booths in the MacMillian Pier Lot, as well as in the Grace Lot, as part of the Parks Project; seeking input from the HDC in terms of structures as historically correct.

Mr. Robeiro displayed several photos in a Power Point display. Mr. Sussman said booths would continue to be manned and larger than existing, but not expected as bigger than 5x6, ADA-compliant and technically equipped, also as required.

AH added that the booths carry sensitive mechanical equipment which will serve to drive up the cost.

Mr. Sussman noted that there are only a few months to get the booths allocated and settled before impacting on Town revenue.

TB said a design he felt would be appropriate is one that might resemble the artist shacks, none of which displayed conveyed that – asked if the entire structure can be clapboard. Mr. Sussman said the number of windows on the shacks is utilitarian. MR said he preferred #2 of the models shown, top right, and that he'd like a metal roof. CM weighed in on something more historic, but a balance for the sake of cohesion with what's existing.

Regina Binder, Chairman of the Provincetown Pier Corp, spoke; said she'd give the contact information for the trap shed structures and that she agreed with CM in terms of unity of look.

MCM said she would be alright with something more modern, remarking, as did others, that there is no historical precedent for a parking lot booth.

Mr. Sussman said the Captain Bertie booth will be changed to match the Pier but the Prince Street booths would remain as is.

2. **Public Comments:** On any matter not on the agenda below.  
None.

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

### 3. **Public Hearing: VOTES MAY BE TAKEN**

a) [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**.

**Don DiRocco, Leif Hamnquist, Steven Tait** and **David Cook** presented.

Mr. DiRocco said they had been following a previous procedure in regards to 53 Commercial Street while concerning this property where 75% or greater of the existing property must be retained to avoid a demolition designation; but then they were informed that the Zoning Board's definition of demolition is different than the HDC's and that an approval for demolition from the HDC was now required to proceed with Zoning.

TB read into the record two letters in opposition from Peter van den Noort and Bernardo Fruciano at 422 Commercial Street and Brendan Sheehan at 422 Commercial Street. MCM read into the record the name of two other residents in opposition who had submitted the same letter: Ted Smith at 422 Commercial Street, and Lee Ash at 422 Commercial Street.

TB said he didn't see as there was a choice but to vote for demolition, but MCM said she disagreed and wouldn't have voted to approve on June 6<sup>th</sup> if she had had this new information, including the age of the structure. Mr. DiRocco said the MACRIS (Massachusetts Cultural Resource Information System) report gives a wide berth for the age of the building between 1930 and 1960; that Mr. Tait has owned the property since 1988. MCM said the Historical Guidelines allow for demolition only if replaced in kind.

MR said he felt it was really a Zoning issue and wondered if repurposing the cottage somewhere else was an option. CM asked if the neighbors who have the

foot and a half of the cottage on their property line want it back, to which Mr. Cook relied that they did.

AH spoke about the need to be respectful of the fire separation rule which in rebuilding in-kind would make not possible by definition.

MCM said she was very sensitive to setting a precedent in this case and felt it would behoove the HDC and the applicant to have the Cape Cod Commission weight in. CM agreed.

Mr. Hamnquist said that, in terms of FEMA, the property is in the A zone and that he felt it was pertinent to acknowledge the building as a single structure, not an accessory structure.

TB said the HDC would reach out to the Cape Cod Commission for their opinion and would ask strongly for a two-week turn-around in response. It was pointed out that Town Consul had already reviewed the case, but MR said the Commission can offer a valuable perspective in terms of historical obligations.

In terms of the design, TB asked if the 4-lite windows can be double-hung on the north elevation, A13, Commercial Street-side. Mr. DiRocco said it was a double-hung. TB then asked if on A14, east elevation, the sashes were square. Mr. DiRocco noted a code restriction, which AH said was 24" above the floor and that a drop on the outside greater than 6' was a form of child-proof measure in order that a small person cannot open the window in question more than 4".

TB asked if the clear-story windows could be made the same size as the ones on Commercial Street and the top ones stay the same; also if the window on the right elevation that sits lower could be more historic-sized. Mr. DiRocco said it would depend on the landing. TB asked about the 4-lites on the west elevation, if they could be double-hung, which, it was determined, wasn't possible based on the location of the bathroom and where the abutter's property aligns. Lastly, TB asked if the 4-lite single sash windows could be 2-lite or 6-lite.

MCM referred some locals who might be interested in taking the cottage.

TB made a motion to continue the decision to the meeting of May 15, 2019. CM seconded the motion and it passed, 4-0-0; TB, CM, MCM, MR.

TB made a motion to accept the time-waiver for 425 Commercial Street. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

b) [HDC 19-229](#)

Application by **TGT Realty Trust** requesting to remove a window on the west elevation and replace it with a door, install a ramp with a railing for handicap access, and extend a fence at the property located at **170 Commercial Street. Kevin Bazarian and Jim Palacino**, co-owner, presented; said the ramp would be wood, railings captured balusters either mahogany or cedar painted white.

MR asked after a public way which Mr. Bazarian said he thought it was private, but CM thought it was a public way. AH said it would have to be looked into. Maxine Notarro spoke from the public and said she knew it to be private and in possession of the owners at 170 Commercial Street. CM referenced a situation he was aware of with people in town who had determined it was a public way. Mr. Palacino said he could vouch it was his private property.

TB said he felt the door was quite skinny. Mr. Bazarian said he would be looking to put in as large a door as possible.

AH directed CM to announce himself as an abutter and to determine if he should recuse himself. CM did so and asked the applicant if he had a problem with his voting. A poll was taken and the vote proceeded.

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

c) **HDC 19-230**

Application by **Regina Binder**, on behalf of **John Meulendyk**, requesting to remove a set of exterior egress stairs and incorporate them into a west elevation bump-out, remove a roof between dormers and install a small walk-out deck and replace windows and sliders on the south, east and west elevations of the structure located at **435 Commercial Street**.

**Regina Binder** and **Tom Thompson** presented. Ms. Binder said the property is the gallery next to The Mews restaurant which has been much altered over time and is in rough shape with trees growing within; said changes will improve the property.

AH remarked that there is an issue with the windows and the property line; that the northeast window is the Harvey Dodd Gallery and that the southeast window change-out is also not permitted.

No public comments or letters.

Ms. Binder said the owner is also burying the wires so the mechanicals will go behind the building.

CM said he liked the new corridor addition, asked if the corner-boards could be brought down to make it more historic and change out the windows on the second and third floors.

**John Meulendyk** joined Ms. Binder and Mr. Thompson; said he was amenable to CM's suggestions. MCM agreed with CM's suggestions and asked if there were any more changes not expressed on the current plans. Mr. Thompson said there was a request to install a small, spiral staircase to land on the existing deck and not exceed current footprint.

TB said it was generally a good design and he could live with the spiral staircase; said he couldn't get behind the third floor walk-out and didn't foresee it getting much usage, asked if a window would suffice. Mr. Thompson replied that a window would suffice, but referenced the same design element approved last year at 347 Commercial Street, and said the location wasn't very visible and wouldn't come out further than the dormers, at about 3'.

MR asked if the three windows on the south elevation could be two double-hung.

CM added that the spiral staircase will not read historic, asked if something could be done to mitigate its addition; sought consistency in the fenestration. MCM asked CM if the top-level windows were changed out for a more historical look, would he feel better about the spiral staircase, referenced a recent approval at the Hammock Shop. Ms. Binder said the owner would be willing to make the top windows a French door and place the spiral stairs there on the south elevation. TB said he felt that would be worse, agreed with others that the three skylights on the east elevation would be acceptable.

Mr. Thompson reported Mr. Meullendyk was willing to exchange the third floor deck for two windows.

TB made a motion to approve with the condition to change the walk-out to two 6-lite casement windows. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

TB instructed Mr. Thompson to drop off new plans to Town staff and the decision would be read and approved at the next meeting based on the new plans representing the conditions of the approval.

1.

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

David Dunlap Revisits Demolition Approval at 11 Brewster Street

TB read a letter from New York Times and local historian, David Dunlap, regarding the HDC decision to approve the demolition of the property at 11 Brewster Street which, in a current article, Mr. Dunlap makes a case against and in favor of retention based on historic grounds. TB said it was a warning for the Board to be more careful.

MCM spoke of someone who had once lived there and of the changes to the ownership, that she had spent a lot of time in the rear unit which has always been maintained. AH said the structure had been left open to the elements all winter and had taken in a fair amount of water.

TB read selections of Mr. Dunlap's detailed article, making the case for preservation of the former artists' studios where residency dates back to 1910. TB said the HDC may have felt swayed in that the building was one of the oddest in Town and assumed there was little or no value where the building was highly contributing. MCM expressed her opinion that the HDC can only base its decisions on the information available and that the public should feel encouraged to add to the conversation and supply relevant information that can be helpful in making decisions.

CM said a friend who is a neighbor of 11 Brewster Street related anecdotally that the building had intentionally been left open to the elements in order to facilitate a tear-down. TB replied that, nevertheless, it is the HDC's obligation to make in-form decisions. CM said the HDC are not investigators, but TB corrected CM in claiming that the HDC are to be investigators as stated in the bylaws.

MCM made the case for greater notification to the public in cases of demolition.

## 5. **Deliberations on Pending Decisions: VOTES MAY BE TAKEN**

### 6 Pleasant Street

HDC signed new plans for the decision that had been read and approved, but it was determined more copies were needed. AH said she would scan and forward to TB.

Decision read by MCM:

**HDC 19-229**, 170 Commercial Street. TB made a motion to approve the decision of May 1, 2019 as written by MCM. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

Decisions read by TB:

**HDC 19-216**, 137 Bradford Street. TB made a motion to approve the decision of April 17, 2019 as written by MR. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

**HDC 19-011**, 577 Commercial Street. TB made a motion to approve the decision of September 5, 2018 as written by HS. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

### 89 Commercial Street

AH stated that the building at 89 Commercial Street which was previously destroyed by fire and is less than 50 years old but in the Historic District, is having a door on the northwest side replaced but the work will cover less than 25% of the façade and so is exempt.

**HDC 19-208**, 114 Commercial Street. TB made a motion to approve the decision of

April 17, 2019 as written by HS. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

**HDC 19-212, 411 Tremont Street.** TB made a motion to approve the decision of April 17, 2019 as written by HS. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

#### 101 Commercial Street

TB announced he had material on 101 pertaining to the fence but noted the applicant is coming back for a Full Review. AH said the original application had been withdrawn without prejudice due to lack of notification. MCM objected to that assessment, stating that she was at both meetings and recalled the cable rail approval and wall-fence being separate decisions and the latter, a denial. AH said she would look further into the matter to determine if repetitive petition in the HDC mandates a 2-year delay for re-application and if so, said the applicant may re-apply in June of 2019.

#### Election of Officers

TB made a motion to elect officers at the next scheduled meeting, May 15, 2019. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

The following cases were filed with Town Clerk by HS on April 19, 2019:

**HDC 18-039, 104 Bradford Street, #4,** written by TB.

**HDC 18-057, 53 Commercial Street,** written by TB.

**HDC 19-164, 183-185 Commercial Street,** written by TB.

**HDC 19-189, 193 Commercial Street,** written by TB.

**HDC 19-203, 244 Commercial Street,** written by LD.

**HDC 19-209, 167 Commercial Street,** written by TB.

TB made a motion to adjourn the meeting at 6:25pm. MCM seconded the motion and it passed, 4-0-0; TB, MCM, CM, MR.

Respectfully Yours,  
Jody O'Neil